

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, DECEMBER 5, 2012
TOWN COUNCIL CHAMBERS, 6:30 P.M.
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MINUTES

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 6:35 p.m. with the Pledge of Allegiance and then attendance was taken.

Roll Call Attendance

MEMBERS PRESENT: Cathe Sherman, Chris Edquist, Rich Delpier, Ray Mahoney

MEMBERS ABSENT: Pete Carmody

ALTERNATES PRESENT: Virginia McHugh, Mike Bokon arrived at 6:53 p.m.

ALTERNATES ABSENT: Sean Cleary

ALSO PRESENT: David Kalinowski, ZEO

PERMIT APPLICATIONS

1. #12-476 Beach Building LLC – Special Use Permit for a 140 Unit Assisted Living Facility at 50 Beach Rd.

ZEO said we have received a new revised map and traffic study and the Town Engineer and Fire Marshal have not yet had a chance to review it. ZEO said at the last meeting it was suggested to refer this to Tony Panico, (Consulting Planner), and we tried to get a hold of him and he has not responded so if the Commission has any questions we can direct them to the Town Attorney. Attorney Rich Roberts from Halloran and Sage representing Beach Building LLC came forward. He said one of the owner's, the site engineer and traffic engineer are here to address any of the questions the Commission might have. He said the proposal is to construct an assisted living facility on Beach Road on the same parcel as the Wolcott (View) Manor Nursing Home. He said the bulk of the property is located in an R-30 (zone) and the proposed special permit use is permitted. He said an assisted living facility like this is a residential unit, one to two bedrooms with a kitchen and bath. He said the purpose is to provide independent care and living facilities for elderly people who do not need to be in a nursing home but have reached the point where they can't necessarily live independently at their own homes. He said some of the amenities and services provided on site would be staff, kitchen, laundry, social events, outings, arts and crafts, and exercise facilities. He said this is not one of those active adult over 55 residential communities, it is more of a transitional facility for people downsizing and not yet requiring the care that is provided at a place like Wolcott (View) Manor. He said they are in process of assembling a market study that was requested at last meeting. He said a demand for units such as this does exist and is increasing and it is anticipated that a substantial portion of the residents will come from town. He said (the plans) as presented complies with all the dimensional requirements, the setbacks, lot coverage and building coverage as contained in the regulations. He said the parking requirements

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are satisfied (for this project) and for the existing facility as well. He said the driveway will be moved slightly to the west and be widened to provide 2 exit lanes to make it easier for people to get out and when it is finished the existing driveway will be eliminated. He said the traffic study they provided before shows that they are in compliance with the regulations. He said the original plan and the one submitted tonight demonstrate that the anticipated trip generation from the new facility will not cause a deterioration in the level of service at the intersection of the site and Beach Rd. or any of the intersections within a reasonable distance of it. He said the Commission did receive a revised plan which addresses the Consulting Engineers letter dated 11/15/2012 which asked about Saturday's traffic counts, which were done and the results were there was no anticipated problem that would be created. He said the emergency entrance access on Evas Terrace would only be used in situations where the access from the driveway and/or Beach Road is blocked. He said that map SP-2 shows the distance to the wetlands and is well over 100 feet from any proposed activity. He said the correspondence from the Ambulance has nothing to do with the project in concept, it is more from a design and construction aspect. It was stated that the Police Chief was waiting for the comments from the Engineer to be answered and we just received revised plans but he (the Police Chief) is aware of this project. Atty. Roberts said because the way this project has been designed the impacts to the neighbors and the town would be as minimal as possible. He said if this project is completed it would result in additional property tax revenue to the town in excess of \$250,000.00 per year and it is anticipated it would create as many as 100 full and part-time jobs. He said that regulation #32.2.7 governs this application and he believes that they have complied with all the requirements of #32.2.7, (such as lot coverage, traffic study, public water, parking, unit size, age restrictions, etc.).

At this time Commissioner Mike Bokon arrived at 6:53 p.m.

Atty. Roberts said that in response to some of the issues that were raised at the last hearing he thinks some of the technical objections have been resolved in the revised plans submitted. He said at the last meeting on a number of occasions the assertion was made that this is a non-conforming lot and any additional uses are prohibited. He said that is factually wrong. He said the property consists of over 24 acres and complies in all respects with the zoning requirements for frontage, size, etc. He said it was also said that there is a non-conforming use on this property, being the child daycare, and it is irrelevant to the application before us. He said there is nothing in our regulations that prohibits an application for a special permit simply because there may be a non-conforming use existing already at the property. Also he said there is no change in the size, location, intensity, expansion, population or anything having to do with that non-conforming use. He said there was discussion about overcrowding and congestion and we are not talking about a tenement or housing project being dropped in the middle of a residential zone, as your regulations specifically call out the density of the unit, lot coverage, building size, etc. He said all the lighting proposed is full cut-off fixtures that are designed to eliminate any light pollution that would spill off of the site. He said there are existing natural buffers that will be retained on all sides of the property. He said the wells have been abandoned in accordance with the requirements of the Health District and the entire facility is and the new one will be on public water and sewer. He said there was a survey submitted showing site lines from a neighbor's property but one thing that was omitted was the actual distance involved and that is over a tenth of a mile. The visibility has increased in large part because the neighbor has removed some of the buffering vegetation from his

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own property and the proposed facility would probably be substantially less visible to most of the neighboring properties than a 143 foot wind tower would be. He said they would be willing to work with the Commission and staff on whatever extensions and continuations are necessary to allow for the adequate review and consideration of the plans.

Brian Plourde, Pustola and Associates, said Atty. Roberts seemed to cover everything from last meeting but he wanted to clarify lot coverage, building size, etc. He said the zoning regulations call for a maximum floor area allowed and for this zone 20% is the maximum allowed and they are at 19.76%. He said they tightened up the rear of the building and brought the building under 46,000 square feet (per floor). He said they elaborated on the parking space count, for the (proposed) living facility 135 spaces are required and provided is 138 spaces and for the existing facility and uses it requires 134 spaces and currently existing there are 136 spaces. He said the existing driveway to the convalescent home is an easement over land of Edward Cleary and they will be providing a new driveway. He said they will be abandoning the existing driveway just beyond what he needs to use. He said they added a site existing conditions plan (EX-1) which shows the entire parcel as it is today. He said they added a separate sheet for sedimentation and erosion controls detail, updated detail sheet 3 to be just pertaining to the detention basin detail and lastly A-1 conceptual floor plan and building elevations. It was asked if there would be kitchens in the units and Brian Plourde said he believes the intent is to have small kitchenettes and doesn't believe there will be cooktops, it is more of a reheat, but this is just in the conceptual stages. It was asked if there would be dementia care in this facility and Brian Cleary said that has not yet been determined as they are still in the development stage. It was asked about abandoning the existing driveway and Brian Plourde said he will probably discuss this with Dave and the Police to see if (existing) driveway needs to be reworked to look more residential, narrowing it down for safety sake, etc.

Kim Updegraff from Evas Terrace came forward and said she did not hear how long it would take for this project to be completed, if approved. She also asked what conditions they are taking so she does not lose her water source since they are tapping into their pipes. She asked if they would be reimbursing them for what they paid to put in the pipes as residents of the neighborhood.

Paul Cosgrove from Beach Road said as far as the traffic study, which said there is no traffic situation on Beach Road, (maybe) you should try getting out of his driveway during rush hour morning or evening. He said another concern is the emergency response as he has non-stop blaring sirens going from ambulances and EMT's running back and forth to the convalescent home and believes this will substantial increase with the elderly housing (proposed).

Dennis Cleary from Mad River Road said the plans were only filed yesterday so it was difficult to have time to review them and said the plans should be in 14 days ahead and Chairman Mahoney said the 14 days was for the Commission's benefit. He said he questions the number of staff members noted on plan and he will F.O.I. the Dept. of Health to get the information for the next meeting. He also said what is on the map for parking spaces does not exist there now and someone should go up and check that. He went on to state that there are maps in the vault for the commission to look at the surrounding properties and how some of these properties came to be existing. (He referred to map #632, 996, and a zoning map for Beach Properties Associates that

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shows wetlands and topo's,). He said map #1154 is an as-built of the (Evas Terrace) subdivision showing the properties and the road. He said that map, he believes, shows a 60 foot opening in the road to get into the property for this proposed development that is supposed to be the water line and emergency access. He said map #1011 is the record subdivision that was approved by Planning and Zoning, shows no access to the property of Beach Building LLC or this project, so the official recorded subdivision map #1039 shows no access to this property. He said there is map #D148 that has been recorded and appears to be a re-subdivision of Evas Terrace. He said it appears to be a re-subdivision because the original lots of the subdivision of record were changed, and there was additional access granted to this property on the re-filed map without a hearing or consideration by this Commission. He said it appears the new drainage study does not meet the requirements of the Town Engineer. He said the applicant came up tonight and said the wells have been abandoned but Chesprocott has no record of permits or filings that the wells were abandoned. He said it was his understanding that Mr. Panico retired and that one email was sent 3 weeks ago (to Mr. Panico with no response). He would request that the Commission hire an appropriate planner to look out for the interest of the Town of Wolcott. ZEO said all the adequate information needs to be reviewed by the Town Engineer and Chairman Mahoney said he is waiting on (comments) from the Fire Marshal, Town Engineer and Police. ZEO said the Commission can grant them a 30 day extension. Chairman Mahoney said there was a letter from the Consulting Town Engineer dated 11/15/2012 with his comments after re-reviewing the traffic impact study and an email and letter from Bill Barrett, Wolcott Volunteer Ambulance dated 12/4/2012 stating his comments on the proposed plans.

Chairman Mahoney said the public hearing for this application is continued to 12/19/2012 at 6:30 p.m. in the Council Chambers. (Extension Granted)

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to take a five minute recess at 7:40 p.m. (The meeting was reconvened at 7:45 p.m.).

REGULAR MEETING

At 7:45 p.m. Chairman Mahoney called the Regular Meeting to order. (Attendance was taken and it was the same as listed above under Public Hearing).

At this time Mike Bokon was seated as a regular member.

PUBLIC REQUESTS

There were no Public Requests at this time.

APPROVAL OF MINUTES

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the minutes from the 11/7/2012 Public Hearing and Regular Meeting.

APPROVAL OF BILLS

There were no bills at this time.

CORRESPONDENCES

Chairman Mahoney said there was a letter from Consulting Town Engineer dated 11/15/2012 and was already brought up earlier. He said there was a memo from Mark Garrigus, Inland Wetlands Chairman, and it has to do with application #12-478 for 36 Town Line Rd. and it states this application cannot be approved until outstanding violations are addressed and corrected.

SUBCOMMITTEE REPORTS

There were no Subcommittee Reports at this time.

OLD BUSINESS

1. **#12-476 Beach Building LLC – Special Use Permit for a 140 Unit Assisted Living Facility at 50 Beach Rd.**

Chairman Mahoney said the public hearing on this application has been continued to 12/19/2012 at 6:30 p.m. in the Council Chambers.

NEW BUSINESS

1. **#12-477 DM & MM – Site Plan for C-3 Business Offices and C-16 Warehousing at Bound Line Rd. (Map 112/ Parcel 68).**

ZEO said this was a building that was approved probably 4 years ago and the permit has run out. He said there was a 100' x 200' building approved and due to the economy the permit expired. He said the site plan is exactly the same and applicant is just looking for renewal of the permit for a site plan.

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **ACCEPT FOR REVIEW** #12-477 DM & MM – Site Plan for C-3 Business Offices and C-16 Warehousing at Bound Line Rd. (Map 112/ Parcel 68).

ZEO said right now they just want to renew their permit, they do not have any plans on what is going to go in there, maybe warehouse and office space. He said when the time comes the uses will come before the Commission if other than warehousing and office space.

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Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **APPROVE** #12-477 DM & MM – Site Plan for C-3 Business Offices and C-16 Warehousing at Bound Line Rd. (Map 112/Parcel 68) as there are no changes in what was filed (and approved) over 4 years ago.

2. #12-478 Christine Nelson – Special Use Permit for B-3 a Non-Profit Donation Center at 36 Town Line Rd.

ZEO said this property is currently in violation as far as filling in the flood plain and is being handled through the Inland Wetlands Commission and Town Attorney. It is the same property that Christine Nelson would like to put her non-profit (business), which she currently is already there. ZEO said seeing as it is a special use permit and you need a public hearing he would recommend accepting for review and hold off on scheduling the public hearing until we have wetlands approval. Chairman Mahoney said he thinks it great what she is doing but understands why we have to stop her because of the other issues there and hopes she understands that, too.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **ACCEPT FOR REVIEW** #12-478 Christine Nelson – Special Use Permit for B-3 a Non-Profit Donation Center at 36 Town Line Rd.

3. Continental Scrap Metal – Request for Site Plan Modification

Chairman Mahoney said he put this on the agenda as the owner of Continental Scrap contacted the Mayor's Office who in turn called me (Chairman Mahoney) as he was trying to get his bond back. Chairman Mahoney said that Continental is not finished with wetlands and he was also supposed to put the slats in the fence which he has not done yet either. Chairman Mahoney said the owner wanted a site plan modification for this and he was told he had to be here at the meeting. Chairman Mahoney said he contacted the owner and told him he had to come (to meeting) and needed to call me because he wasn't getting his bond back until he satisfied wetlands and he never called back. Chairman Mahoney said with that being said we are not going to take any action until he shows up and does what he needs to do.

4. #12-479 John Cummings – Special Use Permit for a Bakery at 450 Wolcott Rd. (C-1a & C-4)

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **ACCEPT FOR REVIEW** #12-479 John Cummings – Special Use Permit for a Bakery at 450 Wolcott Rd. (C1a & C4)

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **SCHEDULE** a Public Hearing on #12-479 John Cummings – Special use Permit for a Bakery at 450 Wolcott Rd. (C1a & C4) for 12/19/2012 at 6:30 p.m. in the Council Chambers.

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5. #12-480 Richard Visco – Site Plan Application for Micro-Brewery Manufacturing at 1 Wolcott Rd. (C-21)

ZEO said this will be (in building) where Sullivan Brothers is located.

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **ACCEPT FOR REVIEW** #12-480 Richard Visco – Site Plan Application for Micro-Brewery Manufacturing at 1 Wolcott Rd. (C-21)

Richard Visco from Marlborough, CT came forward and said this is a new Micro-Brewery and will be in a unit around 2,500 square feet with a 15 barrel system. He said they would be brewing to give to distributors throughout the Waterbury, New York and Connecticut areas. He said it is strictly a manufacturing process and will be bringing grains in from farmers. He said the kegs will be going to distributors, bars and local restaurants. Mr. Visco said he has been brewing for 22 years. He said all permits that they need to operate a brewery have been started and waiting for zoning approval to operate there (at 1 Wolcott Rd.). He said he uses local Connecticut supplies and is working on a deal with farmers to take away the grains so it will be a natural process and he will not be storing waste at the facility itself. It was stated this is not retail at all it is strictly manufacturing

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** #12-480 Richard Visco – Site Plan Application for Micro-Brewery Manufacturing at 1 Wolcott Rd. (C-21)

6. #12-481 Dave Fitzpatrick – Special Use Permit for C-1 Retail Sales and C-14 Fitness Gym Club at 1078 Wolcott Rd.

ZEO said the special use permit should only be for the C-14 use, as the C-1 does not require a special permit however there are other uses that the applicant is thinking of doing. ZEO said the applicant is trying to expedite this and spoke with me today and went over other uses that he wanted to accommodate this building. ZEO said with that we need a motion to accept for review and schedule a public hearing which would be for C-14 and for other multiples uses according to Schedule A to cover the whole property.

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **ACCEPT FOR REVIEW and SCHEDULED a Public Hearing for December 19, 2012 at 6:30 p.m. in the Council Chambers for Special Use Permit #12-481 Dave Fitzpatrick for C-14 Fitness Gym at 1078 Wolcott Road and other uses as permitted in accordance with Schedule A.**

ZONING ENFORCEMENT OFFICER'S REPORT

ZEO said as you can see it has gotten extremely busy with (new businesses) in town which is good to see. He said the road work is coming to an end (for the season) and they spent approximately 5 million out of the 9 million that was (granted). Virginia McHugh asked about the house on

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Garrigus Court that is not coming along (as far as building permit) and is looking like a blight issue. ZEO said he believes you have up to 5 years to complete a project once you start working on it. Chairman Mahoney asked if anyone came in for a permit for Gentile's building (Wolcott Rd.) ZEO said Mr. Gentile came into the office yesterday after he was informed that he needed a permit. ZEO said he showed him a hand drawn site plan that showed the building but was told he needed a site plan to show the parking. ZEO said Mr. Gentile is working on the site plan now and it has to go through wetlands and is aware that he needs a permit. Cathe Sherman asked about the property next to Snips and Tips (Romaniello's property) and it was said that it was being taken down. ZEO said the Blight Officer has been addressing the issue with the cars there.

EXECUTIVE SESSION

There was no Executive Session at this time.

ADJOURNMENT

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **ADJOURN** the Regular Meeting at 8:23 p.m.

APPROVED:

Ray Mahoney, Chairman
Planning & Zoning Commission

Edna Henderson, Recording Secretary
Planning & Zoning Commission