



# Town of Watertown Connecticut

Planning and Zoning, Zoning Board of Appeals,  
Conservation Commission/Inland Wetland Agency  
Watertown Government Municipal Center

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## MINUTES ZONING BOARD OF APPEALS WATERTOWN, CONNECTICUT

### PUBLIC HEARING

Griffin School, LLC

26 Davis Street and 423 Main Street, Oakville, CT.

**Time:** 7:30 P.M.  
**Date:** Wednesday, November 16, 2011  
**Place:** Watertown Municipal Center Conference Room  
61 Echo Lake Road  
Watertown, Connecticut

#### 1. Call Meeting to Order

Chairman, Mr. Enrico Sarandrea called the public hearings to order at 7:30 P.M.

#### 2. Roll Call

Secretary, Mr. Phil Roger executed the roll call

**Present:** Chairman, Mr. Enrico Sarandrea  
Secretary, Mr. Phil Roger  
Mr. Jason Alldredge  
Vice Chairman Mr. Chris Dupont  
Mr. Gary Swingle  
Mr. Roger Mitchell  
Mr. Ned Dalton

**Absent:** Ms. Joanna Abraham  
**Also Present:** Assistant Zoning Enforcement Officer, Moosa Rafey  
Land Use Secretary, Mr. Chuck Bezio

Mr. Enrico Sarandrea seated Mr. Gary Swingle for Ms. Joanna Abraham.

Due to echoing in the conference room and interference from electronic and mobile devices the tape recording of the public hearings and regular meeting is inaudible. The minutes are done by notes, documents submitted into the record and what could be understood on the recordings.

Chairman, Mr. Enrico Sarandrea recused himself from the Griffin School, LLC application.

Vice Chairman Mr. Chris Dupont seated Mr. Jason Alldredge for Chairman, Mr. Enrico Sarandrea.

**B. Continuation of the public hearing from October 26, 2011 – Application #952 of Griffin School LLC for four variances of the Watertown Zoning Regulations concerning B-C Central Business Zoning District for construction of a CVS building at 26 Davis Street and 423 Main Street, Oakville, CT.**

**Recess or adjourn the public hearing must be closed by November 30, 2011 unless applicant grants an extension of time.**

Mr. Pilicy Attorney Franklin Pilicy was present on behalf of the applicants and explained the variance application to the Board.

Ms. Rutherford Shannon E. Rutherford a Senior Project Manager at Vanasse Hangen Brustlin, Inc. located at 54 Tuttle Place, Middletown, CT 06457-1847, was also present on behalf of the applicants and reviewed the variance requested with the board.

**1. Section 31.5.4 Design Requirement**

**Section 31.5.4** The maximum front yard setback for all new buildings shall be 10 feet.

**Variance Required.** The building as located on the preliminary plan exceeds the maximum front yard setback of 10 feet. The positioning of the building allows for a traditional traffic pattern and circulation around the building that is familiar and comfortable for customers. It also allows the ADA accessible parking spaces to be placed in close proximity to the front door:

**2, Section 35.7.5 General Landscape Requirement**

**Section 35.7.5** In addition to landscaping requirements of Section 70, the following landscaping standards are required:

- a. Parking lots shall be screened from the street by a) ten (10) foot wide landscaped low ground berm or b) a four (4) high hedge fence. Such screening shall be located along the street line.

- b. b. Service yards, refuse storage areas, and parking areas shall be screened to preserve the street-scape in the neighborhood. Such screening shall include trees, shrubs, lawns, ornamental fencing, walks, brick, stone, cobbles and gravel where appropriate.

**Variance Required.** Planting of a hedge row that will grow to a 4-ft height will be provided along Main Street and Davis Street, excepting the areas near the driveways that are needed to maintain appropriate sight distance. The plants at the time of plantings will be 3ft in height. Planting of a hedge row along Yale Street and Jeffrey place will be limited as the proximity of the retaining walls to the street line will limit the room available for the planting. A 6-foot chain link fence with privacy slats or evergreen like woven material will be provided along the top of the retaining wall to provide screening of the site and act as a safety measure along the top of the wall. A variance will be required for no landscaping being provided along 170 feet of the Yale Street frontage as measured from the current Jeffrey Street property line. The balance of the frontage along Yale Street will include a hedge row that will grow to a 4-ft height, similar to what is proposed along Main Street and Davis Street. A variance will be required for no landscaping being provided along the entire frontage of Jeffrey place. Jeffrey Place has the added burden of needing to maintain the sight distance at the intersection, which will limit plantings near Davis Street, and the deeding of approximately 2,100 sf of property in order to provide the needed right-of-way for Jeffrey Place.

### **3. Section 63.9.4 No parking within 10-ft of a side or rear property line.**

**Section 63.9.4** No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within 10 feet of any side or rear property line except for shared driveways and shared access aisles between adjoining properties.

**Variance required.** The side and rear lot line, as discussed with the Assistant Zoning Officer, is limited to the 'internal lot line' shared with the adjoining property to the west along Main Street. The parking setback is exceeded at 3 different areas: 1) at the Main St drive aisle into the site by 1 foot; 2) at the 3 parking spaces near the front of the store by 5 feet+/-; and 3) at the portion of the drive aisle that leads from the front of the store towards the west side of the building by 2 feet+/- . All measurements are to the back of curb, providing a conservative measurement and the width of green space being provided. The 1 foot encroachment at the driveway entrance is to provide a uniform 18-foot driveway width in from Main Street, to facilitate a fluid entry from the site from Main Street. The 5-ft encroachment for the parking field near the front door is needed to maintain the minimum parking count for the CVS to effectively operate, and is directly related to the need to push the site forward to accommodate the encroachment from Jeffrey Place. The 2-ft encroachment along the access drive from the front of the store to the west side of the store is needed to effectively accommodate the large delivery vehicles and emergency vehicles. This is also directly related to the need to push the site forward to accommodate the encroachment from Jeffrey Place.

Ms. Rutherford

She reviewed the site plan with the Board. A new retaining wall will be installed along Yale Street as part of this project. We will provide a 4' hedge along the frontage of Main and Davis Street.

We cannot put hedge along Jeffery Place but we will put a 6' chain link fence. There is a portion of Yale Street that we can add hedge to the frontage. The remaining portion of Yale Street there will be a guide rail and chain link fence. For clarification purposes these revision I am submitting should be the one that is used for the record for this application as opposed to the previous versions that have been submitted.

Mr. Rafey

He reviewed the following memo with the Board.

To: Zoning Board of Appeals  
From: Moosa Rafey, Wetland Enforcement Officer  
Date: November 9, 2011  
Subject: App. #952 of Griffm School LLC for four variances of the Watertown Zoning Regulations for construction of a CVS building at 26 Davis Street and 423 Main Street, Oakville, CT.

The above referenced application has been submitted for the following four variances of the Watertown Zoning Regulations concerning B-C Central Business Zoning District for construction of a CVS pharmacy building at 26 Davis Street and 423 Main Street, Oakville, CT located in a B-C Central Business Zoning District:

1. A variance of Section 31.5.4 concerning maximum 10 feet front yard setback for all new buildings. Proposed CVS building as located and shown on the site plan will exceeds the maximum 10Ft front yard setback. Proposed building will be located approximately 71 Ft from front property line on Davis Street, 63 ft from front property line on Jeffrey Place, and 46 Ft from front property line on Yale Street. The building will not be located within the 10Ft setback area.
2. A variance of Section 35.7.5.a of the Zoning Regulations which states that "Parking lots shall be screened from the street by a 10-foot wide landscaped low ground berm or a four foot high hedge fence. Such screening shall be located along the street line". Applicant is proposing to install a IO-foot wide landscaped berm with 3-4 ft hedgerow along Main Street and Davis Street except the areas near the driveways that are needed to maintain required sight distance. However, planting of a hedge row along Yale Street and Jeffrey Place will be limited. Owner of this property is willing to deed approximately 2, I 00 Sq. Ft of his property to the Town of Watertown in order to provide the needed right-of-way for Jeffrey Place. Applicant should explain the hardship associated with the planning of a 10-foot wide landscaped low ground berm along Yale Street and Jeffrey Place required by the Zoning Regulations.
3. A variance of Section 35.7.5.b concerning screening of service yards, refuse storage areas, and parking areas by trees, shrubs, lawns, ornamental fencing, walks, brick, stone, cobbles and gravel where appropriate to preserve "the streetscape in the neighborhood.



Regulations. The application has been revised several times because of Planning and Zoning Commission. It was my understanding that it was only the Zoning Board of Appeals that could vary the Zoning Regulations. He reviewed the original variance requests by the applicant with the Board.

## Variations

### 1. Section 31.5.4 Design Requirement

Section 31.5.4 The maximum front yard setback for all new buildings shall be 10 feet.

Variance Required. The building as located on the preliminary plan exceeds the maximum front yard setback of 10 feet. The positioning of the building allows for a traditional traffic pattern and circulation around the building that is familiar and comfortable for customers. It also allows the ADA accessible parking spaces to be placed in close proximity to the front door.

### 2. Section 35.7.5 General Landscape Requirement

Section 35.7.5 In addition to landscaping requirements of Section 70, the following landscaping standards are required:

- a. Parking lots shall be screened from the street by a) ten (10) foot wide landscaped low ground berm or b) a four (4) high hedge fence. Such screening shall be located along the street line.
- b. Service yards, refuse storage areas, and parking areas shall be screened to preserve the streetscape in the neighborhood. Such screening shall include trees, shrubs, lawns, ornamental fencing, walks, brick, stone, cobbles and gravel where appropriate. Variance Required. Planting of a hedge row that will grow to a 4-ft height will be provided along Main Street and Davis Street, excepting the areas near the driveways that are needed to maintain appropriate sight distance. The plants at the time of plantings will be 3ft in height. Planting of a hedge row along Yale Street and Jeffrey place will be limited as the proximity of the retaining walls to the street line will limit the room available for the planting. A 6-foot chain link fence with privacy slats or evergreen-like woven material will be provided along the top of the retaining wall to provide screening of the site and act as a safety measure along the top of the wall. A variance will be required for no landscaping being provided along 160 feet of the Yale Street frontage as measured from the current Jeffrey Street property line. A variance will be required for no landscaping being provided along the entire frontage of Jeffrey Place. Jeffrey Place has the added burden of needing to maintain the sight distance at the intersection, which will limit plantings near Davis Street, and the deeding of approximately 2,100 sf of property in order to provide the needed right-of-way for Jeffrey Place.

### 3. Section 35.7.6 Parking shall be on the side and rear yard

Section 35.7.6 All parking shall be on ground level and below and parking shall be on the side or rear yard but the Commission has the right to waive parking location in special circumstances where parking cannot be provided in the side or rear yard. A variance will be required if the Planning and Zoning Commission does not approve a waiver. Given that the site has four frontages there is limited opportunity to place the parking in the side and rear yard. Also, as

noted above the positioning of the building allows for a traditional traffic pattern and circulation around the building that is familiar and comfortable for customers. It also allows the ADA accessible parking spaces to be placed in close proximity to the front door.

#### 4. Section 52.9.8 Drive Thru Stacking Requirement

Section 52.9.8 Where the proposed use involves a drive-through facility, the applicant must demonstrate that the stacking lane area designated for the drive-through can accommodate not less than twelve vehicles on side. This requirement must be in addition to the normal parking requirements for the proposed use. The site plan shall include appropriate pedestrian walkways, appropriate lanes for bypass traffic to enter and exit the site with additional landscape areas, the drive-through facility window should be located so that it is not visible from the street. No special permit shall be issued for a facility with a drive-through within 500 feet of another facility providing a drive-through. (Effective January 17, 1995. Amendment adopted 1/11/95). A variance to this requirement is required, as the site cannot accommodate stacking for 12 vehicles per lane, plus a bypass lane, as discussed with the ZEO. As shown on the plan, stacking for a total of 12 vehicles can be accommodate - 6 per lane, plus the bypass lane.

#### 5. Section 63.8.5 (f) Driveway Width

Section 63.8.5(f) The maximum driveway width shall be 30 feet, measured at and parallel to the street line, except for two-way access to non-residential uses with a raised island in the center, for which the maximum width shall be 44 feet.

Variance Required. The site driveways exceed the maximum 30-foot width at the street line, and the 44-foot width with raised island in the center, due to the need accommodate the delivery truck and emergency vehicles. If a 3-inch raised mountable island with sloped edging, is acceptable as meeting the requirements of the 'raised island' in the 44-ft driveway then a variance may be avoided.

#### 6. Section 63.9.3 No parking in the within the required front yard.

Section 63.9.3 No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within the required front yard, except for driveways directly from the street or driveways which serve as parking areas for single-family dwellings. Possible Variance Required. The code indicates that no parking (parking spaces, driveways and access aisles) is permitted in the front yard. We attempted to argue that per the requirements in the BC district there is not a minimum front yard setback and therefore there is not a minimum setback for the parking and drive aisles (excepting the provisions of 35.7.5 noted above). If a variance is required we would need to understand the dimensional requirements we are being held to, in order to accurately quantify the variance request. A variance may not be needed depending on Commission interpretation of this regulation.

#### 7. Section 63.9.4 No parking within 10-ft of a side or rear property line.

Section 63.9.4 No parking area or portion thereof, including parking spaces, driveways and access aisles, shall be located within 10 feet of any side or rear property line except for shared driveways and shared access aisles between adjoining properties.

Variance required. The side and rear lot line, as discussed with the Assistant Zoning Officer, is limited to the 'internal lot line' shared with the adjoining property to the west along Main Street. The parking setback is exceeded by 6 inches along the drive aisle into the site from Main Street, by 5 ft. for the parking spaces near the front entrance of the store, and by 2 ft. for the portion of the drive aisle that leads from the front of the store towards the side with the drive thru. All measurements are to the back of curb, providing a conservative measurement and the width of green space being provided. The 6-inch encroachment at the driveway entrance is to provide a uniform 15-foot driveway width in from Main Street, to facilitate a fluid entry from the site from Main Street. The 5-ft encroachment for the parking field near the front door is needed to maintain the minimum parking count for the CVS to effectively operate, and is directly related to the need to push the site forward to accommodate the encroachment from Jeffrey Place. The 2-ft encroachment along the access drive from the front of the store to the west side of the store is needed to effectively accommodate the large delivery vehicles and emergency vehicles. This is also directly related to the need to push the site forward to accommodate the encroachment from Jeffrey Place.

#### 8. Section 63.11.1 Drive Aisle Dimensions

Section 63.11.1 Except as otherwise specified herein, the minimum dimensional requirements for parallel, angled and perpendicular parking spaces shall be as follows:

- a. Parking angle (degrees) 0 45 60 90
- b. Curb length per space (feet) 23 13 10 9
- c. Space depth (feet) 9 18 19 18
- d. Access aisle width (feet) 15 15 18 25
- e. Space width (feet) 9 9 9 9.

No Variance Required. VHB will modify the plan to ensure the drive aisle adjacent to the parallel parking spaces on the west side of the site meets the minimum 15 ft. requirement, excluding the stacking area for the drive-thru lanes.

#### 9. Section 70.4.1 and 70.4.4 Buffer between a Business District and a Residential District

Section 70.4.1. The minimum width of a buffer for multi-family residential uses shall be 20 feet; for non-residential uses, 50 feet. Section 70.4.4 the Commission may reduce or waive this buffer requirement and instead authorize the substitution of screening as fencing or walls in accordance with the requirements of Section 70.5. A variance may be required, depending on the interpretation of the zone line and if the planning Board chooses not to grant a waiver. The Assistant Zoning Officer differed to the Zoning Officer on this matter. The Zoning Officer interprets the site as abutting Residential zones and is discounting the fact that the site abuts Yale Street, Jeffrey Place and Davis Street and that the zone line is along the centerline of the street not the property line. Should the Commission agree with the Zoning Officer's interpretation, the 50-foot buffer would apply and we would need a waiver or variance from this requirement as clearly the site does not lend itself to accommodating a 50-ft buffer along each of these street frontages? Even if the 50-ft were to be measured from the zone line instead of the property line, this requirement is not attainable for the site. Section 70.4.4 includes the waiver provision for the board and permits the use of screening such as fencing or walls in accordance with section 70.5.

The screening in section 70.5 is likely reasonably attainable along Yale Street and Jeffrey Place assuming we can come to an agreement regarding the type of fence to be installed. It is very questionable whether the screening can be accommodated along Davis Street, as CVS will not be agreeable to anything taller than the 4-ft hedge agreed to and discussed under Item 3 above - Section 35.7.5. 10. Section 70.6.3.b(1) -Minimum dimensions of end islands Section 70.6.3.b(1) Landscaped areas shall be provided in parking lots, distributed among end islands, interior islands and planting strips; there shall be allocated at least 20 square feet of net planting area per parking space and at least one shade tree and three shrubs per 12 parking spaces or major fraction thereof. There shall be no more than 12 contiguous parking spaces without an interior or end island.

(1) End Islands shall be:

(a) Provided at each end of each row of parking spaces;

(b) Curbed and landscaped; and

(c) A minimum of 9 feet wide by 17 feet long for a single row of spaces and 9 feet wide by 34 feet long for a double row of spaces.

No variance. The Assistant Zoning Officer differed to the Zoning Officer on this matter. Ruth indicated that the minimum landscape island dimensions only pertain to the islands used to separate / delineate 12 spaces in a row. Therefore, this requirement only applies to the 13 spaces that front Davis Street and the three islands meet the dimensional requirement of 9 ft x 17 ft.

Mr. McNickle

It is my understanding that the state statues allows your Board to vary the Zoning Regulations. How can the planning and Zoning grant variances for all of the activity they original requested. He also noted for the record that Board member Gary Swingle had mentioned on the site walk that this project was a good project and good for the town. Since the Board member had already pre-determined the applicant her requested that he recused himself for this application.

The Board and the applicant discussed Mr. McNicle's concerns. The recording is inaudible to document the conversation.

**MOTION:** Mr. Gary Swingle moved to close the public hearing.

**SECOND:** Mr. Roger Mitchell

**VOTE**

**AYES:**

Secretary, Mr. Phil Roger; Vice Chairman Mr. Chris Dupont; Mr. Gary Swingle, Mr. Jason Alldredge and Mr. Roger Mitchell.

**NAYS:** None.

**MOTION UNANIMOUS PASS T 5-0.**

Vice Chairman Mr. Chris Dupont recessed the public hearings at 8:42 P.M.

Attest:

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Chairman, Mr. Enrico Sarandrea  
Zoning Board of Appeals