

Town of Watertown
Planning and Zoning Commission
Regular Meeting

Time: 7:30 PM
Date: Wednesday, March 4, 2009
Place: Watertown High School Technology Center
324 French Street
Watertown, CT

1. Call meeting to order

The Chairman called to order the meeting at 7:44 p.m.

2. Roll call

The secretary executed the roll call.

Present: Chairman, Mr. David Minnich
Vice Chairman, Mr. Gary Martin
Secretary, Mr. Michael Masayda
Mr. Ronald Russ
Mr. Carl Mancini
Mr. Jim Blais
Alternate, Mr. Ken Demirs

Absent: Mr. Glen Dupliesse
Alternate, Mr. Ray Rondeau
Alternate, Mr. Duane George

Also Present: Land Use Administrator, Ms. Ruth Mulcahy
Land Use Secretary, Ms. Carol Allen

K. Demirs sat in for G. Dupliesse

3. Public participation

Sue Kouhia – 63 Buckingham Street

I am concerned about the safety of the material that Echo Lake Brownfield is using for the expansion of a land fill on Echo Lake Road.

Mr. Minnich replied that is subject to a public hearing so at the time we have the public hearing you are welcome to talk about it.

4. Old Business

- a. Consider endorsing an amendment to the Town of Watertown Code of Ordinances “An Ordinance Creating Membership and Terms of Office for the Planning and Zoning Commission” (Presentation by Attorney Dov Braunstein from the Town Attorney’s office)**

Attorney Dov Braunstein – On behalf of Paul Jessell

The old ordinances did not set any guidelines for removal of members and the new ordinance will address that. If the new ordinance is approved by this Commission, then the ordinance will go before Town Council and the ordinance subcommittee, then back to the Town Council and go to public hearing.

Refers to the proposed section 36-31a what this new ordinance adds is that the Town council may remove any member for just cause following a hearing.

Refers to subsection D of section 36-31 states term of office for members six years with vacancies to be filled by the Town Council.

Refers to subsection E which discusses removal and states that any member may be removed upon a finding of just cause for removal exists and in accordance with all the procedures under the ordinance. Just cause will require one of the two following circumstances

1. The respondent board member fails to attend 3 successive meetings without reasonable cause or excuse and the complaint is commenced by four members of the Commission.
2. The respondent has been proven by clear and convincing evidence to have committed a gregarious misconduct of substantial nature in the exercise of office. The Town Council will decide what gregarious misconduct is.

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The complaint process is broken down into 3 steps.

1. The complaint process
2. The investigation process
3. The hearing

Mr. Masayda asked if this complaint process is for the removal of someone.

Mr. Braunstein replied this ordinance is for removal and nothing more than that.

Mr. Blais asked if this ordinance has one of two outcomes removal from office or dismisses and there is nothing in between.

Mr. Braunstein replied that is correct.

Mr. Blais asked if they determine if it is a slight infraction the Commissioner what happen then.

Mr. Martin responded it says if he committed a gregarious misconduct of a substantial nature.

Mr. Blais replied which could be very broad.

Mr. Braunstein said if the Town Council says it should be only a week suspension or six month suspension then it probably is not a gregarious misconduct.

Mr. Minnich advised that we need to look at this as Planning and Zoning Commissioner and their responsibility under state law vs. employee. The only issue here is whether a Commissioner should be holding office for that removal of office. The current ordinance which did not have a process and this now does have a process and this is putting language as to what is cause and anything else the council has no jurisdiction to do it.

Mr. Braunstein referred to subsection 5 the respondent shall have the right to be represented by legal counsel selected by the respondent at any point during this process. The municipalities responsibility to hold the respondent harmless for financial loss and expenses including legal fees and cost shall be governed by general statue 7-101a.

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Mr. Braunstein also noted that:

The investigation at the hearing shall be governed by the Connecticut rules of evidence for administrative proceedings under the Uniform Administrative Procedures ct.

The testimony of documents is only permitted on specific charges level in the written letter. The complaint cannot amend it at any time after it has been delivered to the town manager.

During any investigation or hearing on the provisions on this ordinance the respondent still can hold his position on the Planning and Zoning including any office thereof.

You are innocent until proven guilty. You are on the Commission until the Town Council says otherwise.

Mr. Braunstein referred to Subsection F the ordinance shall be effective after approval by the Watertown Town Council 21 days following publication of this ordinance.

Mr. Minnich said this accomplishes two of the issues that we all have been through which is what is cause and secondly put a process in place.

Our purpose is if we like what we see here is to endorse the ordinance that the Town Attorney office has written. The town attorney will bring this to the Town Council for their consideration and adoption.

We asked Paul Jessell in drafting this to prepare this on a very fair basis but he would be our advocate in front of the Town Council for doing this.

Mr. Braunstein said in final closing I think what this does is that board members should be able to defend claims which could be embarrassing, perhaps even harassment at times and that there has to be a process.

MOTION: Martin moved that the Planning and Zoning Commission endorses the revised ordinance for the creation of the membership of terms of office of the Planning and Zoning Commission and instruct the Town Attorney to present this Town Ordinance as written to the Town Council for their consideration.

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SECOND: Mancini.

VOTE

AYES: Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

5. Communications and bills

- a. Council of Governments Annual Report 2007-2008

Mr. Masayda mentioned noting the Council of Governments report there is a section page 10 of planning where it talks about the Naugatuck River Greenway and the progress that has taken and how pedestrian bicycle safety is becoming more with the various towns and trying to provide for that.

By unanimous consent place on file

VOTE

AYES: Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

6. Minutes

- a. Public Hearing February 4, 2009 Site Plan/Special Permit #258 for AT&T for an above ground 2,000 gallon diesel fuel tank located at 1053 Main Street, Watertown, CT in an B-G General Business Zoning District.
- b. Public Hearing February 4, 2009 Site Plan/Special Permit #259 and Motor Vehicle Location for Legends Auto Group, LLC for new and used vehicle sales (renovating existing building) located at 694 Straits Turnpike, Watertown, CT in a B-SC Business Shopping Center District.
- c. Public Hearing February 4, 2009 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
- d. Regular Meeting February 4, 2009
- e. Special Meeting February 17, 2009
- f. Special Meeting February 18, 2009

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By unanimous consent approve the minutes 6-a – 6-f

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

7. Staff Report

Ms. Mulcahy noted we did receive from the Town Manager if they had accepted the roads for Artillery and Whispering Hill.

The Council of Governments has completed the request for qualifications for the Naugatuck River Greenway Routing study and she has volunteered to participate in the selection process.

The Town of Watertown Housing Rehab Program that is coming around and Lisa asked for information to be distributed.

Ms. Mulcahy received a proposal from Steven Trinkus Engineering they have participated in a 3rd party review for Wetlands. He is an expert on low impact development and has offered to give a free presentation to the Commission if they were interested in the different techniques on low impact development.

Ms. Mulcahy received a memo from the Town of Watertown Park and Recreation Commission in regards to The New Millennium Development. Their regular meeting held on February 5th unanimously approving motions to request that The New Millennium Development will be installing screening along the Veterans Memorial Park property line.

Ms. Mulcahy talked to a gentleman who came in about 120 Falls Avenue. He mentioned there was an abandoned industrial building there that use to be a plating manufacturer. That there are back taxes of \$33,000.00 and this gentleman is interested in the property. I asked him to put in writing what he is pursuing and he told me he want to construct a dewatering company. Ms. Mulcahy asked if she could refer this letter to the Town Attorney, there have been recent court rulings about pre existing non conforming uses and whether or not intent of abandonment is the legal terminology that I have heard and whether or not abandonment has occurred here.

Mr. Blais respond didn't we had an issue years ago on this property.

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Mr. Masayda responded someone wanted to come in and change the use of it at the time we allowed the preexisting use and the residents came said that they wanted it to conform.

Mr. Blais responded and said someone bought that building and he tried to do something with it and the neighbors came out and they resolved it was abandonment for that use.

Ms. Mulcahy said for a town to prove intend of abandonment it is a lot more difficult and that the town might allow a lesser use. This would be up to the Commission.

Mr. Blais questioned if they documented how long the electricity has been turned off on the building and if it was documented. He thought a determination was made that it had been abandonment but you need to check on this.

Mr. Russ responded that the building was vacated and since the building is vacated and empty for a certain period of time it reverts back to the R12 it is now.

Mr. Masayda advised that this was previously researched and investigated and determination was made at the time several years ago and if staff could look at the old minutes and that would be the first place to start.

Mr. Minnich said he aware of the issues of abandonment and non conformity and we need to understand what he wants to do here and how is or is not like what he is currently doing because simply change of ownership does not change the fact that they continue the non conformity.

By unanimous consent refer the matter to the Town Attorney and ask for advice and ask Ruth to contact Mr. Funk and ask him if he wishes to pursue this matter to speak to the Commission.
(Re: 120 Falls Avenue)

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

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Ms. Mulcahy noted on 101 Portland Street we been having continuous complaints from a neighborhood about 3 unregistered vehicles at this address. Moosa has gone out and determined that there are 3 unregistered vehicles parked in the driveway next to the garage and we have sent out letters.

Our next step would be a cease and desist order and then that would involve attorney fees.

Mr. Minnich asked if Ms. Mulcahy was requesting for permission to go to the Town Attorney in assistance in this matter.

Mr. Blais asked if there use to be a law about an illegal junkyard that the police use to handle and did not know if there still is.

Ms. Mulcahy noted that there are college students that have not reregistered the vehicle and it is mostly financial.

Mr. Russ asked if it was unsightly and falling apart or if they are just everyday vehicles and if they cannot afford to register them. He did not see why we should spend any time on this.

Mr. Mancini advised I would like to see you send them another letter and say if there is a problem or you think you can get it done in a couple of months after a period of time if he does not want to do anything about it the neighbor does have rights also.

MOTION: Russ moved The Planning and Zoning Commission denies the request of the Zoning Enforcement Officer to use the Town Attorney in the matter of 101 Portland Street.

SECOND: Martin.

VOTE

AYES:

Minnich, Martin, Russ, Mancini, Blais and Demirs.

Nay: Masayda

MOTION PASSED 6-1.

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Mr. Masayda asked if the staff could research the files further with the issue of Falls Avenue with the previous Town Attorney.

Ms. Mulcahy said Franklin Pilicy has been advising Mr. Klunk, he said he would not represent him but he was drawing up a contract for Mary the Tax Collector for the purchase of this property and would certainly research it further.

Ms. Mulcahy also noted the traffic signal for the high school she did get the specs from the Board of Education and she has copies of bids and the design.

Mr. Minnich advised that the Watertown Police Commission they have a role in this, and they are kept in the loop.

Ms. Mulcahy asked the Commission if they wanted to pursue Steven Trinkus on having a presentation on low impact development?

Commission members said yes.

Mr. Mancini asked Ruth about street acceptance 4 meetings ago on Cornwall Drive with the lighting. At the budget meeting last night Roy Cavanaugh said that he was sending something to them for approval about Cornwall Drive for the price on the lighting and if she received anything. He note that there was suppose to be lighting on both sides before we approve the street.

Ms. Mulcahy responded that she had not received anything in writing yet.

8. Articles on agenda

a.	Applicant:	Garsan Corporation
	Agent:	Steven Whittaker
	Re:	Site Plan Approval
		Proposed 15,000 Sq. Ft. contractor
		business building
	At:	Mountain View Drive, Watertown
	Zone:	IR-80 zone

Steven Whittaker

I have with me Lisa Nelson the president, who also is available to answer any questions. We intend to construct a building of about 10,600 square foot footprint and a total area of approximately 15,000 square feet on two floors on Mountain View Drive which was previously approved by the Commission for a larger and more intense use.

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We have been before this commission to get a change of zoning to allow a contractor business in the IR80 zone and this proposal complies with all requirements that there be no outside storage of vehicles or equipment.

Parking on the upper level of the building for approx. for 25 vehicles as we go around the site there is parking for additional 20 vehicles.

You have a letter from us that describes some questions that Ms. Mulcahy had for us which we have dealt with. We have also presented the drainage calculations to the office.

The building will be constructed of concrete masonry units at the lower level and the upper level it will have a pitched metal roof with no mechanical units exposed.

Mr. Blais asked if there will be air conditioning at all.

Mr. Whittaker responded there will be air conditioning units but they will be inside the building. The upper level will be the access point from the street. The north and west elevation faces Mountain View Drive and it will have 4700 square feet of office area and the lower level will have 3,000 square feet of office space and the balance of the space will be for storage of materials and pre fabrication of building elements. Drainage from the parking areas from drains and pipes to an open swale and then into a retention basin. Lighting will be cut off fixtures for the pole and for the lighting on the building.

Ms. Mulcahy asked on the sign location if that was 10 feet from the property line.

Mr. Whittaker responded yes.

Ms. Mulcahy noted on the record that they have the 32 sq feet free standing sign allowed in the IR80 and IR200 and they are allowed 18 sq feet for a wall sign and they are proposing 12.

Mr. Minnich said before us is a draft motion of approval based on our past practice is there anyone has changes that they would like to make to this before I read it into the record. Hearing none then I shall read.

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WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from GAR-SAN Corporation for a 21,600 sq. ft. contractor business building with 41 parking spaces located on Mountain View Drive, Lot 4, Watertown, CT in an I-R80 Restricted Industrial District which includes a Site Plan dated 06/06/08 with a revision date of 02/09/09, a Grading & Utility Plan dated 06/06/08 with a final revision date of 02/09/09, Soil Erosion Control Plan dated 06/06/08 with a revision date of 02/09/09, Landscape Plan dated 06/06/08 with a final revision date of 02/09/09, Details SP 5 & SP 6 dated 06/06/08 with a final revision 8/12/08, Property & Topography Survey of property located at Lot 4, dated 4/09/08 Mountain View Drive, Watertown, CT prepared for GAR-SAN Corporation by Rose. Tiso & Co. LLC, Architects, Surveyors, Engineers, 418 Meadow Street, Fairfield, CT and S-1 Architectural Site Plan dated 2/18/09, A100 Lower Level Floor Plan and A101 Upper Level Floor Plan dated 12/03/08 with a final revision date of 2/18/09, A200 Building Elevations dated 12/03/08 with a final revision date of 2/18/09 prepared by Ames & Whittaker, 21 Church Street, Waterbury, CT; and

WHEREAS, the Commission heard the application on February 4, 2009, February 18, 2009 and March 4, 2009;

IT IS THEREFORE RESOLVED, the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a Building or Construction Contractor with No Outside Storage of Unregistered Vehicles, Equipment, Materials or Supplies from GAR-SAN Corporation for a 21,600 sq. ft. contractor business building with 41 parking spaces located on Mountain View Drive, Lot 4, Watertown, CT in an I-R80 Restricted Industrial District with the following conditions:

1. All exterior lighting including the 8 lights on twenty foot high poles and the two wall packs shall be full cut off fixtures as required in Article VI Section 61.4 Outdoor Lighting.
2. The exterior dumpster shall be screened as shown on Sheet S-1 Trash Enclosure Plan and Elevation.
3. Town Engineer recommendations for storm water management and site drainage shall be followed including the cleaning of the existing detention pond.
4. A note should be added to the plan which specifies that the operation and maintenance of the water quality swale is the responsibility of the lot owner.
5. A preconstruction meeting with the Town Engineer and Administrator for Land Use is required before site disturbance commences.

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6. All conditions of approval shall be listed on the final filing Mylar map.
7. Prior to Town officials signing a final mylar map and two paper copies, the final map with a signature block for the Chairman of Planning and Zoning with an expiration date shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on March 30, 2014.

MOTION: Mancini moved to approve site plan

SECOND: Russ.

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

b. Applicant:	Legends Auto Group, LLC
Agent:	Lou Hart - Valenti Motors, Inc.
Re:	Site Plan, Special Permit #259 And Motor Vehicle Location New and used vehicle sales (renovate existing medical building)
At:	694 Straits Turnpike, Watertown
Zone:	B-SC

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Mr. Minnich read the letter dated 2-20-09 to the Town of Watertown Planning and Zoning Commission regarding Legends Auto Group, LLC. Dear Mr. Chairman

We would like to withdraw our application at this time for Zoning. Change of Use at 694 Straits Turnpike, Watertown, Ct. at this time.

We also request a waiver for the fees paid until we are ready to reapply.

MOTION: Martin moved to accept the letter of withdrawal and consider the fees paid to be used toward a future application at the same site within a period of one year.

SECOND: Russ.

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

c.	Applicant:	City of Waterbury
	Re:	Bureau of Water
		Wigwam Reservoir
		Site Plan/Special Permit #260
		Construction of a pump house
	Zone:	R-90

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Flood Prone Area Special Permit #260 /Site Plan application for a public utility from the City of Waterbury, Bureau of Water for a 462 sq. ft. pump house and pumping station for a public water facility located on 301 acres at the Wigwam Reservoir, 1525 Branch Road, Thomaston, CT in an R-90 Residence District which includes Pipeline Plan and Profile STA. Sheets 1-6 dated May 2008, Pumping Station PS1 through PS10 dated May 2008 prepared by Roald Haestad, Inc., Consulting Engineers, Waterbury, CT; and

WHEREAS, the Commission heard the application on March 4, 2009;

IT IS THEREFORE RESOLVED, the Watertown Planning and Zoning Commission **APPROVES** the Flood Prone Area Special Permit # 260 /Site Plan application for a public utility from the City of Waterbury, Bureau of Water for a 462 sq. ft. pump house and pumping station for a public water facility on 301 acres on the Wigwam Reservoir located at 1525 Branch Road, Thomaston, CT in an R-90 Residence District:

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8. All exterior lighting shall be full cut off fixtures as required in Article VI Section 61.4 Outdoor Lighting.
9. Prior to Town officials signing a final mylar map and two paper copies, the final map with a signature block for the Chairman of Planning and Zoning with an expiration date shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on March 30, 2014.

Motion made by: M. Masayda
Seconded by: Russ

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0

Ms. Mulcahy noted the fee for waiving is \$3,930.00.

Mr. Martin asked if it was normal procedure between communities.

Mr. Minnich replied in the ordinance there is when the project is in the public interest then we waive those fees. To answer your question all public projects that I am aware of we waive the fees.

Mr. Masayda noted that there is no staff help; they are not going to be out there inspecting or anything like that so there is no reason to have the fee.

Ms. Mulcahy said there is cost we are going to have to pay the state fee, the legal ads and there are costs incurred to the town.

Mr. Mancini asked what the costs were.

Ms. Mulcahy replied there are legal notices, Application cost of \$30.00, ads are \$60.00, two notices there approximately \$300.00 or \$400.00.

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Motion: Masayda moved to approve the request for waiver of fees for site plan and special permit for the City of Waterbury

SECOND: Russ.

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Blais and Demirs.

NAYS: Mancini.

Mr. Mancini noted I don't think it should cost us money for their project? We should recoup the money it cost us?

Mr. Minnich responded I follow your logic and it has a problem with the logic? If we want to start doing this then the same logic occurs for the Watertown Water & Sewer Authority & Watertown Fire District because that money does not go into the general fund. Those other water company entities when they have come to us we have granted fee waivers this is no different than any of those.

MOTION PASSED 6-1.

d. Applicant:	Corbett F.Group
Re:	Special Permit # 262
	Home Occupation
At:	35 Cutler Street, Watertown
Zone:	R-10F

Mr. Corbett

I inquired about putting a sign in front of my home I have a small tax preparation service. At that time I found it was necessary to obtain a home occupation permit. I was informed that even with the home occupation permit I would not be able to have a client come to my home unless I obtained a special use authorization which would allow occasional intermittent visits to the premises by the public. As you see in my letter I live on a fixed income. I purchased a house that needed extensive work that is the reason I started this business to work on the outside of the house. I am just asking that this be granted and if you could waive the fees for the special use.

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Mr. Minnich replied that this requires a public hearing because it is a special use. The issue is that it is in an R-10F Fire District. However in the regulations there are permitted exceptions to that for the kind of activity that has been presented to us that can be done after hearing comments from the public. He asked if Ruth could you assist him with the regulations. He is required to tell us the number of scheduled times of day that he is visited by the public and parking requirements for each visit. The traffic concern in the neighborhood and how it is going to impact. At the hearing that will need to be presented to them. For the second request Mr. Minnich read the waiver of fee ordinance.

Ms. Mulcahy noted it is subject to section 52 of the special permit regulations and referred to the section for Fire District and the maps that are required as well.

Mr. Masayda suggested that an aerial of the map can we get off of Google Life Earth and show where the parking is so you do not need anything drawn up.

MOTION: Martin moved to accept application for review and schedule a public hearing for April, 2009

SECOND: Russ.

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

e.	Applicant:	Paula LaBonte, YMCA
	Re:	One year extension of five year master plan for improvements to Day Camp and Outdoor Center
		And request for waiver of all fees
	At:	Smith Pond Road, Watertown
	Zone:	R-90 Residence District

Tony Schrillo – Camp Program Director – Waterbury YMCA

We are asking for an extension on the five year site plan that has been approved in 2003 that was presented by Paula LaBonte and Chris Polato with some minor revision to it. We are asking for an extension to build our amphitheater and to renovate our 2 pavilion making them larger. We are not increasing any camper size and we are not adding toilets or plumbing of any sort. We are just trying to upgrade the quality of programming that we are offering.

Ms. Mulcahy said they have come into the office and signed their first Mylar and maps and none of these things are shown on any plans that come before the Commission in the last 2 1/2 years. She said to Paula that they need to apply for those because there has never been any approved site plan with signature for these items on it.

Mr. Minnich asked what you are really here for then.

Mr. Schrillo responded we are here to request an extension on certain items that have been approved upon and the extension to install our volleyball court, horseshoe area, construct a plays cape area down in the lower camp and we would like to add to the scope of the renovation on the pavilion.

Mr. Minnich replied we can look back and see what exactly we have approved. This Commission applied a time limit on that special permit and that is for those site plans that have been approved. All of the new ones which is your intent to construct those and you have to go through that same process again for a site plan modification. What is the time frame of the approval?

Mr. Schrillo said it expired as of November 2008 at which time we received funding to continue on with the master plan of \$200,000.00 to allow us to do the pavilion.

Mr. Minnich requested the specifications and the drawings for the buildings.

Mr. Martin noted the map does not identify buildings just locations.

Mr. Schrillo said the one in the packet is the new proposed site plan.

Mr. Minnich requested in addition to that you will need what the building is going to look like, health district and all of those requirements you have done before we can accept this for review and set a public hearing and time between now and then you can get together with staff.

Mr. Schrillo responded our hope was to continue on with the amphitheater as part of the original scope five years ago and the one pavilion.

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Mr. Minnich replied that our issue is with noise and so I don't recall if we approved the outdoor amphitheater. We will also consider your request for the fee waiver. I also suggest that you work with the Torrington Health District and talk to Rob and the concern with this Commission was the health issues.

MOTION: Blais moved to accept application for review and schedule a public hearing for April, 2009

SECOND: Russ.

VOTE

AYES: Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

MOTION: Masayda moved to accept the request for waiver of fees for application

SECOND: Blais.

Mr. Mancini noted for all these fee waiving I cannot understand with the economy if the public needs to use their facilities, the public has to pay to use them.

Mr. Minnich responded let me relay the conversation as I recall it in our decision as a Commission to waive the fees before. I mention that the Waterbury Water Bureau they are same as the other two water companies in town, the same logical occurs during the discussion of this application for waiving the fees and looked at the same kind of concept of park function that are providing for the children and their guests use of the facilities.

Mr. Russ noted I think we should get staff and office expenses back and waive the rest of the fee.

Mr. Martin responded that I am not sure this falls into the same realm of no charge.

Mr. Minnich responded the projects that have taken the most for our staff and ourselves that is funded through bonding and state money but yet our process has been because it is a school in the public good we waived it. I can't imagine that this is going to take much time with our town staff and this is an extension of an existing site plan and time spent on our end is the issues of drainage, parking, all those issue we spend time on covered are already done here. But that is the Commission judgment on this.

VOTE

AYES: Minnich, Martin, Masayda and Blais.

NAYS: Russ, Mancini and Demirs.

MOTION PASSED 4-3.

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8-f-1 Applicant: W.I.D.E. LLC
Re: Zone Change
IR-80 to B-SC

**Text Amendment to Section 33 –
Shopping Center Business District
(BSC) Add: Section 33.3.10 Automotive
Repair and service facilities providing
that all maintenance, repair, body work
and automobile washing shall be
conducted entirely within an enclosed
building
Add Section 33.5.5 In the B-SC District
More than one principal use and/or more
than one principal building to be
permitted**

Mr. Minnich asked if it is also a zoning map change application as well.

Ms. Mulcahy responded yes.

Jim Cummings

One half of Commercial Street on the northwesterly side is IR80 zone and on the southeasterly side is the SC zone. It is close proximately to two parcels of land that we own we want to run automobile dealerships on. We are requesting a map change to include that parcel of land to a BSC zone.

The second part is a text change in that is we are going to be constructing a approximately a 15,000 sq. ft. building of which I will bring plans in for to put a body shop on that parcel. The parcel has a business located in the IR80 zone which is a light industrial use we want to continue a light industrial use in back of the property as well as construct a body shop on Commercial Street.

Mr. Minnich asked do you own the property.

Mr. Cummings responded yes.

MOTION: Russ moved to accept application for review and schedule a public hearing

SECOND: Mancini.

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

g. Applicant: Antoinette Pelegano
Agent: Paul Buenevich, Land Data
Re: 3 lot subdivision
At: Chimney Road, Watertown
Zone: R-90

George Frigo – Land Surveyor – Land Data Engineers

A year ago this subdivision was approved by this Commission. I was requested to install the property corners which I did and also to provide 4 copies of the subdivision plan for recording in the Town Hall. I understand the Commission has an issue with improvements that were made on the old highway that provided access to the 3 parcels. At that time the Commission had approved an 18 foot widening of the existing of the driveway up to the location of the two access points for the new lot. Ms. Pelegano has paid that portion that has been requested by the Commission. The problem has arisen that those improvements were not made in accordance with the town cross section for a standard road. I think that is the only issue that is standing before you tonight and how we should proceed to rectify this situation.

Mr. Minnich said I understand that the issue is more than that. That is you are required to have the Mylar's filed within the 90 day period. So my understanding from Ruth is that the two approvals that we have granted have expired so you are back at the point of starting over again. The issue that we are going to need guidance on and Public Works is the issue of whether that section should or should not be abandoned. Public works has said to us that the work was done was on a town right of way and if you were going to improve that then it would need to be approved to town standards. Your client wanted to pave it and keep it and if they were going to keep it.

Ms. Mulcahy noted we met with them today and they are going to bring it up to town standards and have a turnaround. Chuck Berger and I had some time to review some of their proposal today because the current way they submitted the application does not meet the current regulations and they are going to submit new material that they might submit tonight.

Mr. Frigo said I would like to bring up a couple of options as far as bringing the road up to town standards. Originally the road was supposed to be improved up to 18 feet up to the driveway. We have presented a proposal to increase the width to 24 feet with curbs on both sides and make a hammerhead turnaround and terminated at the location of the approved driveways. Chuck mentioned that the existence of Ms. Pelegano's driveway extending beyond that location up to her service of her house now that would not be acceptable to the public works office and that length of road would also have to be improved also so that nearly double the length of improvements. I want to be able to tell my client what is absolutely necessary and what would be acceptable to you.

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Ms. Mulcahy said Chuck Berger and I presented how you could meet the regulations both the street and subdivision regulations.

Mr. Frigo replied if that is something that the Commission insists on then I will talk it over with my client.

Mr. Minnich said I am still hung up why you want to incur all these expenses and why not this area right of way to be abandoned have and therefore you do not have to go into a road standard.

Ms. Mulcahy replied because you cannot allow 3 lots on a common driveway and that is what it would no longer being permitted in the subdivision regulations. Paul Jessell agreed with me they would have to build to town standards at this point. If they abandoned the road they would not have the lots.

Mr. Minnich asked why they do not build multiple driveways.

Ms. Mulcahy responded some of the property goes to other property owners; it boils down to the alternative they have to comply with the regulations. Part of the problem is that Ms. Pelegano's driveway is if that road was abandoned would be on someone else's property.

Mr. Frigo said in the future if the road was abandoned the adjacent property owners have rights to portion of that. Legally Paul Jessell has talked this over and we are all in agreement that it shouldn't be.

Mr. Minnich asked then what their your issue was.

Mr. Frigo said the 200 feet of improving the road that really does not benefit anyone.

Ms. Mulcahy said they are going to have three driveways separately owned and coming off the town road. The other question that we I had was are you going to hold a public hearing on this?

Mr. Mancini refers to the minutes for April 5, 2006.

Mr. Blais advised I think because of the significance of the change we should inform the neighbors and have a public hearing.

Mr. Russ noted I do not think there is a need for another public hearing they did it last time through staff.

Ms. Mulcahy responded traditionally on every subdivision application we do hold a public hearing.

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Mr. Mancini said I do agree we should hold a public hearing.

MOTION: Blais moved to accept application for review and schedule a public hearing for April, 2009

SECOND: Russ

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

h.	Applicant:	Echo Lake Brownsfield
	Agent:	Ted Crawford, Milone and MacBroom
	Re:	Site Plan – remediation of parcel and placement of fill leaving a portion of the site for future industrial development – adding temporary construction trailer and equipment storage containers
	At:	Former Land Fill
	Zone:	IR-80
		A request is also made for a fee waiver

Mr. Minnich read a letter into the record dated 2-26-09 notice of intervention pursuant to Ct statue 22a19. Judith Birdeau and James Birdeau.

MOTION: Russ moved to accept the two individuals as interveners in this project.

SECOND: Mancini.

VOTE

AYES:

Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

Mr. Minnich asked if the interveners were here tonight and if they and an attorney.

Ted Crawford – Professional Engineer – Malone and MacBroom

In attendance is also Robert Ryan with Echo Lake Brownfield if you have any questions. Last year we applied for some activities on a portion of the property for the first phase of the project that was roughly to bring in roughly 33,000 yards of materials directly adjacent to Echo Lake Road and get our foot hold onto the site and removing some of the debris scattered throughout. There was some clearing that was conducted and following that the actual approval was rescinded by the applicant if we came back again full phased application showing the entire buildup of the project. So what you have before you today is a single phased project for the remediation of the entire site and the placement of fill on top of that site. We will be piping the existing water course through the site as part of that activity we are proposing a wetland mitigation and creation on the western and eastern portions of the site. We have model storm water flows to the site and determined a zero net increase that was one of the last conditions that was made by Mr. Berger we did receive approval last month from the Wetlands Commission for our activities. We also have approval from the Army core of Engineers for our activities. We will be clearing 8 acres of the site and then placing fill within that cleared area. We would like to access this site the same location as the existing building across the street in an IR80 zone. During the process and cleaning we will have a scale house and some storage containers for our construction material. The final grading of the site will provide a series of 3 to 1 slopes stepping up with reverse benches every 14 feet. That water will be shed to the outside of the slopes flow down several rip rap channels to the east and west through resource recovery and then down to the river. We devised an additional high level overflow so essentially if this inlet was ever compromised a higher pipe would allow the water to flow back into the system and then be conveyed to the site. We provided access pint to our wetland creation areas east and west with access roads down by the slopes. There will be temporary storage during the remediation process as well. The goal is once this site has been remediated and fill placed hopefully sometime in the future there will be public utilities on the site that will be used for former industrial type development.

Mr. Minnich asked for clarity if the Phase I was approved and by this application are you revoking your approval?

Mr. Crawford replied yes.

Mr. Minnich asked if they have requested a fee waiver and also if they could provide whatever you have that support what you told the Commission.

Mr. Martin asked you say you have this water shedding terracing that you got how then would you ever convert that to an area of use?

Mr. Crawford replied there is a large plateau located in this central portion of the site.

Mr. Martin responded that is the only area that you would be able to build on.

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Mr. Crawford replied it is a 2 acre parcel site.

Mr. Martin asked all that terracing that you have there remains forever?

Mr. Crawford replied yes.

Mr. Blais asked if they had any proposed plans at the present time.

Mr. Crawford replied not for future use unfortunately there is not public water or sewer available in this area yet.

Ms. Mulcahy asked would that be able to support building and parking.

Mr. Crawford responded yes.

Ms. Mulcahy asked on the weighing scales that you show on your plan what is the purpose of weighing scales?

Mr. Crawford responded the construction debris would have to be removed and you would have to weigh that.

Ms. Mulcahy requested to provide for them how much it would take of the fill material required to close the land fill vs. what you are proposing.

Mr. Crawford responded sure.

Mr. Martin asked the fill that is coming into this is what type of material?

Robert Ryan – Pure Earth Environmental

Is miscellaneous soils from different site throughout Ct. we are placing here.

Mr. Martin asked if this previously contaminated soil if that has been cleaned.

Mr. Ryan replied it is going to be permitted by the DEP up to a certain level.

Mr. Martin asked if you can you give him some idea of the yards or tonnage you are bringing into this?

Mr. Ryan replied this plan has 212 thousand cubic yards.

Mr. Blais asked if there was lot of debris there.

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Mr. Ryan replied probably over 100,000 tires which would have to be removed before we bring anything in.

Mr. Martin asked so there is no intent on covering anything.

Ms. Mulcahy noted if that was correct because on the first application they said they were going to be covering some of the material, construction debris as well as some vehicles that might be there.

Mr. Ryan replied the land was permitted in 1973 for construction & demolition debris that material will remain. Tires and some metal debris, some drums all that stuff that you can see that will have to be removed.

Mr. Martin asked if there a requirement to test for PCB's or anything else in that ground?

Mr. Ryan replied we are in the process of doing our investigation to identify all the contamination in all areas. We were given a cease and desist order and told not to do our investigation and we have to finish presenting this to DEP.

Ms. Mulcahy noted that there was no narrative or description of the testing that they want to complete and if they have anything like that?

Mr. Ryan replied if you need one we could give you one.

Mr. Minnich asked do you have attorneys for this project.

Mr. Ryan replied yes.

Mr. Russ asked you are going to put that drainage pipe and you are going to put 70 feet fill, is that pipe going to be 70 feet above this fill?

Mr. Ryan replied yes.

Mr. Russ asked what if something happens to that pipe who is going to be responsible for the repair and maintenance?

Mr. Crawford responded the pipe addressed during Wetlands application met with a pipe consultant for their will be maximum depth of 60 feet and to achieve structural capacity the pipe will be increased in diameter as far as the wall thickness and placed on a specific bedding.

Ms. Mulcahy asked what the suspension on it was

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Mr. Crawford replied the pipe will be buried underneath the fill and the bedding and the wall thickness will support all the weight. We have also provided a high level overflow system at the entrance.

Ms. Mulcahy asked do you have anything access to that area?

Mr. Crawford replied we have manholes on either side of the pipe system.

Mr. Russ asked do you maintain ownership of this.

Mr. Crawford replied it is a private whoever owns the property owns the pipe and the maintenance.

Mr. Minnich requested that Ruth provide the Commission with the Inland and Wetland report. What the status of DEP is, the requirements and the issues legally with the Wetlands what they have done and required.

Judith Birdeau – 0 Echo Lake Road

I am the adjoining property owner of the Brownfield piece and there has been a complete lack of honesty and integrity regarding this project from beginning. According to the cease and desist order dated 4-28-08 although the map showed the lot was belonging to Watertown, it clearly it did not belong to them. There is a stream on this lot and they had no Wetland approval either. I believe this cutting of trees took place in March of 2008. Referred to letter dated May 14, 2008 from Pure Earth sent to us stating error of subcontractor doing work inadvertently. Referring to a letter to the Planning and Zoning Office dated 5-16-2008 Mr. Catros from Pure Earth states “the second issue revolves around the clearing of some the trees on the property on an adjacent property owner, Mr. and Mrs. Catraso ELB agrees that we will follow up with the property owners to resolve any outstanding issues they might have.” In the minutes for 6-8-2008 before this Commission on public record Mr. Catros’s states quote “All I am saying is what is going on between us and the subcontractor is different than what is going on between us and the land owners. We are in discussion with the land owners to try to come to some resolution”. I would like to state on record this was completely untrue we were not at the June 18th meeting but I was not able to respond to that at that time there was no offer from them what so ever and no resolutions to restore our property. On January 19, 2009 a year later after the damage had been done Mr. Catros verbally offered \$4,000.00 for our land which is 6/10’s of an acre. Since they have not negotiated to protect our property and the lack of response resolving the environmental problem they have created we would like Pure Earth to replace our trees and restore to the place it was before. Considering what they have already done to our property we would like protection from them and we would like to see a retaining wall and according to the zoning regulations a 35 foot landscaped setback area. It appears to me that they are not closing the landfill but expanding the landfill use. They are bringing in 2000 cubic yards and they have not answered the question what is the minimum amount of fill to close the land fill. We have a lot of issues and concerns with this project.

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Mr. Minnich asked the interveners if they had any objections to accepting this application for review and establishing a public hearing.

Mr. Birdeau said no.

Mr. Minnich asked about the issue of the traffic study and where they were on that.

Ms. Mulcahy if she could authorize a third party review in the ordinance to allow her to do on traffic paid by the applicant and she would like to contact Michael Galante.

Mr. Minnich asked if there was there a traffic study on the old one.

Ms. Mulcahy asked Mr. Crawford if they were doing a new traffic study.

Mr. Crawford replied yes.

Mr. Minnich replied then Michael Galante can review that might the most efficient way.

Mr. Masayda advised that it will give a poor level there is no development and you are going to have an acceptable level service. I don't think we need a second view on this traffic.

Mr. Minnich replied that there is one other piece is the interveners have a role in this to also request that information and asked them what their opinion on the traffic study.

Mr. Minnich asked the Commission if they had any issues with selecting the 3rd party consultant has Mike Galante.

Commissioners said no.

Mr. Minnich asked Ruth to speak to Mike to get the services and the price and get any issues ready for the next meeting.

Ms. Mulcahy advised since they have not paid a fee is it better to withdraw the application at this point and reapply when we have a complete package here. We only have that finite period to hold a public hearing and make a decision within the 65 days. We are now putting off the public hearing and the consultant for a month and we are down to 35 days to review and hear this application. That limits the Commission and takes time from staff and Commission to review an application which is not completed.

Mr. Crawford responded it might be more prudent to apply next month and allow the Commission to set the date for the following month.

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MOTION: Russ moved to approve the addition of Section 5.2.5. 17 to the Subdivision Regulations that shall read – A common residential driveway shall have a maximum grade of 10%, paving shall be required for all portions of the driveway above 7% grade and all portions sloping toward the public roadway. The Commission shall determine the width of a common residential driveway, which shall have a minimum travel surface width of 12 ft and a minimum shoulder widths of 2 ft on each side of the travel surface... The driveway travel width shall always be cleared of obstructions. There shall be at the common point of the driveway terminus sufficient clearance for a truck 45 ft in length to turn around and safely exit the driveway. The turning terminuses are not required to have hammerheads or to be paved. A Common residential driveway that exceeds 300 feet in length shall have adequately designed pull offs as the Commission requires to allow the passage of opposing vehicles.

SECOND: Martin.

VOTE

AYES: Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

Effective date of the motion is March 13, 2009.

Motion made by M. Masayda

SECOND: Mancini.

VOTE

AYES: Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

MOTION: Russ moved that the changes the Commission has made this evening to the regulation just approved, the Commission determines is not significantly different than from the text that was published for public hearing.

SECOND: Demirs.

VOTE

AYES: Minnich, Martin, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

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Present: Chairman, Mr. David Minnich
Secretary, Mr. Michael Masayda
Mr. Ronald Russ
Mr. Carl Mancini
Mr. Jim Blais
Alternate, Mr. Ken Demirs

Absent: Vice Chairman, Mr. Gary Martin at 11:00PM
Mr. Glen Dupliesse
Alternate, Mr. Ray Rondeau
Alternate, Mr. Duane George

Also Present: Land Use Administrator, Ms. Ruth Mulcahy
Land Use Secretary, Ms. Carol Allen

j.	Applicant:	Planning and Zoning Commission
	Re:	Text Amendment and Zoning Map
		Change to lay zoning regulations on
		Properties coming into Watertown
		From Waterbury
	Zone:	B-C – Central Business District

Ms. Mulcahy said they did not submit anything to me today.

MOTION: Table
Motion made by: M. Masayda
SECOND: R. Russ.

VOTE

AYES: Minnich, Masayda, Russ, Mancini, Blais and Demirs.
NAYS: None.

MOTION UNANIMOUS PASS 6-0.

a. Zoning Map Update

Ms. Mulcahy said hopefully the committee will have final commitment by the end of this week.

Text of Motion: Table
Motion made by:

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Seconded by:

All in favor

b. Workforce Housing Grant

Ms. Mulcahy said she has not heard anything and would call the Region. Mr. Minnich asked Ms. Mulcahy to discuss this with C. Frigon.

c. Text amendments initiated by Commission members

1. G. Martin: Parking regulations

D. Minnich said he would not be able to be a member of this committee because of time constraints. K. Demirs said he would serve on the committee.

2. G. Dupliese: Lot sizes - Mr. Dupliese was not at the meeting

3. R. Rondeau: Open spaces - Mr. Rondeau was not at the meeting

4. Other text amendments – none

10. New business

a. Watertown High School Bond Release

b. Judson Elementary School Bond Release

Mr. Minnich said there was no bond releases

b-1 Cider Hill Subdivision Bond Release in the amount \$10,848.88

Mr. Minnich said this has been recommended by the Town Engineer.

MOTION: Blais moved to accept the bond release in the amount of \$10,848.88

SECOND: Russ.

VOTE

AYES:

Minnich, Masayda, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

c. Watertown Inland Wetlands Watercourses Regulations

Mr. Minnich comments:

1. The upland review area 50 feet from wetlands or the water course they are going to 100 that are what he had recommended.
2. On page 18 section talks about that they may give to their agent (Inlands & Wetlands Enforcement Officer) in terms of responsibilities such as if there are particular interests and if there are Inlands and Wetlands on the property.
3. Training from DEP could conduct enforcement activities.
4. The 3rd party reviews does not have to go back to Town Council anymore the reviewer is paid for directly by the applicant to include in fee ordinance.
5. Develop a public hearing sign notice process as theirs.
6. They should reference the 2002 Erosion and Sedimentation Control Guidelines and the 2004 Ct Stillwater Quality Manual in addition to the 1997 DEP Guidelines.

Mr. Minnich made comments to be forwarded to the CCIWA

d. P&Z Commission guidelines for status in its proceedings: Limited Appearance, Party, Intervener

Mr. Minnich noted that they seem to be getting more interveners, party status, the limited appearances and asked what are the rules and the processes for those that are interveners. What is the process for accepting an intervener? Make it clear to them and whomever it is going to be an intervener and have party status what they need to do?

Ms. Mulcahy responded I can provide the statute and give out copies. I do not know the legal procedures.

Mr. Minnich asked R. Mulcahy to put together a policy of procedures of how an intervener is determined and use that to help put together some suggested guidelines.

11. Chairman's Report - none
12. Adjournment

MOTION: Blais moved to adjourn at 11:10PM

SECOND: Russ.

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All in favor

Michael Masayda _____
Secretary