

**WOLCOTT PLANNING & ZONING
PUBLIC HEARING AND REGULAR MEETING
WEDNESDAY, JUNE 5, 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: Virginia McHugh

ALTERNATES ABSENT: None

ALSO PRESENT: David Kalinowski, ZEO

PERMIT APPLICATIONS

1. **#13-485 Michael Solla – Special Use Permit for C-14, a Fitness Training Facility at 18 Tosun Rd.**

ZEO said this is for a C-14 use and the property is across from Ultimate Services on Tosun Rd. He said M&M Roofing has fixed the property up since he bought it and submitted a site plan and he does meet the parking requirements. ZEO said the area is not paved but so are a lot of (businesses) in that area. He also said he told Mike (M&M) to identify the parking spots and put up signs for those spots. ZEO said he sees no problem with the business or the gym moving into this spot. Mike Favreau, owner of building, came forward and said Mike Solla is looking to go in to unit A, he occupies unit B&D and Ken Onofreo occupies unit C. He said each unit is approximately 2,000 square feet. Mike Solla said the average number of people at the gym at one time is around 8 to 10 people. Mike Favreau said the building is all brand new that he re-did everything inside. He also said he will mark off the 12 spots for the gym along with signs noting such. There was some question regarding handicapped parking and it was stated it was not required by building code. Cathe Sherman's concern was the parking lot not being paved. Mike Favreau said the parking lot is solid even when there are heavy rains but he plans on paving it eventually. He also said he has lighting around the whole outside and has emergency exit lights inside, everything was done to code. Mike Solla said he opens at 6:00 a.m. and closes around 7:00/8:00 p.m. depending on the night of the week. Mike Solla said technically the hours by classes is 6:00 to 7:00 a.m., 9:00 to 10:00 a.m. then open again at 5:00 to 7:00 or 8:00 p.m.

At this time there were no more comments from the public or the Commission and the Chairman Mahoney closed the public hearing on application #13-485 at 6:45 p.m.

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REGULAR MEETING

At 6:46 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 Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the minutes from the 5/15/13 Regular Meeting.

APPROVAL OF BILLS

There were no bills at this time.

CORRESPONDENCES

1. Beachwood Estates – Eva’s Terrace Bond Release

ZEO said this is off of Beach Road and this (development) started over 6-7 years ago. He said at that time there was a lot of blasting there and then the Council got involved when they were looking for road acceptance. He said the Council was concerned about the snow shelf. ZEO said there is a lot there that would require extensive blasting that is not developed and the Council wanted a separate bond put on it. ZEO said that is what was done and a maintenance bond was also put in place for two years that has since expired. He said the road is paved and everything has been done as far as the road goes, however, the slope and area off of lot 10 has not been done (\$15,000.00 bond in place for this). ZEO suggested giving this to the Consulting Town Engineer because of the concerns 2-3 years ago. ZEO said for that lot the bank is established and stabilized now and he doesn’t think that the snow shelf is that important for this one lot. ZEO said does the Commission set precedent to allow this to be done (approved) when someone else with another road can come in and ask why we allowed that to happen. ZEO told the Commission that a correspondence came in for this and the Town Engineer has to look at it and then it will be put on the agenda. He then went on to explain the bond process and an irrevocable letter of credit. Mike Bokon asked if they can release the other bond (there is a 61,000.00 maintenance bond and a \$15,000.00 slope bond in place) and ZEO said the Commission has the right to release the bond but it is his recommendation as the Site Inspector to just state what may still need to be done. He said he will go out with Mark (Consulting Town Engineer) within the next couple of weeks to review and then it will be on the next agenda.

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2. David Fitzpatrick – Extension to conditions stated on 1078 Wolcott Rd.

ZEO said Mr. Fitzpatrick sent a letter regarding his temporary permit (and conditions on said permit). ZEO said the neighbor has filed a lawsuit against Mr. Fitzpatrick regarding a property line dispute. Therefore Mr. Fitzpatrick said he cannot establish where he wants to put the fence, waiting to find out from the courts first. ZEO said this doesn't really have anything to do with the paving of the lot (which was a condition when approved) but it is up to the Commission to decide. Ray Mahoney said it was the neighbor who wanted the fence repaired so at this point he said let the courts take care of this. ZEO read the letter from Mr. Fitzpatrick received on 5/20/2013. ZEO said we can put discussion of this agreement on the agenda until this is taken care of.

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.

ZEO said this is still in court but believes there is a little bit of movement there and Chairman Mahoney said to keep it on the agenda. Mike Bokon asked if we gave her the okay to run her business and Ray Mahoney said we were allowing her (to run) because it was a non-profit and they were helping people.

2. #13-485 Michael Solla – Special Use Permit for C-14, a Fitness Training Facility at 18 Tosun Rd.

A **MOTION** was offered by Cathe Sherman, seconded by Rich Delpier, to approve #13-485 Michael Solla – Special use Permit for C-14, a Fitness Training Facility at 18 Tosun Rd. but with some strong conditions. She said she has concerns about the paving so anticipate that they will pave in the future but in the meantime a condition that they have it professionally lined and posted signs and that we anticipate in the future that they will pave. Mike Bokon asked if this can be approved without putting a time frame on the paving. There was a brief discussion and Cathe Sherman made an amendment to the motion to add to it that there be a temporary permit for one year to readdress the paving. The ZEO said so to understand we have three conditions, one is (parking spaces) professionally lined, the posted signs and a temporary permit for one year to insure that the paving will be done. Cathe Sherman replied “exactly” and Rich Delpier stated he seconded it again. Chairman Mahoney asked if there was any other discussion on the motion and hearing no one he asked all those in favor of the motion signify by saying aye (Commission responded) and then he asked if anyone opposed and hearing no one he stated motion carries.

NEW BUSINESS

1. Joe Dunne – Modification to Original Site Plan Application #11-453 for 16 Wakelee Rd.

ZEO said this is next to the Mona Lisa Restaurant off Rte. 69 and that Joe Dunne came before us for a permit to construct a garage. ZEO said some of the conditions then were there was no parking in the back of the building because he had a tree line back there that he was supposed to have established. He said Joe Dunne came in for a Certificate of Compliance for his zoning permit and ZEO told him the only problem would be (1) that you have equipment parked in back of the building and you can't park there according to your approvals and (2) you have your tree lines and certain things that have not been established yet that need to be put up. ZEO said Mr. Dunne was not aware that he had to follow the site plan exactly the way he drew it up and he should have proposed to put a privacy fence in the back. ZEO said the regulations are vague regarding fences in industrial zones but they do address residential zones regarding fences. He said it doesn't say anything about it in industrial zones however if you go down through the industrial zones in Wolcott there are multiple properties with fences that are 10 feet and 12 feet high for their protection. ZEO said he asked Mr. Dunne to get a letter from the neighbor that the fence he wants to put up is okay with them. (He did receive that letter). ZEO said Mr. Dunne wants a modification to his (original) approval which will mean that he will be able to park behind the building and move a dumpster enclosure to other side of building to allow him to park along the back of the building. Ray Mahoney said what they are calling the back of the building looks like the (right) side of the building from Wolcott Rd. Mr. Dunne said he would like to park equipment on both sides. ZEO said this is on the Rte. 69 corridor and during the process of the original permit it was discussed about parking the equipment inside the garage and Joe (Dunne) would like to park outside as well. ZEO said his concern was the privacy which (Joe Dunne) has addressed with a 12' and 6' high fence. ZEO said before this Commission is the question of do you modify the site plan to allow him to do this or do you leave it alone and allow him to establish the tree line that is shown on the (original) plan and make sure everything is parked inside. Chairman Mahoney read the letter from owner of Mona Lisa for the record (see attached). Mr. Dunne said the back (of his property) is towards the woods and the side is by Mona Lisa. There was a brief discussion regarding a swinging gate also. Mike Bokon asked if he was going to secure the whole property with a fence and Mr. Dunne said not right now. Mr. Dunne said eventually he would like to put a vinyl fence separating part of the house from him and an additional chain link fence along the other side of the property where the house is but funds are limited right now. ZEO said if the Commission is going to make a motion to approve this then you should really know what fence you are putting up, how far the fence will be and just stipulate where the equipment can be parked.

Upon **MOTION** by Cathe Sherman, seconded by Mike Bokon, it was unanimously voted to **ACCEPT FOR REVIEW** Modification to Original Site Plan Application #11-453 for 16 Wakelee Rd.

There was a brief discussion regarding the fence material, construction of fence and color of slats, etc. (color of slats is to be determined between applicant and neighbor). Joe Dunne asked if in the future he wanted to put in another section of fence does he have to come before the board again.

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Ray Mahoney and Cathe Sherman said they are trying to do the site plan all at once. Joe Dunne said he would like to put a fence up separating the house property and enclosing his back yard. He said he would keep it the same type of fence but it would be only 6 feet in height. He said he was going to do a vinyl fence in some areas so it will look nicer for the neighbor. Rich Delpier said then he would have to come back (before the Commission) and ZEO said because it is on the Rte. 69 Corridor then yes because of what they want to put up. ZEO said if the Commission is going to approve the fences then you could approve it as he says with same material and same thing to be around the perimeter of the property and that covers it. Chairman Ray Mahoney said he was looking for a motion to approve the fencing around the perimeter of property with slats on one side only.

A **MOTION** was offered by Cathe Sherman to **APPROVE** the Modification to Original Site Plan Application #11-453 for Joe Dunne at 16 Wakelee Road with the stipulation that it is going to be a chain link fence with vinyl slats, pvc coated, (slat) color to be determined between Joe (Dunne) and neighbor for parking on north side of property 12 ft (fencing) from west to central portion and then 6 ft. (fencing). A discussion followed to state there would be a 175 foot area of fencing that would be 12 ft. and a 100 foot area will be 6 ft. in height.

A **MOTION** was offered by Cathe Sherman to **APPROVE** the Modification to Original Site Plan Application #11-453 for Joe Dunne at 16 Wakelee Road as stated on plan dated May 10, 2011 identified as improvement location survey – proposed grading & utilities plan, sedimentation and erosion control plan and landscaping plan for assessors lot 13 prepared for Joe Dunne. ZEO said with the motion are you also going to allow him to park equipment outside as long as it's ----. Cathe Sherman said yes that he is able to park outside on his property so long as it is obscured by said fencing on map. Again a discussion followed as to what was considered the side and back of property and where he wanted to park equipment. ZEO said are you calling the back the west side and Joe Dunne said yes. Cathe Sherman said she would like to amend her motion to make it applicable that he can park on the west side. Chairman Mahoney said to start the motion right from the beginning and Cathe Sherman withdrew her motion.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **APPROVE** the modification to original site plan application #11-453 Joe Dunne for 16 Wakelee Road with the site plan as submitted on 6-4-2013 with the stipulation that there be parking along the north and west side of the property and the fence be PVC chain link with slats in which color to be agreed upon by said neighbor and Joe Dunne. (NOTE: Mike Bokon was not present during motion).

ZEO said to the applicant that you have permission to install your fence on the plan which is 12 foot and 6 foot on the north side of property. You also have permission to park equipment on the back side of property which is the north side and also on the left side but it doesn't mean you can park equipment all along the south side and east side. He said the reason for that is because they do not want to look at it all parked in the front. ZEO also said if you want to put up another fence and continue it around your perimeter, you are allowed to put up a fence without a permit, however because it is on the Rte. 69 Corridor I'm sure it is something that can be approved as a small

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modification and you wouldn't have to go through this (process) again. Joe Dunne asked what they are determining as equipment, are you determining equipment as a dump truck and ZEO said yes. Joe Dunne then said he wanted to park along the south side of his property too and ZEO said so you are looking to park your equipment and trucks on your property and proposing to put a fence on the north side only and nowhere else right now and Joe Dunne said yes but he would like to put up more fencing in the future. ZEO said then it would have been better if you showed now what you planned to do with the rest of the fencing because it is a whole different ballgame. ZEO said keep in mind that dump trucks and pickup trucks are registered as motor vehicles and equipment would be excavators, dozers, etc. Chairman Mahoney said the motor vehicles are fine. Chairman Mahoney said anything that is registered he does not see a problem with it.

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

ZEO said we started this project about a month ago with the applicant and that he has been one of the most professionals that came to his office as far as having preliminary meetings to see what the zoning regulations are and also for the Rte. 69 Corridor. ZEO said it is a retail store and the Engineer has looked at the property map, drainage calculations, etc. He said in a correspondence given to him regarding the parking issues, they are shy by requirement by 8 spaces. He said the Commission is allowed to waive 25% of the parking but the applicant would have to show on the plan where they would be able to achieve said parking and they did. He said we have a sign off from the Inland Wetlands and Town Engineer but the Fire Marshal and Sewer and Water have not yet signed.

Luke DiStefano, Boehler Engineering, came forward and said it is a new retail development to be located at 412 Wolcott Rd. He said it is two properties right now and ultimately it will be consolidated once approval from the Planning & Zoning Commission. He said it is just over 56,000 square feet and when he is discussing said property it is as if the two properties were combined. He said currently there is no access off of Wolcott Road, there are no utilities and storm water is basically sheet flows from the north and into a catch basin just south of the property. He said if approved the applicant is looking to construct a 9,100 sq. ft. Dollar General Store. He said this is the nation's largest per store retailer right now and have over 10,000 locations in the U.S. alone. He said there is not a large presence in New England and they are looking to change that. He said the company has been in business since 1939 and they buy name brand products, in volume, and sell at discounted rate. Mr. DiStefano said the site will be serviced by 40 parking spaces, and 7 of those are land banked. He said these stores on average have the register opened and closed 10 times an hour and that's basically how they just have a steady flow of customers. He said these stores typically employ 10 to 15 people. He said parking would be on the north side with the majority of it on the west side, adjacent to Wolcott Rd. He said there will be one full movement curb cut that will be 36 ft. wide and they will still need to get D.O.T. approval. He said they are proposing landscaping around all 4 sides of the building although it does get a little narrow on the northern side. He said they were anticipating getting a grading easement on the abutting property to the north but that didn't happen so there is a retaining wall on the north side and behind that wall will be stone. He went on to say they do have a large stormwater management basin on the easterly side of the property and they are proposing to collect the water that is on the paved surfaces and

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direct it into that basin. He said utilities to the site will all be underground and will be heated by gas. He said Dollar General will have their own company come in to permit all signage for the site. Mr. DiStefano said the outside surface will be block and Chairman Mahoney asked where windows would be located and Mr. DiStefano said there are none. Mike Bokon was concerned about the lighting to neighboring property and Mr. DiStefano said there is at least 200 feet between them. Mr. DiStefano said the heating and air conditioning units are going to be situated in back of the building on a slab. He said he feels this (type of store) will do well in Wolcott. Virginia McHugh asked what would be put on the top of the wall as a buffer on the north side. Mr. DiStefano said they are proposing a retaining wall with a fence on top with gravel in back to keep slope from eroding away. He said along with the 150 to 200 feet of natural vegetation to the north that will provide screening also. He said they are proposing a wood fence but ZEO and Chairman Mahoney said that a vinyl fence would be what they want. Rich Delpier asked about the time frame as to when it will be completed after plan approval and Mr. DiStefano said they want to be open as soon as possible and if he is lucky enough to get approvals here the next step is to go to D.O.T. He said it will probably be a couple months process through D.O.T. There was discussion regarding fire apparatus being able to access property and it was stated we are still waiting for Fire Marshal approval. Mike Bokon asked if we have anything in our plans as to the way the construction of the building should be on the Rte. 69 corridor. ZEO said in Section 35 of the regulations it tells you what the purpose of that regulation is and he then read Regulation #35.1.1. Mike Bokon said then as far as the aesthetic of the town does that mean it has to be old fashioned, as he thought when Dunkin Donuts came in they had to get a special permit because there was an issue when the CPE Electric building went up. ZEO said during the process of going through this application he had discussions with the applicant and he requested a couple architectural and different designs and the applicant at that time said he would address it at this meeting. Mr. DiStefano said that they run every site individually and this is a developer's site and Dollar General will be taking it over after the developer does (his thing). He said normally they do not use split block over the whole building, there will be metal panels along the back of building that will typically be the entire façade. Chairman Mahoney was questioning the fact that there are no windows in the building and ZEO went on to state about the landscaping of trees and not much of the building will be noticeable once trees grow. There was a discussion regarding the building approved next to the bowling alleys and asked the applicant if he saw those plans, which he did. The commission would like to see the front (façade) of the building to change instead of just the appearance of a flat area. Mr. DiStefano said he would bring that back to the developers and (go from there). There was a discussion that the Commission wanted the front of the building to look different than just a flat roof. ZEO said he realizes that this is the first time the Commission has seen this application but because it is not a special permit a public hearing is not required however, you do have to accept it for review and take in everything that has happened tonight and we should have a letter from the Fire Marshal for the next meeting.

Upon **MOTION** by Cathe Sherman, seconded by Chris Edquist, it was unanimously voted to **ACCEPT FOR REVIEW** #13-486 Wolcott DCP VIII, LLC - Site Plan Application for C-1 Retail Sales and Service Activities at 412 Wolcott Rd.

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ZONING ENFORCEMENT OFFICER'S REPORT

ZEO said that there were plans for a new business given to him today. He said it is the under the same use line but the use is different. (Prior use was a hair dresser and the new use is a dollar store at 1585 Meriden Rd.). ZEO said it is only 1,500 sq. ft. and the parking lot lines should be painted as soon as possible. ZEO said he is trying to update records for the older plazas in town when new businesses go in. He said the applicant did not know he needed a building permit and was planning on opening this weekend. ZEO wanted to make sure the Commission had no concerns with this before signing off. There was discussion about the road work going on in town and ZEO said that has to do with public works but the guys are out every day checking the catch basin repairs etc. Ray Mahoney said the Romaniello building on Wolcott Rd. is finally down. Ray Mahoney asked that a form be sent to blight for the collapsed garage on upper Wolcott Rd.

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 8:36 p.m.

APPROVED:

Ray Mahoney, Chairman
Planning & Zoning Commission

Edna Henderson, Recording Secretary
Planning & Zoning Commission