

Town of Watertown  
Planning and Zoning Commission  
**Public Hearing**  
**Town of Watertown Zoning Regulations**

Time: 7:00PM  
Date: February 4, 2009  
Place: Watertown High School Technology Center  
324 French Street  
Watertown, CT

1. Call meeting to order
2. Roll call

Members Present: D. Minnich, R. Russ, M. Masayda, G. Martin, C. Mancini,  
G. Duplissie, J. Blais, D. George, K. Demirs

Members Absent: R. Rondeau

Others Present: Ruth Mulcahy, Administrator of Land Use  
Paul Jessell, Town Attorney

**c. An amendment to the Town of Watertown Zoning Regulations**

**Section 42 – Restricted Industrial – IR-80 and IR-200 Districts**

**Add to Permitted Site Plan Uses**

**Section 42.3.11 – In an IR-200 Zone, Building or Construction Contractors with no outside storage of unregistered vehicles, equipment, materials or supplies.**

Masayda: The Planning and Zoning Commission for the Town of Watertown, Ct. will hold a public hearing on Wednesday, February 4, 2009 at 7 pm at the Watertown High School. Technology Center, 324 French Street, Watertown, Ct. on the following:

An amendment to the Town of Watertown Zoning Regulations

Section 42 – Restricted Industrial – IR-80 and IR-200 Districts

Add to Permitted Site Plan Uses

Section 42.3.11 – In an IR-200 Zone, Building or Construction Contractors with no outside storage of unregistered vehicles, equipment, materials or supplies.

At this hearing interested persons will be heard and written communications will be received. A copy of the site plan and applications are available for review in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT. between the hours of 8am and 5 pm or by appointment or by calling 860-945-5266. A copy of the zoning text amendment is also available for review in the office of the Town Clerk, DeForest Street, Watertown, CT. between the hours of 9 am to 5 pm dated Watertown, Ct. this 24<sup>th</sup> and 29<sup>th</sup> day of January 2009.  
Michael Masayda, Secretary, Planning and Zoning Commission.

Martin Connor – Planning Consultant

Currently I am the City Planner in Torrington and Consulting Planner for several cities over the Northwest, if I could submit my qualifications for the record.

I am also entering into the record a planning report that I submitted to the Planning and Zoning Commission on January 7, 2009. I was retained by Hardrock Development LLC to review and comment on their proposed amendment to the Watertown zoning Regulations Article 4 industrial districts to restricted industrial IR80 and IR200 districts. They wish to propose a subsection 42.310 under permitted site plan uses. This use in my opinion will provide a favorable and stable environment for the growth of industry which will strike Watertown's employment opportunities and economy. This will minimize standards to adjacent residential zones.

Building with no outside storage or unregistered vehicles, materials or supplies allows for a use that fulfills a large need in Watertown and surrounding areas. There is presently a shortage of buildings for electrical and plumbing that building contractors can use for office equipment and materials for the Litchfield County area. The majority of job growth in Connecticut has been with small businesses. contractor businesses are usually owned and operated by local residents in providing employment for local residents as well. The proposed amendment is consistent with Watertown's 2007 plan of Conservation and Development section 5.0 under economic development the primary goals are to retain and expand existing business and attract new ones that provide jobs and services products and tax revenues need to sustain the community growth.

The profile of Watertown businesses has shown that the town manufacturing sector has softened since 2000. Watertown economy mirrors other states in that service and trade sectors have been the economic growth areas that provided the greatest change for Watertown with jobs and services and tax revenue needed.

In section 5.4 industrial areas of the plan indicates that there is not a large amount of land available to support new businesses within the town existing business districts estimated at 8% of total land. The proposed new regulations will allow within Watertown's available IR 200 industrial land places where construction, contracting businesses and the new start ups mentioned in the plan can locate.

I reviewed a referral provided by the Commission with Mr. Gold's dated 12-22-08 regarding a similar zoning amendment that would allow businesses and construction in the IR80 zones but not the IR200 zones. In his report of that proposal he indicated that this use in the IR80 zones is in conformity with the regional and state plans of conservation and development. Mr. Gold's memo had questioned why the proposed amendment did not include the use allowed in the IR200 zones as well.

An updated report was received from Mr. Gold on our proposed regulation and that report dated 1-29-2009 under staff recommendations stated that the proposed text amendment is in conformity with the regional and state plans of conservation and development and accordance with staff suggestions presented in a referral letter WNZ82121508 dated 12-22-2008 that I was referring to in my report. I am in agreement with Mr. Gold comments on the area and dimension requirement contained in 42.6 contain more restrictive setbacks for buildings in the IR200 zone in comparison to the IR80 zone.

The standards for site plan approval contained in Section 51 of the zoning regulations in my opinion would provide the Commission during your site plan approval process would allow you to make sure the proposed uses are minimized disturbance to adjacent residential zones. In addition Section 51.11 of your regulations allows the Commission to attach such conditions and safeguard as maybe required to protect the public safety, health and general welfare and to ensure continued compliance with the regulations.

In conclusion is my professional opinion that the proposed new subsection 42.310 in the IR200 zone is consistent with the Watertown's Plan of Conversation of Development and is an appropriate and additional use to the regulations. It will promote an economic growth providing jobs and services and tax income and can provide additional candidates for your volunteer fire and ambulance departments.

Minnich: Is there any questions from the Commission? Are there any comments or questions from members of the public?

Martin: We just had done this for the IR80 which was a construction company. The sites are usually not very big sites such as electrical and plumbing what is the need to go to an IR200?

Connor: It provides an additional use that could be allowed in the IR200 zone and some of them are quite large. We have O&G in the city of Torrington and we have other larger ones too that are in our industrial zones. The industrial park zone is used for this type of business and it provides them with the opportunity for a larger building and I think more opportunity for job growth too and these people are hiring from the local areas.

Martin: I agree and I think that is why we did it in the IR80. Why that large of a site if you are looking to put an O&G in there then that explains it.

Connor: But we do not want an O & G it is all exterior storage. The other thing that comes to play that I did not mention in my report is these types of businesses do not need to be on the Straits Turnpike, they do not need to be highly visible to use the services that they provide.

Duplissie: In the IR200 that is our premier industrial and I am afraid of having a contractor or construction company and when they start to grow and put their equipment and stuff outside they are right against some of your premier space and then it becomes a policing thing with us to get them to put it inside and it is very hard to control.

Connor: You have very restrictive site plan regulations and I know you have a very capable enforcement person that would review your plans and that they meet with your regulations. You also have the ability to add conditions to make sure that it does not become a problem.

Minnich: What is the urgency for this to be approved? What are we going to be seeing coming in, what company?

#### Nick Perugini – Hardrock Development

We have quite a few people that are looking to build a facility that could have electrical plumbing, we might be looking to put a truck that is not registered outside and we cannot do that. But why do it an IR80 it is a small piece it is the same thing. The buildings could run 5,000 square feet; the tenant might want to put something outside. We might to rent it or sell it to someone who wants to store something outside.

Minnich: Do you have somebody in mind?

Perugini: No we don't right now.

Duplissie: Did he say they want to put something outside? There is no outside storage on these buildings. With the IR80 perfect space for it because it is small space and the larger contractors, we will open up a can of worms because they expand so quickly.

Minnich: Obviously this is a legislative function for us to make this change. In making this change one has to visual the impact the role that we have here. This type of activity is available in other industrial areas of our town as you know and recently has been expanded. We have been over the years highly protective of IR200 zone and what goes there. If I see a construction company in a facility, I do not understand why it could not be in IR80 in those areas of town? There are concerns with construction companies as you may well know and the neighboring of that concept IR200 zone is.

Perugini: I do not know who is coming but by approving this it us an opportunity to sell it or build a shop.

Minnich: So why not come back when you have somebody with a zone change?

Connor: I think my client is trying to point out this gives him an opportunity to market his property as in the IR200 zone from my perspective right now. With these economic times it is important to grow the small businesses and this gives us an opportunity to market his property.

Minnich: I feel much easier approving if I knew once again what is coming? I am certain when you get somebody who wants to do that I do not see why you could not come back and ask us to look at the zoning regulations.

Masayda: We cannot assume that the person buying this business is not going to meet the conditions of the approval especially with the enforcement. This whole point of this industrial area is trying to attract businesses the mechanism that we try to attract businesses has enforcement stated in Sam Gold's letter dated back in December it should be IR80 and there is no reason not to approve it for the IR200. We are now going backwards now to not allow these types of businesses in the IR200.

George: With the regulations there are no vehicles outside and as soon as we asked him what is coming there he is talking about parking a truck outside. These things put doubts in my mind.

Perugini: I apologize I did not mean to say that.

Duplissie: The last one that confronted us with the IR80 they came in front of us not only did they bring us their building plans, a site plan, and they spent a lot of time and energy and money designing this building to make this fit into their IR80 and they have nice neighbors there and they brought a really nice building that looks like it fits there. They are a management company more than a construction company so there is nothing outside; most of the building is office space. I am a little leery of turning over the IR200 to the terms that you are talking about and then have to deal with a police matter after.

Connor: We are asking for the exact same terms. The vehicles that were going to be there would have to be licensed.

Duplissie: They brought the client and the building.

Connor: As a planner that is very unusual for someone to spend a lot of time and money on, when it is not allowed in the zoning regulations. I do not recommend that folks do that. I recommend they change the regulations first and then spend the time and money to go through a whole planning process. This is a legislative change and you could just say no so it is difficult.

Masayda: Did you not present a plan with smaller buildings and then they come before the Planning and Zoning Commission and present. So are we not allowing this?

Minnich: There was no presentation approval for any buildings or parking lots up there. They are coming back to us with site plan modifications. What was approved was the use for that area, the road, and the underground utilities. There is really nothing up there before us for basic site issues.

Connor: We will bring you a specific use for that site plan. We would want to have additional uses in the IR200.

Minnich: Let me read into the record a letter of referral from COG from Sam Gold dated 1-29-2009.

The Hardrock Development LLC is proposing a text amendment to the zoning regulations to the town of Watertown. The proposal would add section 42.3.10 Building or Construction Contractors with no outside storage of unregistered vehicles, equipment, materials or supplies to the zoning regulations. This section would allow as a permitted site plan use construction contractor without storage in an IR200 zoning district.

Staff Recommendations:

The proposed text amendment is in conformity with regional and state plan of conservation and development. It is also in accordance with the staff suggested presentation and referral letter WNZ82121508 dated 12-22-2008.

Blais: The driveway in this area is in litigation also is that correct?

Minnich: That is correct. Any further comments from the public? Any comments from the Commission?

Mulcahy: The understanding that I have for Garsan's building is they are going to be able to park their registered vehicles.

Duplissie: Yes for their own registered vehicles, they are not for storage and they are going to bring them inside at night.

Mulcahy: I wanted to make that clear.

Perugini: Assuming somebody comes to me tomorrow and wants to put up a plumbing shop or an electrical shop can they do that at this site right now?

Mulcahy: On the Watertown business site, that is the whole idea of the zone change right now it is only allowed in the IR80 except in the IR200.

Perugini: I can't say to the small company they cannot be their right now and I can't say let's design a building for the Commission and say maybe they will approve it.

Mulcahy: I have gotten calls and I have told them it is not an allowed use in that area that is what generated this application.

Minnich: The uses are allowed in section 42.3 and it states all the uses that are allowed.

Martin: When they came before us on the other application you had intended use for that. Your thought process is changing the use?

Perugini: We want to branch out to be able to do something. Now we have a lot of inquiries with small shops, such as electrical plumbing and air conditioning. Right now we can't do anything up there with that.

Minnich: I disagree with you Nick in terms of what you presented to us? You were very clear to us and we approved.

- Perugini: I apologize but these small shops are not allowed out there and this is what I want to change. It is costing a couple of million dollars to put the road in and try to sell to somebody and say you cannot come here because it is not allowed.
- Martin: Is this something that has to be acted on tonight? I would like to do a little research on my own of what the effect of doing this would be to an IR200 zone.
- Perugini: I had no idea when we got the approval that these small businesses could not be there and I asked Ruth and she said they are not allowed.
- Connor: Clearly the market is dictating what kind of businesses are looking right now. My client is saying he has inquiries, he has property in the IR200 zone and we want to put it to good use we need your wisdom to take a look at this and please approve this.
- Minnich: What you are saying you want to have on that site, we would have denied your application. Our role is simple does it or does it not conform to the regulations. If you have told us differently what you are saying tonight we would have been obligated to deny your application. We did not deny your application we approved your application because you told us in writing and so forth that it would comply. So your site plan would not conform to what you are asking tonight.
- Perugini: What I wanted to do is not allowed which are small shops and I did not realize.
- Masayda: If you had one of those buildings in the site plan an industrial shop inside there, vs. a plumbing shop what is going to be different from looking on the outside? There is business there, there is no outside storage, and you have given him a bigger range of attracting a range of businesses to Watertown, what would be the difference other than what the contents inside the building are?
- Minnich: We very rarely approve a site plan like we received and approved, because we typically have a building, parking lot, and a site plan that is ready to go in five years. Now I am being told the site plan to which we spent time approving in terms of going through that whole process now is not what you intended to use.
- Masayda: He is still trying to use the same buildings he indicated when we granted that approval. They have to come in for each individual lot to show the buildings. So why not open it up something that does not have any effect to the outside of the building?
- Duplissie: It would be each individual space. There a multiple buildings and multiple tenants.

Mulcahy: There is one tenant per building since the site plan. Unless assembling goods I could not let the application go forward for any of those building. This was the misunderstanding, unless one of the contractors is also assembling goods as part of building something then I could not let it go forward as a contractor business. He did have two customers and I turned down their proposals that is how it was generated.

Minnich: The site plan is invalid for now what he wants to do.

Connor: Would it be possible for you to keep the hearing open and get comments from your Economic Development Commission?

Martin: I would like to leave it open as I stated before and what the effects our industrial zone?

Minnich: We will continue the public hearing to March 4<sup>th</sup>.

Connor: I will not be able to attend that meeting could you make it your next meeting. I am granting the extension.

Text of Motion: Continue public hearing to April 1, 2009 at the Watertown High School Technology Center, 324 French Street, Watertown, Ct. at 7:00PM.

Motion made by: R. Russ

Seconded by: G. Duplissie

All in favor and none opposed.

Michael Masayda \_\_\_\_\_  
Secretary