

**WOLCOTT PLANNING & ZONING  
PUBLIC HEARING AND REGULAR MEETING  
WEDNESDAY, SEPTEMBER 19, 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 6:32 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:** Mike Bokon, Virginia McHugh, Sean Cleary

**ALTERNATES ABSENT:** None

**ALSO PRESENT:** David Kalinowski, ZEO

**PERMIT APPLICATIONS**

- 1. #12-475 Anthony Bracco – Special Use Permit for a 24' x 36' Detached Garage at 560 Spindle Hill Rd.**

ZEO said that this is an oversized garage and requires a special use permit and a public hearing. He said it does meet all our regulations as far as setbacks, etc.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** #12-475 Anthony Bracco – Special Use Permit for a 24' x 36' detached garage at 560 Spindle Hill Rd.

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **CLOSE** the public hearing on #12-475 – Anthony Bracco – Special Use Permit for a 24' x 36' detached garage at 560 Spindle Hill Rd. at 6:38 p.m.

- 2. #12-471 Liberty Wolcott LLC – Amendment to Zoning Regulation #32.2.18 to allow Multi-Family Developments in an RC District and Schedule A – Permitted Uses as noted on the application.**

At this time Chris Edquist read the letter from Superintendent Macary dated 9/19/12 regarding the possible impact the above project would have on the town and the education budget. Cathe Sherman read the letter from Attorney William Tynan dated 9/19/12 stating the additional proposed amendments can be considered by the Commission without the necessity of a new application. (Copies attached of said letters). Atty. Wise came forward said that as he recalls the Commission decided to keep the hearing open on this (at the last meeting 9/5/12) for two purposes. One being

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the fact to allow Mr. Panico time to respond to their letter dated 8/21/12. ZEO said he spoke with Mr. Panico who said he felt there was no need to reply to the correspondence. Atty. Wise said given the fact that they were pretty critical of what Mr. Panico had to say his decision not to respond speaks volumes about the merits of the arguments they raised. He said the second reason was the question that because they proposed additional amendments (to the original application) did they need to start the process all over again. Atty. Wise said Atty. Tynan responded in his letter dated 9/19/12 and said they did not have to start over. Atty. Wise said however at 4:55 p.m. today he received a letter from the superintendent of schools and finds that to be remarkable because this matter has been pending for several months and all of a sudden they received this letter. He said the same thing happened with Mr. Panico's letter (as far as receiving it at the last minute). Atty. Wise said he feels this type of thing is highly prejudicial and unfair to any applicant and is curious as to who requested this letter. Atty. Wise said based on all the analysis they have already done they are in a position to respond to the comments he has made. He also said based on what they have already submitted there are misstatements in the letter and whoever asked Mr. Macary for this analysis provided him with erroneous information as to what they are proposing.

Keith Mahler came forward and said he also received the (superintendents) letter tonight and said we have done our homework and got the actual facts, we do not give estimates, averages or hypotheticals. Mr. Mahler said he doesn't know where Mr. Macary got his facts but he got his facts on line from the Conn. Economic Resource Center and they are what he based his information on. Mr. Mahler said there are 5,400 single family residences in Wolcott and within that data it is saying there are 2,855 students. He said so based upon Mr. Macary's letter that would estimate that there would almost be 7,500 students, so there is something erroneous about the facts. Mr. Mahler said if you do the math it's saying that there is about .5287 students per household. Mr. Mahler said he spoke to Donna Cote from Worhunsky Bus Company for the town and received figures of the number of children picked up from 3 other attached multi-family buildings. He said according to those figures he received Clearview comes out to be .269 percent, Arrowhead was .157 percent and Lake Hills Village .244 percent. Therefore he states that these type of developments attracted even less students than Mr. Panico's presentation and their own planning consultants presentation. He said that is what they are suggesting to the Commission that these types of developments, unlike single family subdivisions which are geared towards families, are not really attracting the number of kids that everyone is blowing out of proportion. Mr. Mahler said there is a failed age restricted community out there and they are asking the Commission to amend the regulations to provide them the ability to complete what is already approved and to lift the age restriction to allow them to complete this project to 63 units of single detached condominiums. Mr. Mahler said there is no alternative use for this site other than a housing site. He said this has to be developed (or) this would be devastational to the 3 existing homeowners there. Chairman Mahoney asked Mr. Mahler why (homeowner) Mr. Pelletier signed on (to agree to this change) if he said at the last meeting he was against it and he is here again tonight so why did he sign on. Mr. Mahler said the reality of life is that this development is not going to be developed as an age-restricted community and the best use of that site is exactly what they are proposing. Virginia McHugh said that another one of Mr. Mahler's subdivision (Pembroke Hill Rd.) has been sitting there for quite some time (4-5 years) and her concern is this is underdeveloped also. She said it is a mess, weeds everywhere and she can't imagine what those people feel like. Mr. Mahler said if he cut the prices on those houses and built low cost raised ranches that they would feel horrible. He said it is a town road and a town

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responsibility. Virginia McHugh said maybe the price there is too high to develop and would the price be too high on this development and see the same thing happening where it sits for another 5-7 years from now. Mr. Mahler said he doesn't believe that. He said the lots there (Pembroke) sold for \$179,000 to \$199,000 and how would you feel if you paid that and then he dropped the price to \$99,000. He said he wouldn't feel too good about it nor would he feel good if he lifted the deed restrictions to drop the quality level of what is out there. He said he has lived through the toughest of times and stood the test of time and that should tell you something about their character as developers and investors and their ability to live with a project if we need too. Atty. Wise stated that every town has to prepare a Plan of Conservation and Development every so many years and this commission did so 1 to 2 years ago and the policy has changed. He went on to quote from page L-1 of our Plan of Development where it stated that communities need young families to energize and grow the town to provide a tax base for the future.

Superintendent Macary said it was requested by the Board of Education that he send a letter after they received some inquiries about this development and they asked for his assessment on this. He said part of his job description is to advocate for the school system, for the impact and the positives and negatives of it. He said he is not for or against this project but he is here to enlighten the Commission and no matter what happens there is going to be an impact (to the school system). Cathe Sherman said that Atty. Wise referred to the Plan of Conservation and Development regarding the reduction in students the next few years and was wondering if the decrease in enrollment will offset a multi-family development of this type. Mr. Macary said as the number of students decrease their costs are still increasing, such as insurance, salaries, etc. and they are trying to keep a stable budget as much as possible. He said he could not tell you how much the impact would be because he doesn't know the number of students that would be coming but he did state that in one development approximately 8 years ago, one family moved in and it cost the school district \$80,000.00 as there was a child there with special needs that needed certain transportation. However, there are students that will come in where there won't be an impact because if you have a class size of 19 and put one more in there it would be zero (impact) so that's why the per pupil ratio is the best way to figure it out. Atty. Wise asked Mr. Macary if he would expect a condominium development to generate fewer school aged kids than a single family traditional subdivision development and Mr. Macary said it would depend on the number of bedrooms and he would have to research it. He said his data was based on single family, 2 to 3 bedroom, homes and he did not know this was not that type of development. He said the Board of Education received an inquiry and he was just responding to Planning and Zoning but he said we can all agree there is going to be an impact.

At this time Sandra Auburn, the first owner in this development, said they moved here 2 years ago in good faith that they were going to live in a beautiful area. She said now to say she is upset is putting it mildly. She says they have a substantial amount of money invested in this house and it is not a matter of just closing the doors and walking away. She said to say it is esthetically not pleasing is only part of it. She said it is an awful feeling to know you have so much money invested in a place that looks like it does and for two years her husband has been cutting the lawn, raking leaves, etc. trying to make their place look decent. She said she wants the footprint that she was shown to stay like it is. She said low cost (affordable housing) scares her and talk about impact of children you can imagine what it would be like then. She said she is not opposed to children but

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she does not want to live with them all around her in this point of her life. She said for it to stay over 55 she would love it but she doesn't think that (need) is out there and they need something done there.

Lou Mazzeo came forward and said Mr. Mahler was trying to compare Arrowhead, Wolf Hill Road and Lakeview with his project and he said back when Arrowhead was developed in 1984 it was a totally different world and the pricing of the homes sold for as low as \$300,000 and as high as \$600,000. Mr. Mazzeo said people that are buying those types of homes (Arrowhead) are those in their 50's or 60's who have the money to spend and don't have any kids. He said these analyses are only guidelines to go by and to do a comparison there is ludicrous as these are two different types of projects (Arrowhead and Watercreek). Mr. Mazzeo said Mr. Mahler said that this project would not be developed as an age-restricted unit and to him that is threatening. Mr. Mazzeo said if that was the case (to not be developed as age-restricted) then why did he buy it. Mr. Mazzeo said that Mr. Mahler is not a developer, he is a financial guy and is only looking to what works towards his advantage. Mr. Mazzeo said that Mr. Panico's previous letter was dead right as to what was going on back in 2005 and that is why he did not respond ( to Atty. Wise's letter). Mr. Mazzeo said it is wrong to have the owners believe that they will lose their total investment if they do not go along with Mr. Mahler's plans because somebody will go in there and buy it (complete it). Atty. Wise said he has never heard such a personal attack as he just did. Atty. Wise said he wants everyone to keep in mind this is sour grapes because in 2005 he (Mr. Mazzeo) did not get what he wanted.

Mr. and Mrs. Pelletier (also owners) came forward to say that Mrs. Pelletier made her husband sign (the paper that Mr. Mahler had the 3 owners there sign). She said Mr. Pelletier did not want to sign but there were a lot of pros and cons about it. Mr. Pelletier said that the Fair Housing Act says that 80% needs to be 55 and older and 20% is other which to him is fair. He said there is some restriction that is allowed there so why go all the way. He said he is willing to compromise but not by 100%, he said it is reasonable as 80% as 55 and older and the (rest) 20% as other.

Ron Gambino came forward and said some developments do good and some don't. He said back in the late 80's Arrowhead fell apart and it came back, every development comes back it is just the economy. He said as far as the schools no one knows how many kids will be going there, it could be 0 or it could be 60, but is the town willing to take that burden on themselves.

Keith Mahler said this is a business deal, pure and simple. He said he is in business and is not a not for profit but he gives very generously to the charities he chooses too. He said this commission has a very big decision to make. He said he cannot help it that the bank came to him to make a deal and he is here to solve a problem. He said the problem is the development has failed and there are two alternative uses for that property. He said there is no industrial parks, no commercial developments, no plazas, it is a housing site and we have chosen to go down the path that is the best possible response to the site. He said the reality of this is that the units will sell at a price. He said they are not going to be elderly units that were defined because we are not in the assisted housing development business and we are not in the low income subsidized business. He said the market place dictated to him where the range of sales should be and the size of the houses. He said he stands on the application that he has made and it is the highest and best use for that property. He said it is a privately owned development and no one is here to mislead anyone, it is a far different

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development than a subdivision. He said there is not a demand for age-restricted housing. He is here to do the right thing and try to persuade the commission to grant this application by lifting the age-restriction so they can come in with the exact same site plan and they can start to clean up the construction of that site.

At this time there were no more comments or questions from the Commission or the public on #12-471 and Chairman Mahoney said the public hearing was closed on this application at 7:54 p.m.

**REGULAR MEETING**

At 7:54 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 Sean Cleary was seated as a regular member.

**PUBLIC REQUESTS**

At this time Dennis Cleary came forward and said that #12-475 Beach Building LLC – Special Use Permit is on the agenda tonight and he has a few comments to make. He said regulation section #31.11.4 requires all existing conditions, a map certified as an A-2 by a land surveyor to include all topos, including the improvements to the property, be reviewed. He said this appears to be absent from the current application. He also said that the existing facility combined with the proposed 140 unit building would be the most concentrated complex in Wolcott and deserves a full and complete review. He asked the commission to take their time to complete a comprehensive review of the entire complex and the major impact on the residential neighborhoods surrounding it.

Carmin Papa came forward to state his complaint on record regarding the property next to his house. He said unfortunately what was done to the property next door to him was not fair and illegal. He said that what was put up there should have never been done but all he is asking is that they keep the place neat and clean. He said he made a complaint to the Blight Officer but was told nothing was wrong. He handed out a sheet to the members that stated everything that is wrong with the property and for some reason the Blight Officer doesn't think there is anything wrong there. He also feels some of the issues are the Zoning Officer's violations and he handed in some recent pictures he took for the file. He said he is not going to lay off on this and he wants this property to be looked at with the Blight Officer and the Zoning Officer.

**APPROVAL OF MINUTES**

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the minutes from the 9/5/12 Public Hearing and Regular Meeting.

Sean Cleary abstained due to absence.

**APPROVAL OF BILLS**

There were no bills at this time.

**CORRESPONDENCES**

There were no Correspondences at this time.

**SUBCOMMITTEE REPORTS**

There were no Subcommittee Reports at this time.

At this time Chairman Mahoney read letter from Mark Garrigus, IWWC, dated 9/17/12, regarding Beach Building LLC application and said all activities proposed are outside the wetland review area and no Inland Wetland review was required at this time. ZEO said this letter should have been part of the application (under new business below).

**OLD BUSINESS**

- 1. #12-471 Liberty Wolcott LLC – Amendment to Zoning Regulations #32.2.18 to allow Multi-Family Developments in an RC District and Schedule A – Permitted Uses as noted on the application.**

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to CONTINUE (Table) the application for #12-471 Liberty Wolcott LLC – Amendment to Zoning Regulation to the next meeting (October 3, 2012).

- 2. #12-475 Anthony Bracco – Special Use Permit for a 24' x 36' detached garage at 560 Spindle Hill Rd.**

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** #12-475 Anthony Bracco - Special Use Permit for a 24' x 36' detached garage at 560 Spindle Hill Rd.

**NEW BUSINESSs**

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

ZEO said this is a large facility and the application and maps were given to the office last week and he hasn't had time to review it fully. He said the zone listed on the map handed it was incorrect as it stated it was in a general commercial zone when in fact it is residential so there are some changes to be made (setbacks, height restrictions, etc.). He suggested the commission accept for review and to have it sent out for those involved to review it also.

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Upon **MOTION** by Rich Delpier, seconded by Cathe Sherman, it was unanimously voted to **ACCEPT FOR REVIEW** #12-476 Beach Building LLC – Special Use Permit for a 140 Unit Assisted Living Facility at 50 Beach Road and to forward the information to the Fire Marshal, Town Engineer, Sewer & Water and Inland Wetlands for their comments.

Sean Cleary abstained (due to family association with Beach Building/Wolcott View Manor).

**ZONING ENFORCEMENT OFFICER’S REPORT**

ZEO said the water line has been installed for the elderly project on Potuccos Ring Road. He went on to discuss the road projects going on in town. Chris Edquist said there was a sign on Wolcott Rd., (where CC’s used to be) that is blocking the site line and he was told the company was called and they were going to move it back. ZEO said a letter was sent to the Blight Officer for the property at 405 Wolcott Rd. and he will address the issue there also. It was stated that the owner was supposed to come in and take out a demo permit for the blighted building on the property. Chairman Mahoney said that (Continental Scrap) still has not put the slats in the fence as they were supposed to and ZEO said he will look into what the conditions are (on the original permit).

**EXECUTIVE SESSION**

There was no Executive Session at this time.

**ADJOURNMENT**

Upon **MOTION** by Sean Cleary, seconded by Cathe Sherman, it was unanimously voted to **ADJOURN** the Regular Meeting at 8:25 p.m.

APPROVED:

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Ray Mahoney, Chairman  
Planning & Zoning Commission

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Edna Henderson, Recording Secretary  
Planning & Zoning Commission