

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, APRIL 3, 2013
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 6:30 p.m. with the Pledge of Allegiance and then attendance was taken.

Roll Call Attendance

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

MEMBERS ABSENT: None

ALTERNATES PRESENT: None

ALTERNATES ABSENT: Pete Carmody, Virginia McHugh, Sean Cleary

ALSO PRESENT: David Kalinowski, ZEO

PERMIT APPLICATIONS

- 1. #13-482 Liberty Wolcott LLC – Amendment to Zoning Regulations to permit Section 8-30g Affordable Housing Developments in the RC District.**

ZEO Dave Kalinowski said this is a text amendment application and this is not an application for Watercreek at this time but it pertains to the property at Watercreek. He said it is an application for a text amendment change and if the Commission, after the hearing is over, decides to change the text amendment then a formal application would have to come before the Commission once again. He said if Watercreek is the subdivision they (the applicant) are talking about then a new site plan would have to come before this Commission (if text amendment change is approved).

Cathe Sherman read a letter from Mark Possidento, Town Engineer, dated 4/3/13 stating this application is not his area of expertise and believes the Commission should obtain comments from a professional planner. Chairman Mahoney said there is a letter from Attorney Tynan & Iannone who is representing the town on this issue and it will be on file (for anyone to see) as it is about 10 pages long. (see attached).

Attorney Lew Wise, here on behalf of Liberty Wolcott, came forward and said he just received a copy of (Atty.) Tynan's lengthy letter and attachment this afternoon and hasn't had a chance to study it. He said it is his understanding that the Commission will be referring this matter to C.O.G. (Council of Government), and the Town Planner for their comments so he said the most efficient thing for him to do is to defer their presentation to the next meeting.

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ZEO Dave Kalinowski said that our attorney gave us a letter recommending we send this application to C.O.G. He said that when we get a zone change or text amendment change it gets sent to C.O.G. and their professionals look at it for their opinion. He said they look at this according to surrounding areas, zones, towns, etc. and give us their opinion, which sometimes can take up to 3 to 4 weeks.

John Maloney who resides in this subdivision said the last request by Mr. Mahler it was to change the age limit for people to reside at Watercreek. Mr. Maloney said he came that time in somewhat of a conciliatory manner as he was looking for a way for Watercreek to become a development rather than what it is right now which is just 3 families out of 63. He said if it could not be (developed) the way it was (approved for) perhaps there could be some kind of give and take from both parties and it didn't seem possible. He said in respect to this present change to low income housing he is unequivocally opposed to it. He said as a resident and property owner this could only reduce the value of his property.

Tony Gugliotti came forward and said not sure how many years ago but Planning and Zoning gave approval for Watercreek Development based on a 55 and older subdivision on the basis that it would have the least amount of impact to the town. He said now a new owner comes in and wants it changed to affordable housing and that would end up having the most impact on the town, on the taxpayers, on the infrastructure and the schools. He said on that basis alone that should be looked at, knowing that it was a development that was started and a new owner comes in and buys that development and now wants to make a change, he thinks that is wrong. He said he is hoping the Commission would look at it that way and deny this request and let it (the development) take its course.

Arline Tansley came forward and said she has been here before where zoning changes were requested by various people in town and you (the Commission) have maintained the integrity of the zoning regulations. She said the regulations were well thought out and put in place for a purpose and have served this town well. She said she is not in favor of changing zoning regulations for individual projects. She said it jeopardizes the entire zoning plan for the town. She said (when purchased) the owners of this property totally understood it was a 55 and older with certain zoning regulations. She said at that time they knew that was what had to be put in there and to change it all of sudden is not very ethical. She said we have to look at other developments in town that are 55 and over and are totally occupied and we are still in the process of building some that will be occupied the same way. She said there is no intention of changing zoning in those areas so she doesn't think the town should be in the business of spot zoning as that is not a good policy for us to follow.

Lou Mazzeo came forward and said one of his biggest concerns is safety. He said changing the amendment and allowing 200 plus units to go in there will create a huge safety issue for Rte. 69. He said that in less than a mile you have hundreds of other units already (in place) and it will make a big cluster mess right in one concentrated area.

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Mr. and Mrs. Pelletier came forward and said that they bought into Watercreek, 55 & over, to retire there and not to have affordable housing. She said she thinks this should still be 55 & older so they can retire there for the rest of their lives. Mr. Pelletier said they have their live savings into that house and does not want to lose that. Mr. Pelletier said there is only one entrance and there no city street, no sidewalks, etc.

At this time there were no more comments from the public or the Commission and the public hearing on application #13-482 was continued to April 17, 2013 at 6:30 in the Council Chambers.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to take a recess at 6:51 p.m. (The meeting reconvened at 6:56 p.m.).

REGULAR MEETING

At 6:56 p.m. Chairman Mahoney called the Regular Meeting to order. (Attendance was taken and it was the same as listed above under Public Hearing).

PUBLIC REQUESTS

There were no Public Requests at this time.

APPROVAL OF MINUTES

Upon **MOTION** by Mike Bokon, seconded by Rich Delpier, it was unanimously voted to **APPROVE** the minutes from the 3/20/13 Regular Meeting with the correction showing Mike Bokon as making the motion to adjourn not Cathe Sherman.

Cathe Sherman abstained due to absence.

APPROVAL OF BILLS

There were no bills at this time.

CORRESPONDENCES

Cathe Sherman read letter from Mark Possidento dated 3/28/13 pertaining to application #13-483 regarding the site plan submitted and what needs to be added to plan.

SUBCOMMITTEE REPORTS

There were no Subcommittee Reports at this time.

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OLD BUSINESS

- 1. #12-478 Christine Nelson – Special Use Permit for B-3 a Non-Profit Donation Center at 36 Town Line Rd.**

Chairman Ray Mahoney said we are still waiting for Inland Wetlands approval on this application.

- 2. #13-482 Liberty Wolcott LLC – Amendment to Zoning Regulations to permit Section 8-30g Affordable Housing Developments in the RC District.**

The public hearing on this application was continued to April 17, 2013 meeting at 6:30 p.m. in the Council Chambers.

- 3. #13-483 John Gentile – Site Plan Application for a Rehabilitation Center at 650 Wolcott Rd.**

ZEO said about 3 years ago Mr. Gentile came before the Commission and presented different architectural looks for the building. He said the Commission at that time picked out the architectural look that he has there now. He said at that time no use was decided and there was no site plan and the application before us now is for that. He said the Town Engineer has not yet seen the new site plan submitted tonight (that addresses the engineer's issues). John Yurck, construction manager for said project, said he believes they have answered all of the questions from the Town Engineer. Mr. Yurck said there was some question about silt fencing and that has been installed today. Mr. Yurck said they did put the dumpster on the site plan with a six foot privacy fence around it. He said they also showed the parking spaces and handicap spaces on the plan. He said they also showed the fire lane as requested. He said they do not need a loading and unloading area as they will only have deliveries from UPS/FedEx. He said they show the traffic locations, in and out, and they have a walkway that goes around 3 sides of the building with entrances and exits and an emergency exit in back of building. Mr. Yurck said along the back property lines there will be upright yews and the island area will be low spread junipers. He then went on to discuss the outdoor lighting and signs. Mike Bokon asked about lighting in the back area and Mr. Yurck said there is lighting at the back exit door. Rich Delpier asked if there was no handicap ramp because of the grade of the parking lot. Mr. Gentile said they are trying to do the grade right up to the top of the sidewalk. Cathe Sherman asked about documenting the aesthetics (views of the building) and ZEO said the architectural was already approved years ago but the applicant can take a picture of the building for the files. Chris Edquist said it looks like the lighting would be sufficient but if not can more lighting be installed and Mr. Gentile said absolutely. Chairman Mahoney said that once we have everything (letter from Engineer, etc.) then the Commission can vote on it. Mr. Gentile just said they were looking for a date on when they can open. ZEO said he will meet with the Town Engineer to have him look over the new plan submitted and then he will get back to Mr. Gentile.

This application was continued to 4/17/2013 at 6:30 p.m. in the Council Chambers.

NEW BUSINESS

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There was no New Business at this time.

ZONING ENFORCEMENT OFFICER'S REPORT

ZEO advised the Commission that a letter was sent to property owners on Spindle Hill Road from the Waterbury Line to Forest View Drive advising them of a possible paving project for the area. He said they received a grant on this and parts of the State's conditions are that we notify Inland Wetlands, Public Works, Planning and Zoning, etc.

EXECUTIVE SESSION

Upon **MOTION** by Mike Bokon, seconded by Cathe Sherman, it was unanimously voted to go into Executive Session (at 7:25 p.m.) to discuss pending legal issues, along with ZEO Dave Kalinowski and Attorney William Tynan.

(Regular Meeting reconvened at 8:22 p.m.)

ADJOURNMENT

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, 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