

**WOLCOTT PLANNING & ZONING  
ORGANIZATIONAL, PUBLIC HEARING AND REGULAR MEETING  
WEDNESDAY, APRIL 6, 2010  
TOWN COUNCIL CHAMBERS, 6:30 P.M.  
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**MINUTES**

**ORGANIZATIONAL MEETING**

Attorney Brian Tynan called the Organizational Meeting to order at 6:03 p.m., with the Pledge of Allegiance and attendance was taken.

**MEMBERS PRESENT:** Pete Carmody, Cathe Sherman, Bill Olmstead, Chris Edquist,  
Ray Mahoney

**ALTERNATES PRESENT :** Vanessa Malena

**ALTERNATES ABSENT :** Rich Delpier, Tim Sullivan

**ALSO PRESENT:** Z.E.O. David Kalinowski, Attorney Brian Tynan

**ELECTION OF CHAIRMAN**

Attorney Tynan asked for nominations for a Chairman.

Cathe Sherman nominated Ray Mahoney for Chairman and Pete Carmody seconded the nomination.

Attorney Tynan asked three times if there were any other nominations and there were none.

By voice vote it was unanimously voted to elect Ray Mahoney as Chairman.

**ELECTION OF VICE-CHAIRMAN**

Attorney Tynan asked for nominations for a Vice-Chairman.

Ray Mahoney nominated Cathe Sherman as Vice-Chairman and Chris Edquist seconded the nomination.

Attorney Tynan asked three times if there were any other nominations and there were none. By voice vote it was unanimously voted to elect Cathe Sherman as Vice-Chairman.

**ELECTION OF SECRETARY**

Attorney Tynan asked for nominations for a Secretary.

Ray Mahoney nominated Pete Carmody as Secretary and Cathe Sherman seconded the nomination.

Attorney Tynan asked three times if there were any other nominations and there were none. By voice vote it was unanimously voted to elect Pete Carmody as Secretary.

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**TIME AND PLACE OF REGULAR MEETING**

Attorney Tynan said the meetings have been held on the first and third Wednesday of the month at 6:30 p.m. in the Council Chambers and asked if that is the consensus as to time and place of meeting and everyone replied yes.

**ADJOURNMENT**

Upon **MOTION** by Cathe Sherman, seconded by Pete Carmody, it was unanimously voted to **ADJOURN** the Organizational Meeting at 6:07 p.m.

**PUBLIC HEARING**

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

Chairman Ray Mahoney called the Public Hearing to order at 6:30 p.m. with the Pledge of Allegiance and then attendance was taken.

Roll Call Attendance

**MEMBERS PRESENT:** Pete Carmody, Cathe Sherman, Bill Olmstead, Chris Edquist, Ray Mahoney

**MEMBERS ABSENT:** None

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

**ALTERNATES ABSENT:** None

**ALSO PRESENT:** David Kalinowski, ZEO and Attorney Brian Tynan

**PERMIT APPLICATIONS**

- 1. #10-445 and #10-446 Wolcott High School – Special Use Permit and Site Plan Application for (45) additional parking spaces at 457 Bound Line Rd.**

Chairman Mahoney read the public hearing script and ZEO Dave Kalinowski said we have received a set of plans showing the drainage for this which runs north of the property. ZEO said that the maps show the existing topo of the parking lot and the proposed parking lot which will drain directly into the existing drainage. ZEO also said there were questions asked about a fence and Mr. Hubeny is here to show pictures of what type of fence he would like to go with and there is also a letter of approval from Inland Wetlands (dated 4-1-11) which Pete Carmody read. Vanessa Malena asked if the proposed lot was going to be paved or not and ZEO said the goal was not to pave it due to money reasons but there are millings in Town and if they choose to they could put millings down. Fran Hubeny came forward and showed pictures of the fence and Ray Mahoney asked how that type of fence was going to stop the lights and the noise. Fran Hubeny said there is quite a distance from the (High School) parking lot to where the houses are so there should not be an issue with lights and

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there will also be quite a bit of bank there.

There were no more comments or questions from the Commission or the public. Upon **MOTION** by Pete Carmody, seconded by Chris Edquist it was unanimously voted to **CLOSE** the public hearing on application #10-445 and #10-446.

**REGULAR MEETING**

At 6:40 p.m. Chairperson Ray Mahoney called the Regular Meeting to order. (Same attendance as listed above under Public Hearing section).

**PUBLIC REQUESTS**

Many homeowners from Woodberry Court and Ledgebrook Drive came forward to state their concerns regarding extension request for the Forest Hills Subdivision. They all stated they wanted the Commission to deny the request for an extension because the project should have been finished according to the time frame they were given. They said they all have been paying taxes for many years and they still do not have the town services, such as mail delivery, trash pickup and especially school bus services. A resident also said it is a sore eye when pulling into the development and the snow plowing was not acceptable this winter as it was piled where there was no drainage and it drained into her garage.

A few homeowners from Evas Terrace came forward to state their concerns that this road has not been approved yet either and they are looking for final approval. It was said that they have to cross Beach Rd. for their children to get the school bus, there are no lights on the road and if need be pull the bond and finish to make road official.

Mark Garrigus came forward and said if this Commission has any questions with Wetlands Decisions or letters that come from that Commission that he would be more than happy to come and explain it and make it clearer (if need be). He said all decisions made are based on the regulations for wetlands or if it's an application (without a wetlands application) it is based upon the information he receives from our paperwork he gets and our regulations. He also gave a sample motion sheet that he said was helpful on his Commission for new members and that it would be useful to our members when making motions.

**APPROVAL OF MINUTES**

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the minutes from the 3-16-11 Public Hearing and Regular Meeting.

Pete Carmody abstained due to absence.

**APPROVAL OF BILLS**

There were no bills at this time.

**CORRESPONDENCES**

Chairman Mahoney said any correspondences will be read in when addressed on the agenda.

**SUBCOMMITTEE REPORTS**

There were no Subcommittee Reports at this time.

**OLD BUSINESS**

**1. #10-445 and #10-446 Wolcott High School – Special Use Permit and Site Plan Application for (45) additional parking spaces at 457 Bound Line Rd.**

ZEO said that if a motion was made on this to make sure that all proper soil and erosion controls are in place prior to work commencing. Cathe Sherman said she still had a concern from the last meeting about whether or not the two properties there should be combined as the Thomas Smyth property could be sold separately and then it may be a violation with the proposed parking lot. Ray Mahoney said the back parking lot is already up against the property lines. ZEO said there is no setback in the regulations for municipality owned property.

Upon **MOTION** by Cathe Sherman, seconded by Pete Carmody, it was unanimously voted to **APPROVE** #10-445 and #10-446 Wolcott High School – Special Use Permit and Site Plan Application for (45) additional parking spaces at 457 Bound Line Rd. with the condition that the proper soil and erosion controls be in place.

**NEW BUSINESS**

**1. Discussion of Evas Terrace Road Bond and Possible Action**

ZEO said that approximately 3 months ago the Commission approved this road with the conditions that the proper maintenance bond be in place for two years due to excessive blasting, a separate bond be posted for the slope on one of the lots (#10) for any issues when they start developing that lot and two hold harmless agreements be in place. He said when this was put on the agenda none of the above conditions were met but since then the walls were removed therefore the hold harmless agreements are not required and the bonds requested have been put in place. He also said the Town Attorney can go ahead and proceed to carry this forward to the Town Council. Attorney Tynan said before the (town) council approves it he would need counsel for the developers to submit the proper papers before he can go forward.

**2. Discussion on Granting Extension for Forest Hills – Woodberry Court and Ledgebrook Drive.**

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ZEO said that Mr. Warner (developer) was here and a letter was put in your packets a month ago stating that his five years was up, by State Statutes and our regulations, for completing his roads. He said a developer can request an extension and they are usually granted when properties have not been developed. He also said that as you heard tonight there are multiple residents here that have their properties developed. Vanessa Malena asked how many properties have not been developed and the ZEO said two or three. ZEO said the road needs the final course, shoulders need to be addressed and (driveway) aprons need to be put in. ZEO said he believes all the wetlands issues have been addressed but the last thing to be done is the finished course of asphalt. He said the bond is up May 4, 2011 but to do the finished course you need the heat, the hotter the day the better the seams stay. Pete Carmody then read letter from Mr. Warner dated March 29, 2011 stating the reasons for his request for an extension is that site work still needs to be completed on Lot #150 Woodberry Court and applying the final course in July would insure a much better final product. Bill Olmstead asked why he wanted the extension and ZEO again stated the above reasons. Bill Olmstead said what is the soonest the road would be done if we pulled the bond and ZEO said you have to give the developer/bank thirty (30) days notice that you are pulling the bond then it goes to the Town Attorney. He said the Town Attorney would then have to process the proper paperwork. The Town Attorney said it could take a couple of months and certain information should be noted, such as notification on land records that this project is in jeopardy and also the developer must show the town what progress he is making by a certain date, etc., if the Commission wants to grant an extension of a short period of time. Bill Olmstead said the heat to him is not a good reason (to ask for extension) and if you have the money than what's another reason. Mr. Warner said typically they complete the site work on the lots before they put a top course as it is rather extensive and by getting that completed it is less risk to the final course. He also said they would prefer the weather be warmer to get a better job done. Vanessa Malena said if we extend it could there be more delays because all the lots were not sold and you (developer) again request more time. Mr. Warner said they have no intent to come back to ask for an additional extension. Pete Carmody said would June 30, 2011 be a date where you could complete this project, as it puts us in a time frame where if the project was not completed we could pull the bond and complete by the start of school and Mr. Warner said his request is for July 31, 2011. Mr. Warner said that doesn't mean that they intend on not completing until July 31<sup>st</sup>, it may be completed earlier. Tim Sullivan said in his opinion it sounds like the extension request is more for convenience for the developer than it is for any other reason and he doesn't see why it cannot be completed by the May 4, 2011 date. Mr. Warner said whatever date is agreed to they would use their due diligence to get it done by then. ZEO Dave Kalinowski said the finished course is the last thing done on the road however, technically you should be done 2 to 3 weeks before that because monuments and iron pins have to be set, mylars have to be submitted, as-builts have to be done. Attorney Tynan said to keep in mind there are a lot of items required from the developer's attorney before he can bring it forward to the Town Council for approval. A brief discussion followed again regarding best time to pave road, time limits if agreed to possibly extending this and what is still required in getting road approval.

A **MOTION** was offered by Pete Carmody, seconded by Cathe Sherman, to **EXTEND** Mr. Warner's Subdivision (road) approval (Forest Hills – Woodberry Court/Ledgebrook Drive) to May 31, 2011. A voice vote was taken with 4 yes and 1 no. (Bill Olmstead was the no vote) (Motion carries to extend approval to May 31, 2011).

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**3. #11-449 Tona Luarasi – Special Use Permit for a Liquor Store at 690 Wolcott Rd.**

ZEO said we are only allowed so many liquor stores, per town's population, which is 6 and we currently have 6 licenses in effect according to the state. ZEO said we are waiting to see if the current permit holder (1585 Meriden Rd.) is giving up his license so this one can be processed. He said it also requires a public hearing so we can accept for review for now until we have all the information before us and maybe schedule the public hearing at next meeting.

Upon **MOTION** by Cathe Sherman, seconded by Pete Carmody, it was unanimously voted to **ACCEPT FOR REVIEW** #11-449 Tona Luarasi – Special Use Permit for a liquor store at 690 Wolcott Rd. (A public hearing will be scheduled at a later date).

**ZONING ENFORCEMENT OFFICER'S REPORT**

ZEO said we have an application for a bar and grill area on Meriden Rd. He said for the restaurant they need a grease trap and it was told to Sewer and Water that it was going to just be a bar for now. He also said this would change the parking spaces required, etc. so he was waiting for more information. He also said the ordinance for blight was passed and should be published in the paper so within the next few months it should be in place. Ray Mahoney said a copy of the blight ordinance was handed out to all members and he asked them to read it and to be ready for any questions they may get asked about it. Cathe Sherman asked if the mixed martial arts facility by Bill and Sam's has their certificate of occupancy and ZEO said yes. ZEO said part of his approval was to identify the parking areas but you can't make him pave it. He said he will send them a letter stating they need to identify the parking spaces.

**EXECUTIVE SESSION**

Upon **MOTION** by Cathe Sherman, seconded by Pete Carmody, it was unanimously voted to go into **EXECUTIVE SESSION** to discuss pending claims and litigation matters at 7:50 p.m. inviting Attorney Brian Tynan. Chairman Mahoney called the Regular Meeting back to order at 7:58 p.m.

**ADJOURNMENT**

Upon **MOTION** by Pete Carmody, seconded by Chris Edquist, it was unanimously voted to **ADJOURN** the Regular Meeting at 7:58 p.m.

APPROVED:

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Ray Mahoney, Chairman

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Edna Henderson, Recording Secretary

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Planning & Zoning Commission

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