

**WOLCOTT PLANNING & ZONING
REGULAR MEETING - WEDNESDAY, JUNE 19, 2013
TOWN COUNCIL CHAMBERS, 6:30 P.M.
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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 6:30 p.m. with the Pledge of Allegiance and then attendance was taken.

Roll Call Attendance

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

MEMBERS ABSENT: Chris Edquist

ALTERNATES PRESENT: Virginia McHugh, Angelo Mastrofrancesco

ALTERNATES ABSENT: None

ALSO PRESENT: David Kalinowski, ZEO

PUBLIC REQUESTS

Robert Onofreo, an owner of Beachwood Estates, came forward to request his bonds be released for Eva's Terrace. He said one bond is for \$61,000.00 for a maintenance bond for the road installed. He said they have not developed one lot which needs some blasting and some site work but there is a bond in place for that also in the amount of \$15,000.00. He said he is asking the Commission to release the bond for \$61,000.00 and whenever he satisfies the town with (the undeveloped lot) he will ask for the \$15,000.00 bond to be released. He said the Town Engineer was (at the site) and stated there were no cracks in the road and there was no settling so he feels the \$61,000.00 bond should be released.

At this time Virginia McHugh was seated as a regular member.

APPROVAL OF MINUTES

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **APPROVE** the minutes from the 6/5/2013 Public Hearing and Regular Meeting.

APPROVAL OF BILLS

There were no bills at this time.

CORRESPONDENCES

Ray Mahoney read the letter from Mark Possidento, Professional Engineer, dated 6/19/2013 regarding the release of bonds for Eva's Terrace. (Copy Attached)

SUBCOMMITTEE REPORTS

There were no Subcommittee Reports at this time.

OLD BUSINESS

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

Ray Mahoney said that we are still waiting for Inland Wetlands. (No action taken)

- 2. #13-486 Wolcott DCP VIII, LLC – Site Plan Application for C-1 Retail Sales and Service Activities at 412 Wolcott Rd.**

Chairman Mahoney put this on hold as the applicant called and is stuck in traffic and if they make it before we adjourn he will get them in. (See below after New Business)

- 3. Beachwood Estates (#03-245) – Eva’s Terrace Bond Release**

ZEO said this was discussed at the last meeting and the Town Engineer looked at the site (and submitted his comments). Mike Bokon said he did not understand why we could not release the 2 year maintenance bond and hold the (bond) on the lot as isn’t there a time limit on the bond. ZEO said it was a two year maintenance bond and you either have the option to call it to make sure the work gets done or you could release it. ZEO said you have the letter from the Town Engineer and his recommendations so it is up to (the Commission) to decide.

A **MOTION** was offered by Mike Bokon to release the bond on Beachwood Estates #03-245-Eva’s Terrace for \$61,000.00 on the road only. He said we still have the \$15,000.00 bond for the lot where the problems are. He said if anyone was going to develop Lot 10 then when they come in with site plan you can always increase the bond at that time for any kind of damage done from blasting. Rich Delpier said the engineer knows a lot more than we do so isn’t that why he is saying what he is and ZEO said we have to request from the Engineer to release the bond and the Engineer gives us his recommendations on it. Chairman Mahoney said we do not have a second on this so motion fails.

A **MOTION** was offered by Cathe Sherman to not release the bond until 90 days to give him time to comply with the recommendations (from Town Engineer). At this time there was some discussion from Robert Onofreo. A second to the motion was given by Rich Delpier. Chairman Mahoney said we have a motion on the floor for a 90 day extension which was seconded by Rich Delpier and is there any other discussion. Cathe Sherman said we are just acting in compliance with the direction from the Engineer. Again Robert Onofreo came back in (to express his opinion).

Chairman Mahoney said we have a motion and a second, is there any other discussion. Hearing no one Chairman Mahoney said all those in favor signify by saying aye and then asked those oppose and Mike Bokon said no. Chairman Mahoney said motion carries (4) ayes, (1) oppose.

4. David Fitzpatrick – Extension to conditions stated for application #12-481 for 1078 Wolcott Rd.

It was stated that the court date for this has been extended therefore this would have to be extended further.

Upon **MOTION** by Mike Bokon, seconded by Cathe Sherman, it was unanimously voted to **Table** to the next meeting.

NEW BUSINESS

1. #13-488 Cambridge Wolcott LLC – Re-Subdivision for Todd Farms Section II (Across from Woodward Road) (Assessor’s Map #116-Lot 35c)

ZEO said this was a subdivision done years ago on Todd Rd. It was a 3 lot subdivision with an additional parcel that had access to the back property that borders Cambridge Drive. ZEO said after looking at the subdivision maps it stated this (particular lot) was not a lot at this time and the owner needed to come in for a re-subdivision. ZEO said according to our regulations this would have to go to the Town Engineer for his review and then a public hearing would have to be scheduled by state statutes and our regulations. Mike Bokon said he thought this was something that was looked at before and there wasn’t enough clearance to see both ways when coming out from this lot. ZEO said this will all be discussed later and (the engineer) will look at all that, site line etc. Rich Delpier said something about this being a fire road and ZEO said the only thing he saw on the filed subdivision map is an easement for future sanitary sewer and the new map still shows that.

Upon **MOTION** by Cathe Sherman, seconded by Rich Delpier, it was unanimously voted to **ACCEPT FOR REVIEW** #13-488 Cambridge Wolcott LLC – Re-Subdivision for Todd Farms Section II (Across from Woodward Road) (Assessor’s Map #116-Lot 35c) and forward to the Town Engineer (for his review).

At this time Chairman Mahoney said we are going to back track (to Old Business):

OLD BUSINESS

#13-486 Wolcott DCP VIII, LLC – Site Plan Application for C-1 Retail Sales and Service Activities at 412 Wolcott Rd.

Luke DiStefano from Bohler Engineer came forward and said that at the last meeting he thought the project was very well received by the Commission but there were two issues, one being the design of the fence, originally proposing a wood fence and the Commission suggested a vinyl fence, and the other issue was the appearance of the front of the building. He said it looked too boxy and he showed the new proposed building with the front having a peak to it. He said once the plans have been approved they will submit architectural plans that will

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be inclusive of the modification to the façade, etc. Mike Bokon said he does not like the wood fence around the dumpster area, he would suggest chain link or vinyl as the wood fence would look dingy after a few years. Luke DiStefano said he doesn't think that will make a big difference if that is what is preferred. Cathe Sherman said she knows the Commission asked for a gable, which is what you have supplied, but she was hoping for a little more. Mr. DiStefano said the architectural on these buildings are a deal killer in most instances because the cost to put a true gable could be between \$130,000.00 and \$170,000.00 per site and with the deals that they have being thin already that kind of cost could kill the deal.

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **APPROVE** #13-486 Wolcott DCP VIII, LLC – Site Plan Application for C-1 Retail Sales and Service Activities at 412 Wolcott Road with the site plan submitted dated 6/10/13 and written approval from the Fire Marshal.

ZONING ENFORCEMENT OFFICER'S REPORT

Mike Bokon asked about a cooler in a driveway on Garrigus Court that is attached to a house and if anything was done about this yet. It was stated that nothing was done at this point but the building inspector will be notified.

Upon **MOTION** by Mike Bokon, seconded by Cathe Sherman, it was unanimously voted to **CANCEL** the July 3, 2013 meeting. (The next scheduled meeting will be July 17, 2013).

EXECUTIVE SESSION

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to go into Executive Session (at 7:04 p.m.) to discuss pending litigation matter, along with ZEO Dave Kalinowski and Attorney William Tynan.

(Regular Meeting reconvened at 8:01 p.m.)

ADJOURNMENT

Upon **MOTION** by Cathe Sherman, seconded by Virginia McHugh, it was unanimously voted to **ADJOURN** the Regular Meeting at 8:02 p.m.

APPROVED:

Ray Mahoney, Chairman
Planning & Zoning Commission

Edna Henderson, Recording Secretary
Planning & Zoning Commission