

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2012
TOWN COUNCIL CHAMBERS, 6:30 P.M.
PAGE 1 of 6**

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 6:30 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

ALTERNATES ABSENT: Sean Cleary

ALSO PRESENT: David Kalinowski, ZEO

PERMIT APPLICATIONS

- 1. #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.**

ZEO said that we received two correspondences on this, one dated 8/21/2012 from Attorney Wise and one dated 8/31/2012 from Turner Miller Group which will be discussed tonight so he would recommend the applicant come forward for discussion. Attorney Wise said the letters provided respond to Mr. Panico's analysis (in his letter dated 7/30/12). He also said that because they are suggesting additional amendments the ZEO asked Atty. William Tynan whether this raised any procedural questions or whether you could go forward with newly proposed amendments on the same proceeding so the hearing would be held open for additional information. Atty. Wise said they consent to a further extension if needed. Atty. Wise said the primary problem with Mr. Panico's report is that it doesn't confront the essential issue that we are faced with. He said the Commission is faced with the fact that 7-8 years ago they approved an age restricted development and (as of) today you have 6 constructed units of which only 3 are privately owned. He said you also know that the chances this development is going to be completed as an age restricted development is somewhere between zero and nil. He said it is not going to happen because there is no market for it. He said the unique issue the Commission has to work with is what do you do with a situation like this and Mr. Panico's letter does not address that. He said Mr. Panico wants you to continue along the path that you adopted in 2005 and that doesn't work because that is not what you are faced with today. Atty. Wise went on to say that Mr. Panico talked about back then (in 2005) there was a reluctance to approve anything that might create a significant burden to the school systems. Atty. Wise said that the new Plan of Conservation and Development (refer to page H-3) states that the total enrollment is projected to decline 14.7% from 2007 to 2017 so the concern

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2012
TOWN COUNCIL CHAMBERS, 6:30 P.M.
PAGE 2 of 6**

about burdening the school system in 2005 was valid but the change in demographics has eliminated that concern in the foreseeable future. He went on to say that Mr. Panico was concerned about the school children being picked up near the entrance on Rte. 69 but in these situations safe areas can be found. Atty. Wise said you can always (put a) condition on the site plan approval that we provide a safe area for school bus pick up and discharge. He went on to say that Mr. Panico doesn't seem to realize that the new plan of development is not the same as the plan that was in effect in 2005 when this original project was approved for an age-restricted development. Atty. Wise stated that the project would never be completed as long as it remains age-restricted. He went on to discuss the additional amendments the applicant is requesting to reduce the spacing requirement between buildings, dwelling unit density and number of units per building as stated in his letter dated 8/21/12 (a copy of the letter is attached). Rich Delpier asked about how to control the influx of kids, the number of bedrooms, etc. and Atty. Wise said it will be a mix of two or three bedrooms but the site plan is not going to change from the 2005 approval. Cathe Sherman's concerns were with the statements from C.O.G. regarding spot zoning and Atty. Wise said if there was a spot zoning issue then he would contend it was created in 2005 when this was approved. He said we are not re-zoning anything we are just adding a new use to the zone. Mike Bokon asked what the units would cost and Mr. Mahler said somewhere between \$249,900 and \$329,900. Mike Bokon said he doesn't understand why everyone forgets the seniors and they cannot afford to move into something so high. Mr. Mahler said you have to blame the material suppliers for that. Mike Bokon said they are over fabricating the units and (seniors) can't afford a mortgage at this time in their life to move in there (ARPRD Developments). Mike Bokon said if you make it more affordable you would get more seniors in there.

Brian Miller from Turner Miller Group came forward and said the world was in a very different place in 2005 and there was optimism that seniors could take the profits from the increase of equity in their home and afford new housing. He said the developer is not proposing to exclude seniors but if you limit it to seniors it would be a disaster. He said they are suggesting that the market place be more open and seniors still be allowed but the development not be restricted (to only seniors). He went on to discuss his response (in letter dated 8/29/12, copy attached) to Mr. Panico's letter dated 7/30/12 (attached to previous minutes). Brian Miller said you have the infrastructure there, roads, sewer, water and six units developed so you cannot say you don't want residential development there, the question now would be what type of residential development do you want. He went on to say you could keep it age-restricted and hope the development occurs or you could remove the age-restricted and development it as such. He said the other potential alternative is affordable housing under Section 8-30g and projects that there could be 180 units with up to 150 school children. He said communities need young families to energize and grow the town to provide a tax base for the future. He said we have adequate facilities to accommodate school children. He said it is up to the Commission to understand and make a decision whether a couple of school children are a bad thing for our community as opposed to an alternative that might actually result in many more school children.

ZEO said he had a question for Atty. Wise that was asked at the first meeting (which is) because this was already approved as an age-restricted and it is in the deeds, if this was going to be changed, for the legality of it, is there anything that could come back on us. Atty. Wise said no, not to the town because since the three unit owners there are in agreement that the age-restricted should be

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2012
TOWN COUNCIL CHAMBERS, 6:30 P.M.
PAGE 3 of 6**

changed it would be very easy to make the appropriate legal changes in the development. He said it might have been complicated if any of the unit owners had objected. ZEO said he did speak to Atty. William Tynan because the original application had a text amendment change and that has been added on to try to accommodate some of the questions this Commission has and he is waiting on his response as to whether they have to reapply. ZEO said the original letter from Atty. Wise was forwarded to Tony Panico and a new letter was just received by him yesterday and he did not have time to respond so that is another reason why Atty. Tynan suggested keeping this public hearing open.

Ray Rinaldi came forward and said the opening statement by Atty. Wise was that if this is not approved this (project) will go from zero to zilch and he disagrees with this. Mr. Rinaldi went on to discuss how he was involved in two developments in town, Clearview and Arrowhead). He said in 1984 they decided to put condos in town and at that time they started out at 79,900.00 and four years later they were selling for 189,000.00. He said the year he is talking about was just as bad as it is today. He said Mr. Mahler should take into consideration that the people that bought over there have their live savings in there. He said he bid on that property to complete it exactly the way it was submitted but evidently got pushed out. He said they were in a state of depression (around the time of Clearview) but they still completed it. He went on to say Arrowhead was similar to Clearview but eventually part of his family did go in and finish the project. Mr. Rinaldi said that he feels sorry for the people that are living there.

Lou Mazzeo said he read Mr. Panico's letter in depth and thinks it is right on the money for all the issues he was concerned with. Mr. Mazzeo said the applicant is trying to amend (multi-family) within an RC zone and when he originally received approval for this property Mr. Panico stated at that time that he would only give them the (RC Zone) and make it age-restricted under a special use permit so that it could never ever be any type of subdivision. Mr. Mazzeo said that information is on tape for anyone to hear. Mr. Mazzeo said Mr. Mahler is not a developer, he is a financial investor and if he cared about the people at all the place would not look like it does. Mr. Mazzeo said he got them to sign to change this property because they are in such disarray right now because of the way this property is. Mr. Mazzeo said the reason the houses are sitting there (unsold) is because they are overpriced and they are 2,800 square foot homes and people are downsizing and cannot afford to buy these. Mr. Mazzeo said there are some many different issues that go with multi-family and this property is costing the town nothing, it is private right now. He said there is no schooling cost, buses, road care, garbage pickup, etc. Mr. Mazzeo said this project could be developed the right way. He said you are allowed under the age-restricted for 20% (of housing) to be under 55 years old, so if you have 60 units you would be allowed 12 units to be under 55 years old so there are options there. Mr. Mazzeo said he owns two properties next door and they were kept as industrial and he does not want to see multi-families there.

Mr. & Mrs. Pelletier, owners there, came forward and said they moved here to have peace and quiet from the city. He said with multi-family you would have more children, more traffic and more vehicles. He said right now you are allowed two (spaces) per unit and if you expand that with only one entrance (there would be problems). Chairman Mahoney asked if they signed the (papers Mr. Mahler presented to owners of property) and Mr. Pelletier said under pressure they signed. He said they were told different things then and right now the problem is with more vehicles and why can't

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, SEPTEMBER 5, 2012
TOWN COUNCIL CHAMBERS, 6:30 P.M.
PAGE 4 of 6**

there be some restrictions. Mrs. Pelletier said why not for families with children over 18. Mrs. Pelletier said they wanted to take it easy, no lawn care, no shoveling and they have been doing everything since they moved in. Mr. Pelletier said the prices right now are too high for the economy and if you lower the prices you would get elderly in there. There was a brief discussion about snow removal there and the dangers because it is not being done unless the homeowners do it themselves.

Mr. Mahler came forward again and said he is happy to fight their way thru any recession without the burden of age-restriction which is what he is asking for this evening. He also said he heard earlier that multi-family is more than one and in this particular case it is 64 units on one lot. He said what he is attempting to do through this process is in fact make sure that we can restrict down this development to exactly what's out there today without the age-restriction. He said it would be 64 units, primarily single family detached, not a subdivision but a clustered condominium and several of the buildings are duplex in nature. He said if they are successful in prosecuting this application the next application would be the site plan which will be the exact same site plan that is in our files.

ZEO said that the main concern here is that people are confused about multi-family and the Town Engineer addressed that with maintaining a bedroom downstairs so if you build a ranch or whether you had another bedroom upstairs you would still have one downstairs. Mr. Mahler said they are not looking to develop something that is conducive to large family living. He said he is not looking for a community playground, community activities, etc., the restrictions that we use in a project in a project like this are not kid conducive. He said kid conduciveness is in a subdivision. He said do they come into these types of developments, of course they do, whether it's Clearview or Arrowhead that are not age-restricted, you are going to get some (kids). Mike Bokon said it was a win-win for the town at 55 and older and why would the town want to take on the responsibility of putting kids in the school system, etc. Mr. Mahler said the best use for that property is the exact same site plan that exists (except) un-age-restricted. He said the age-restriction is not going to work, it doesn't sell and the folks that should be in there are not buying this product. Mr. Mahler said he is here trying to give the town the proper tool to make this project a success. He said right now you have a failed development. He went on to discuss the difference between other developments in town by him and how it was his responsibility to take care of the roads, etc. and on this development it is the owners responsibility. He said there is no market for age-restricted and he cannot make it any clearer. It is a reality of life and in 2005 the world was far different than what it is in 2012.

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 on this application is continued to 9/19/2012 at 6:30 p.m. in the Council Chambers.

Attorney Wise said as previously noted, they consent (to this continuation).

REGULAR MEETING

At 8:10 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 8/15/12 Regular Meeting.

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.

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.**

(The public hearing on this application was continued to 9/19/2012 at 6:30 p.m. in the Council Chambers).

NEW BUSINESS

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

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

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **ACCEPT FOR REVIEW** #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 **SCHEDULE** a public hearing on #12-475 Anthony Bracco, - Special Use Permit for a 24' x 36' detached garage at 560 Spindle Hill Rd., on 9/19/12 at 6:30 p.m. in the Council Chambers.

ZONING ENFORCEMENT OFFICER'S REPORT

ZEO said that the (illegal sandwich) signs were picked up on Wolcott Rd. and Meriden Rd. after receiving a few complaints. Cathe Sherman said there is a dilapidated property on Rte. 69 next to Snips & Tips. She requested a letter be sent to the blight commission and ZEO said to advise the Building Inspector. Rich Delpier asked about the property at 1585 Meriden Rd. that is currently being worked on. Mike Bokon asked if we can have the Building Inspector check on old C/O's to see if people are living in their houses without the C/O and ZEO said he has been working on that.

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 8:20 p.m.

APPROVED:

Ray Mahoney, Chairman
Planning & Zoning Commission

Edna Henderson, Recording Secretary
Planning & Zoning Commission