

**WOLCOTT PLANNING & ZONING  
REGULAR MEETING  
WEDNESDAY, AUGUST 4, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
PAGE 1 of 5**

**MINUTES**

**Note: These are summary minutes. A tape recording of this meeting is on file in Wolcott Town Hall, Commission Secretary's Office.**

Chairperson Ray Mahoney called the Regular Meeting to order at 6:30 p.m. with the Pledge of Allegiance and attendance was taken.

Roll Call Attendance

**MEMBERS PRESENT:** Pete Carmody, Cathe Sherman, Sam Zotto, Bill Olmstead, Ray Mahoney

**MEMBERS ABSENT:** None

**ALTERNATES PRESENT:** Vanessa Malena, Rich Delpier

**ALTERNATES ABSENT:** Chris Edquist

**ALSO PRESENT:** David Kalinowski, ZEO

**PUBLIC REQUESTS**

At this time Michael Kilday came forward on behalf of a group of residents on Tosun Road regarding a zoning issue. He said they are zoned industrial and they believe they should be changed back to residential. He handed in a letter explaining why they wanted to be put on the next agenda to resolve the issue proposing a water line into their area.

**APPROVAL OF MINUTES**

Upon **MOTION** by Cathe Sherman, seconded by Pete Carmody, it was unanimously voted to **APPROVE** the minutes from the 7/7/10 Public Hearing and Regular Meeting with a correction on page 2 changing Cathe Bruce to Cathe Sherman.

Ray Mahoney and Bill Olmstead abstained due to absence.

**APPROVAL OF BILL**

There were no Bills at this time.

**CORRESPONDENCES**

Pete Carmody read a letter from the Fire Marshal stating there appears to be no problem with the plans for Chestnut Hill Elderly Housing Facility (RSK) as far as the fire department is concerned. He also read a letter from David Kalinowski, ZEO, dated 7/15/10, with his comments on application #10-437/10-438 (RSK), see copy attached. He also said there was a letter from ZBA regarding appeal #1956, Michael Rinaldi, 638 Woodtick Rd.

**WOLCOTT PLANNING & ZONING  
REGULAR MEETING  
WEDNESDAY, AUGUST 4, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
PAGE 2 of 5**

**SUBCOMMITTEE REPORTS**

There were no Subcommittee Reports at this time.

**OLD BUSINESS**

**1. #10-437 and #10-438 RSK Realty – Special Use Permit and Site Plan Application for 48 Non-Assisted Elderly Rental Units at Lyman Rd. and Potuccos Ring Rd.**

Chairman Mahoney said the public hearing has been closed on this on 7/7/10 with the exception of correspondences from ZEO, Fire Marshal or Town Engineer. Vanessa Malena asked about the fuel (oil or propane) and where it will be located and ZEO said it was discussed at another meeting and that no tanks would be located outside.

A **MOTION** was offered by Pete Carmody, seconded by Sam Zotto to **APPROVE** #10-437 and 10-438 (RSK Realty) – Special Use Permit and Site Plan Application for 48 Non-Assisted Elderly Rental Units at Lyman and Potuccos Ring Rd. with the conditions stated in letter dated 7/15/10 from the ZEO and Site Inspector David Kalinowski.

A discussion followed with Bill Olmstead asking if anyone checked whether this was on the bus route and if the buses would be able to get in and turn around in the complex. Chairman Mahoney said the public hearing was closed on this and these are questions that should have been brought up during the public hearing time. Bill Olmstead asked under what regulations are you (Chairman Mahoney) standing on when you are saying we are not allowed to discuss anything. Chairman Mahoney said we follow Roberts Rule and it states once the hearing is closed you vote either yes or no. Bill Olmstead said then you are not allowing the board members to discuss anything and Chairman Mahoney said you can discuss it but now is not the time it should have been done at the public hearing. Pete Carmody said there is a motion on the floor right now to either accept or deny this. He also said all this should have been taken care of before, during the public hearing, and Bill Olmstead said it wasn't so we need to take care of it now. Pete Carmody said the public hearing is closed. ZEO said there is a motion, there is a second and then discussion. He said the discussion is on the motion and this Commission now has a vote to deny it or approve it. He also said what we are discussing now is something that you do not discuss during this motion. Bill Olmstead said he does not understand what the rush is to push this through there is a lot more to discuss. Bill Olmstead said basically the Council and Tony Panico's letter said there is a bunch of things to discuss and this is a permanent thing for the Town. Sam Zotto asked to move this motion ahead as we have already gone through the time of discussing this stuff and if somebody did not bring it up or discuss it in the past it is too late now. Bill Olmstead said (to Sam) that you were on the board when they approved Musco Propane tank and Chairman Mahoney said that is irrelevant and that he (Bill Olmstead) was out of line. Chairman Mahoney said we are going to move the motion along and do a roll call vote. He also said to Bill Olmstead that it is the wrong time (to discuss his issues) and Bill Olmstead said it is not the wrong time and that you (Chairman

**WOLCOTT PLANNING & ZONING  
REGULAR MEETING  
WEDNESDAY, AUGUST 4, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
PAGE 3 of 5**

Mahoney) are going to get a letter. Chairman Mahoney said you are entitled to an opinion just like he is and Bill Olmstead said you just don't know what you are doing.

After discussion Chairman Mahoney requested a roll call vote to **APPROVE** (application #10-437 and 10-438 as stated above) with the conditions as stated by the ZEO and the outcome was as follows:

	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
Pete Carmody	X		
Cathe Sherman	X		
Sam Zotto	X		
Bill Olmstead		X	
Ray Mahoney	X		

Motion Carries to Approve #10-437 and 10-438 3-Yes 1-No

**NEW BUSINESS**

There was no New Business at this time.

**ZONING ENFORCEMENT OFFICER'S REPORT**

ZEO said he doesn't anticipate any new projects coming in soon. He said we have been granted a one year extension on the Plan of Development. He also said he was contacted by Elliott Mayo, (the owner of property where the daycare facility was approved on Meriden Rd.). He said that they wanted to change the barriers that were going to be put around the outside play area. He said it was proposed with pylons, bollards and jersey barriers with a stockade fence. He said the applicant would like to put state certified steel guard rails around the play area instead of the jersey barriers and bollards. ZEO said he would bring it before the Commission tonight for their approval. Chairman Mahoney said that cars can go through the guard rails. Rich Delpier said it is in the back of the building and (cars) are not going to be able to speed up enough to go through them. Steve Giudice from Harry E. Cole said that the jersey barriers, etc, was not supposed to show around the whole area and that it was overkill (on the plan). He also said that the guard rails with steel posts would be more than sufficient and easier to maintain. Vanessa Malena said that (guard rails) is what we have at the parks in Town and there is no fencing behind them. Cathe Sherman asked the ZEO if he thought this would be sufficient and he said yes for the area they are planning on putting them in. ZEO also said you should make sure that it is okay with the Building Inspector and have his approval.

Chairman Mahoney asked if (applicant) for Eva's Terrace has finished his road yet. ZEO said he has a few items to finish (patch Beach Rd., re-grade catch basin on left hand side coming into development, a fence on one of the slopes, monuments and pins installed). Steve Giudice from Harry E. Cole said his office is doing the monuments and pins and should be complete within next two weeks.

**WOLCOTT PLANNING & ZONING  
REGULAR MEETING  
WEDNESDAY, AUGUST 4, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
PAGE 4 of 5**

ZEO said a letter has been sent to Paul's Subaru on Rte. 69 to clean up the property. Sam Zotto said that the house on Meriden Rd. that was putting in a pool is doing more work over there. ZEO said someone would look into it.

ZEO said that the contract has been approved for roadwork to be done on Long Swamp Rd. He also said the town crew and Tilcon Tomasso have been working on Cancellaro Drive, Rocco Drive, and Joseph Drive area. ZEO said the building across from Raymond's Lumber yard is under construction. He said they came before us for a modification for the brick in the front and the more he got into it the more it was rotted. He said the Building Inspector stopped them and they are in the process of ripping it down and putting it back exactly to what we approved. Vanessa Malena asked why does it look like there is an extension in the back. She said the building is disgusting to look at, there is no screening, no protection for the water in the back. ZEO said if that is the case he would bring it up to the Building Inspector and Inland Wetlands. Chairman Mahoney said he was in the building and if you look at the inner wall that is the original line but the bottom of the footings is only about 7 inches underneath the surface. He said he did call Pete Parks (Building Inspector) on that.

Vanessa Malena asked what can be done to clean up the mess and speed it along. ZEO said a zoning permit is good for two years to finish the project. He said if it gets to a point where it is a safety hazard then we can step in. Chairman Mahoney asked if we can send the Inland Wetlands down there to check the area in the back.

Vanessa Malena said people had contacted her about Tosun Road (issue that gentleman was here for under Public Request) and she wasn't sure what to do with it. She said they were very disappointed how the Mayor came to them as a group and needed to know (that day) if they would approve water going up there. She said there was no paperwork, etc. and they (the people) thought they were being tricked. ZEO said that comment is the most inaccurate comment he heard as he has been involved with this since the beginning. He said the people were notified by letter a month prior to any meeting. He said the Mayor took it upon himself, because we have a grant to put water mains in, to meet them in the neighborhood to let them know the question. ZEO said the question was do the people want water or not and the meeting was to discuss the installation of the water main and the necessity if they needed it on their property. He said ninety percent of the people were happy and a couple were not, they felt they were taking their property. ZEO said they needed to know if they wanted the water main then they would have to proceed with putting it in the bid specs, etc. He said the zone change was done years ago and it was explained to them that it was done through a public hearing and a process that was done over a two year period with the Plan of Development. ZEO said Sewer and Water will send out letters to everyone up there to see if they do or do not want water and they will take a percentage from there to determine if they will get water or not. ZEO said as far as the zone change as long as they live in their house it will be considered (legal non-conforming) residential even though zoned industrial. ZEO said registered letters will go out to the residents and they will answer it the way they want and it will be majority (rules) as to whether they get water or not. Vanessa Malena said she kind of figured it was a lot more above the boards than what she was informed.

**WOLCOTT PLANNING & ZONING  
REGULAR MEETING  
WEDNESDAY, AUGUST 4, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
PAGE 5 of 5**

Chairman Mahoney said there is a lot of homes on Wolcott Rd. that have been selling cars and asked the ZEO to check into. (He said he would inform us of the addresses). ZEO said we still have to get a citation hearing officer in place. He said once we get that in place and fines are issued the people in town won't be playing (the system).

**EXECUTIVE SESSION**

There was no Executive Session at this time.

**ADJOURNMENT**

Upon **MOTION** by Pete Carmody, seconded by Cathe Sherman, it was unanimously voted to **ADJOURN** the Regular Meeting at 7:11 p.m.

APPROVED:

---

Ray Mahoney, Chairperson  
Planning & Zoning Commission

---

Edna Henderson, Recording Secretary  
Planning & Zoning Commission

**WOLCOTT PLANNING & ZONING  
REGULAR MEETING  
WEDNESDAY, AUGUST 4, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
PAGE 6 of 5**