

**WOLCOTT PLANNING & ZONING
REGULAR MEETING
WEDNESDAY, JANUARY 16, 2013
TOWN COUNCIL CHAMBERS, 6:30 P.M.
PAGE 1 of 5**

MINUTES

REGULAR MEETING

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 Regular Meeting 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, Sean Cleary

ALTERNATES ABSENT: Virginia McHugh

ALSO PRESENT: Dave Kalinowski

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 Mike Bokon, it was unanimously voted to **APPROVE** the minutes from the 1/2/2013 Regular Meeting.

Ray Mahoney 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.

OLD BUSINESS

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

A **MOTION** was offered by Cathe Sherman, seconded by Rich Delpier, to **APPROVE** #12-476 Beach Building LLC – Special Use Permit for a 140 Unit Assisted Living Facility at 50 Beach Road with the following conditions:

1. That all concerns per letter dated 12/4/2012 from Wolcott Volunteer Ambulance Association be addressed and approved by the Town of Wolcott Volunteer Ambulance prior to starting construction, basically that is applying that the size of the elevators are adequate for stretchers and medical or emergency personnel and that there must be a back-up generator adequately sized to accommodate the facility.
2. That there be a breakaway gate installed at entrance of the emergency access to assure access will only be used for said purpose and the gate be approved by building and site inspector prior to installation.
3. Prior to construction commencing a letter from Chesprocott stating that any wells that need to be abandoned were done by Chesprocott's approval.
4. Proper bonds and inspection fees be established by a Certified Zoning Enforcement Officer and are in place prior to work commencing.
5. All properties currently on site must be compliant with all existing zoning regulations including but not limited to the required parking.

Discussion followed with Ray Mahoney saying that there was a lot of information on this (project) and some that was given to us that was unsubstantiated. He said there were pictures that were submitted, that in his opinion, had no scale on them and it was hard to understand but he understood what they were trying to get across but we have to go by what the professionals are telling us as they are putting their license on this. Ray Mahoney said he agrees with the ambulance (condition stated above) and the breakaway gate. He said the ambulance (condition) has to be addressed prior to when we (the Commission) have to (approve) the building itself. Mike Bokon said that the approvals from all departments and personnel which included Fire Marshal, Police Chief, Consulting Town Engineer, Inland Wetlands, Sewer & Water and Volunteer Ambulance have been given. He said the requirements under 32.2.7 have been met. He also said that even though during the public hearing there were concerns about lot coverage, parking, setbacks, non-conforming uses and resubdivisions he feels clear that the information we received or heard on this project meets the Town of Wolcott Zoning Regulations and if any information received by the applicant is fraudulent we have the right to revoke the permit, as stated by the ZEO. Cathe Sherman said we have listened to testimony from a lot of professional services, from the Town Engineer and a lot of Town Officials and the concerns seem to be focused on lot coverage, water run-off, emergency access to Evas Terrace, the need for a resubdivision and devaluation of property values. Cathe Sherman said

**WOLCOTT PLANNING & ZONING
 REGULAR MEETING
 WEDNESDAY, JANUARY 16, 2013
 TOWN COUNCIL CHAMBERS, 6:30 P.M.
 PAGE 3 of 5**

to address the lot coverage, in her opinion, the zoning regulation that is most applicable is 32.2.7. She said many of the regulations have been addressed in site plan (1) prepared for the assisted living facility dated 1/13/11 and stamped by an engineer. She said she is using all the information provided in the referred map to address the zoning regulations and they seem to conform as they address the setbacks, maximum lot coverage and maximum floor area. She said to address the water run-off she referenced map SP-6 and SP-6.1 and quoted “the system is designed to provide for the required zero increase in run-off. She said in addition to the drainage system the proposal includes a grass lined swale and rain gardens for water quality so there should be less water drain off. She said the traffic and market studies seem to be adequate and the road seems to be able to facilitate it, (accommodate traffic). She said the emergency access is for just that and not for general use. She also said she does not see the devaluation of the property as there is already a skilled living facility on the property and it was already there before homeowners where there. She said the need for a resubdivision has to meet 3 conditions, (1) has it affected the street layout on the map, (2) does it affect any area reserved for public use and (3) does it diminish the size of any lot thereon or create another lot and it doesn’t meet any of those (so it doesn’t require a resubdivision). She then made reference to regulation #1.2.14. Ray Mahoney then thanked the Commission for following procedure in telling anyone who called them (due to the fact that their numbers where handed out to residents in the area) that they needed to come to the public hearing. He said if no one had anything else to add he called for a roll call vote to move the motion (as stated above). A roll call vote was taken and the outcome was as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Cathe Sherman	X		
Chris Edquist	X		
Rich Delpier	X		
Mike Bokon	X		
Ray Mahoney	X		

Motion carries to approve (application #12-476 with conditions as stated) with 5 yes and 0 no.

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

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **SCHEDULE** a public hearing on application #12-478 Christine Nelson – Special Use Permit for B-3 a Non-Profit Donation Center at 36 Town Line Rd. for February 6, 2013 at 6:30 p.m. in the Town Council Chambers.

NEW BUSINESS

1. Discussion and possible acceptance of architectural plans submitted for 1078 Wolcott Rd. (#12-481)

ZEO said that one of the conditions on this (approved) application was that the Commission approve the architectural plans. Dave Fitzpatrick said these drawings show the least that will be done, he plans to do more and it will look a lot better than that. He said with the weather he just ran out of time. There was a brief discussion regarding what improvements to the building will be constructed of, etc. ZEO said this property has been an eyesore to the town for years and he commended Mr. Fitzpatrick for cleaning up the property.

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **ACCEPT (APPROVE)** the architectural plans submitted for 1078 Wolcott Road (Application #12-481).

2. Modification to the site plan approved for application #12-481 at 1078 Wolcott Rd.

Ray Mahoney said this has to do with the fence (and modification to that condition). ZEO said that part of the conditions this Commission put on this application was that the fence be installed prior to a C/O (being issued) and due to the weather the applicant cannot install the fence prior to C/O. He said Mr. Fitzpatrick is here to request for the modification to install the fence by June 1, 2013 (and to get a temporary C/O). Mr. Fitzpatrick said he is working with the bank to get the bond in place and the bank is looking for the temporary C/O. Ray Mahoney said he looked at the fence and said there are a couple sections that need replacing but right now nothing was falling down and a temporary permit is the way to go. There was a brief discussion regarding lights from vehicles in the parking lot and lights from the building.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the modification to site plan approved for 1078 Wolcott Rd. application #12-481 (in granting a temporary c/o for now and allow fence to be approved and installed by June 1, 2013).

ZONING ENFORCEMENT OFFICER'S REPORT

ZEO said that someone came in for an application to put a frozen yogurt business on Wolcott Rd. where the old ice cream parlor was and (should be no issues) as it is the same use. Vito's Pizza is reopening. He said regarding John Gentile's building (Wolcott Rd.) the guy that was putting in process called and wanted an inspection. ZEO said he told him that he will not inspect it until Mr. Gentile comes in with a site plan and a proposed use for the building. There was a brief discussion on the owner change at JD's on Wolcott Road and what the new

**WOLCOTT PLANNING & ZONING
REGULAR MEETING
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PAGE 5 of 5**

owner's plans are. Chris Edquist asked ZEO about parking in the road during storms and ZEO said that is actually through the Police Dept. ZEO said there is actually an ordinance and parking ban for storms and they usually call the P.D. when the plow drivers come across a car parked on the road.

EXECUTIVE SESSION

There was no Executive Session at this time.

ADJOURNMENT

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **ADJOURN** the Regular Meeting at 7:13 p.m.

APPROVED:

Ray Mahoney, Chairman
Planning & Zoning Commission

Edna Henderson, Recording Secretary
Planning & Zoning Commission