



Town of Watertown Connecticut

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Planning and Zoning, Zoning Board of Appeals, Conservation Commission/Inland

Wetland Agency

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Town of Watertown Planning and Zoning Commission Regular Meeting Minutes

Time: 6:30PM
Date: Wednesday, April 7, 2010
Place: Watertown High School
Lecture Hall
324 French Street
Watertown, CT

1. Call meeting to order

Chairman Minnich called the meeting to order at 6:30 PM.

2. Roll Call

Land Use Secretary, Ms. Allen executed the roll call.

Present: Chairman, Mr. David Minnich
Mr. Ronald Russ
Mr. Carl Mancini
Mr. Jim Blais
Alternate, Mr. Ken DeMirs
Alternate, Mr. Duane George
Ms. Marie Genovese
Mr. Richard Rossi

Absent: Vice Chairman, Mr. Gary Martin
Vacancy

Also Present: Land Use Administrator, Ms. Ruth Mulcahy
Town Engineer, Mr. Chuck Berger
Land Use Secretary, Ms. Carol Allen

D. George sat in for G. Martin

K. DeMirs sat in for vacant position

3. Public Participation - none

4. Communications and Bills

- a. The Habitat, Spring 2010, Volume 22, Number 1
- b. Council of Governments Minutes February 11, 2010
- c. Letter dated March 19, 2010 from Peter Dorpalen, COG to Charles Frigon, Town Manager Re: Rujack property located along the Watertown Greenway long Steele Brook.
- d. Letter dated March, 2010 from James Sipperly, King's Mark RC&D Council to Municipal Officials Re: brochure for Environmental Review Team Program
- e. Attorney Warren Hess invoice for legal services - \$2,950 Commission's Connecticut Supreme Court expenses for litigation: Concerned Citizens for Preservation of Watertown v. P&Z Commission

Text of Motion: By Unanimous consent place 4-a – e on file.

5. Meeting Minutes

- a. Special Meeting February 17, 2010
- b. Special Meeting February 17, 2010 (Subcommittee)
- c. Regular Meeting March 3, 2010
- d. Special Meeting Executive Session March 17, 2010
- e. Motion Sheet Special Meeting March 24, 2010

Text of Motion: By Unanimous consent place 5-a – e on file.

6. Staff Report

- a. Status of incentive housing - the notice of grant award was sent to the Town Manager's office to be signed. The consultant looked at areas around town and getting information on different land uses.
- b. Issuing zoning permit for senior center roof over their deck with a screened porch.
- c. CFPZA dinner passed out bill that would let towns decide on cell towers. There is going to be change out on the telecommunications for the Town of Watertown water tank on Buckingham.
- d. Electronic recycling collection received notice April 10th from 9 to 1 taking everything to CRRA transfer station on Echo Lake Road.

Mr. Minnich asked Ms. Mulcahy the status on the cease and desist order for 101 Cortland Street.

Ms. Mulcahy replied the Attorney has filed it and is moving forward with the next step.

Mr. Minnich asked the status of Fernwood, 676 Northfield Road.

Ms. Mulcahy replied it is pending in court.

Mr. Minnich asked Ruth to follow through with Attorney Jessell on the status of those two.

7. Chairman's Report

a. Economic Development Strategy

Chairman Minnich said he felt the fees charged for land use agency applications are too expensive and would like to work with the Town Council to have the fees lowered. Mr. Minnich asked Ms. Mulcahy to put together a list of fees and permits required for all land use agencies including the Engineering Department, Building Department, Water and Sewer Department and Torrington Area Health District and give to Ms. Duplissie.

8. Old Business

a. Text amendments initiated by Commission members:

1. Zoning Regulations – Parking: G. Martin

Chairman Minnich stated Mr. Martin was ill but was working on the parking regulations

2. Zoning and Subdivision Regulations – 2004 CT DEP Storm Water Quality: Chuck Berger, Town Engineer

Chairman Minnich stated that Mr. Berger and Mr. Cavanaugh are working on the 2004 CT DEP Stormwater Quality Regulations

3. Zoning Regulations – Section 51, “Site Plans”: D. Minnich

Chairman Minnich stated he was working on the Site Plan revisions

b. Planning and Zoning Operations Committee

Since Glen Duplissie was unable to continue to serve on the Commission, Mr. Martin said he would replace Glen Duplissie as Chairman.

9. New Business

a. Munson Estates - consider approval of “Bond Obligation Schedule” pursuant to Subdivision Regulations Section 3.4

For street trees and roof ledder drains.

Text of Motion: Approve \$7,100.00 Bond Obligation Schedule
Motion made by: C. Mancini
Second by: J. Blais
All in favor

b. Pelegano Estates - consider approval of “Bond Obligation Schedule” pursuant to Subdivision Regulations Section 3.4

For clearing, silt fence, road excavation, pavement, PBC pipe, plantings, street signs, street lights and for road as built.

Text of Motion: Approve \$51,967.00 Bond Obligation Schedule
Motion made by: C. Mancini
Seconded by: R. Rossi
All in Favor

c. Highview Estates bond reduction

Mr. Berger summarized his memo handed out tonight.

Text of Motion: Approve \$66,284.95 bond release
Motion made by: C. Mancini
Second by: R. Russ
Abstain: K. DeMirs

6 in favor, 0 against and 1 abstain

d. Watertown High School bond reduction - None

e. Polk Elementary School bond release in the amount of \$3,631.00.

Text of Motion: Approve \$3,631.00 bond release

Motion made by: C. Mancini
Second by: R. Rossi
All in favor

f. Judson School bond reduction - None

10. Public Hearings

Mr. Mancini read the rules for public hearings:

Article 9 Section 6: The Planning and Zoning Commission by-laws require the statement to be read aloud at a commencement of a public hearing. The Commission has established rules for the conduct of public hearings, copies of these rules at the doorway to this room and on the town website. While decisions are pending you may communicate with Commission members about the merits of an application only when at a Commission meeting. Please speak with Commission staff when the Planning and Zoning Commission is not in session. Documents from applicant are required to be recorded for receipt in the Planning and Zoning office in sufficient time for staff to review the documents and prepare comments for the Commission to consider when making the decision about the subject of this hearing. In accordance with section 11 of the Commission by-laws, the Chairman may limit a presentation when comments or questions are derogatory, repetitive, not on the subject matter of the public hearing or are not helpful to the Commissions understanding and application. There are no pre-established time limits for your presentation; however Commission rules allow the Commission at any point in the hearing to vote to establish time limits. When recognized by the Chairman to come to the podium please speak directly into the microphone, state your name and address for the record. Please direct your comments and questions to the Chairman and not to any other person. Thank you for attending this hearing and for giving your comment and advice to the Commission.

a. Zone Change from ARS Associates for a zone change from RG to IG-80 located at 18 Falls Avenue, Oakville, CT

b. Zone Change from TGB Properties for a zone change from RG to IG-80 located at 25 Falls Avenue, Oakville, CT

Mr. Mancini read the notice for the hearing:

The Town of Watertown, Ct. Planning and Zoning Commission Public Hearing Legal Notice: The Planning and Zoning Commission for the Town of Watertown, Ct. will hold a public hearing on Wednesday, April 7, 2010 at

6:30PM at the Watertown High School, Lecture Hall, 324 French Street, Watertown, Ct. on the following zone change application:

Zone Change Application from ARS Associates for a zone change from RG to IG-80 located at 18 Falls Avenue, Oakville, CT

Zone Change from TGB Properties for a zone change from RG to IG-80 located at 25 Falls Avenue, Oakville, CT

At this hearing interested persons will be heard and written communications will be received. A copy of the application is on file in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT between the hours of 8AM and 5PM or by appointment or by calling 860-945-5266. A copy of the zone change applications are also on files in the office of the town clerk, DeForest Street, Watertown, Ct between the hours of 9:00 AM and 5:00 PM Dated at Watertown, Ct. this 25th day of March 2010 and the first day of April 2010. Carl Mancini, Secretary, Planning and Zoning Commission.

Franklin Pilicy

The application includes two properties one at 18 Falls Avenue, Oakville and one at 25 Falls Avenue, Oakville, if it could be considered a combined public hearing for both properties, it is one application with two properties included for the zone change.

We previously submitted to the zoning office an avadavat with respect to notice of certified mailings to abutters and nearby property owners and we have an additional avadavat that I will submit to staff with respect to the signs that were put up.

The description of the property: One is owned by Mr. Boileau and has presently improved the manufacturing facility. The second property is owned by Mr. Cocchiolo and is presently improved with a building and contractors business location.

The property was essentially placed from the beginning of zoning as an industrial zone. In 1993 this property was rezoned from IG80 to a residential zone and was made part of a wholesale change of text regulations and a change in certain areas of town with respect to the zoning map. It was done with the owners of the property not aware that the property was being rezoned and many years went by before the owners of these properties ever learned that the property had been rezoned from the IG80 zone to a residential zone. Mr. Pilicy submitted a copy of the copy of the public hearing notice for the hearing that was scheduled on October 27, 1993. The public hearing notice at the time indicated that the Commission was considering some map changes and the public hearings discussion concerned many of the items that dealt with the

whole sale changes. But no discussion of this particular map change. Mr. Pilicy submitted the documents for public record.

This property has been zoned residential since 1993 effective date December 23rd 1993.

In 2007 one of the present applicants appeared before the Economic Development Commission and this Commission with concerns and difficulties that have faced business owners with business properties being located in a residential zone. At that time the Economic Development Commission heard a presentation and drafted a letter to this Commission dated April 10, 2007 that supported rezoning this property back to its original zone and I will submit that letter for the record and was addressed to the Chairman.

I have copies of the minutes where this item was discussed at your meeting on April 11, 2007.

At the time the zone change became effective in 1993 a great number of business properties in Falls Avenue corridor were rezoned from their industrial zone which again was in place from the beginning from zoning in Watertown to a residential zone. That zone change has caused significant economic hardship for the business owners. The business owners, the two that I represent tonight had been unable to obtain loans for the property, unable to expand the property, unable to further develop the property to different types of uses that otherwise would be allowed in the IG zone. These properties were zoned into oblivion. None of these properties will ever be used for residential use. It is the position of the applicants that goal of this Commission should be in accordance with the correspondence, discussion, comprehensive plan and other stated goals which is to protect and promote the businesses that already exist in Watertown. It is very difficult for these business owners to continue the amount of time this has been occurring in a residential zone; clearly these properties will never be used for residential use any time ever.

Prior properties on Straits Turnpike in the 90's were made non conforming through the zone changes but eventually those zone changes were reversed and a result of that reversal it has seen a lot of redevelopment for the good in that area which lead to further expansion of the tax base and employment.

I would urge the Commission to take a new look at this application to promote existing businesses in Watertown today. These properties have been developed for business use for 67 years or more. Zoning was first effective in Watertown in the late 50's and this property was always zoned commercial, industrial all of that time and developed in that manner. There has been no change for residential use in the years since it was rezoned. Long standing non conformity attached to these properties and it is a real impossibility to get financing,

marketing for other uses, upgraded uses, manufacturing uses and these properties will sit idle.

One property on Falls Avenue that was manufacturing at the time the zone changed the manufacturing use ceased and that property has sat vacant. The town cannot do anything about because of the perception of pollution. There is solid reason the property is not polluted but yet the perception of pollution has chilled anyone's efforts to buy it and it sits vacant for 15 years. If we do not change this zone back to the IG80 and allow other opportunities for different types of business uses all these properties if the manufacturing ceases the properties will sit idle. It was a mistake to take away the IG80 designation in the first place. It has not worked out and it is not likely to ever work out. We would like the Commission to rezone the property back to the zone it was in and allow the businesses to prosper, to allow the business properties to be redeveloped as the present uses may no longer be viable in the future.

Mr. Mancini to read the referral from COG:



REFERRAL

TO: Town Council Chairman, Planning and Zoning Chairman, Town Manager, and Town Planner of Watertown and Waterbury; RPC Commissioners, and RPC Referral Committee
FROM: Samuel Gold, AICP, Senior Planner, Regional Planning Commission, Council of Governments Central Naugatuck Valley, 60 North Main Street, 3rd Floor, Waterbury (203-757-0535)

DATE: March 26, 2010
FILE NO.: WNZ-85-030510
MUNICIPALITY: Watertown
DATE RECEIVED: March 5, 2010
TYPE OF REFERRAL: Zoning

DESCRIPTION OF PROPOSAL:

The ARS Associates and TGB Properties are requesting to amend the Watertown zoning map for 18 and 25 Falls Avenue respectively. The two parcels are on the Waterbury city-line. The proposal would change these two parcels from the RG (general residential) district to the IG-80 (general industrial 80) district. The current industrial use of the parcels predate the RG district and therefore are legally non-conforming.

STAFF RECOMMENDATION:

The area in which the zone changes are proposed is characterized in the Regional and State Plans of Conservation and Development as being part of the regional core / growth area, with some prohibitive environmental constraints due to water bodies and associated wetlands. There is insufficient information provided in the referral to determine conformity with the plans. Nevertheless, this area is recommended for intensive use to take advantage of existing infrastructure.

Staff has questions regarding this proposal:

1. Why is this zone change necessary? The current industrial uses are protected. What new or expanded uses are envisioned for these parcels?
2. The survey map for 18 Falls Avenue from 1989 shows the western part of the parcel zoned IG-80 and the part east of Turkey Brook zoned R-10. Was the portion of the parcel east of Turkey Brook every zoned for industrial use? Would industrial uses be expanded to this portion of the parcel under this proposal?
3. Although contiguous with industrial uses in Waterbury, these two parcels are bounded by dense residential development in Oakville. Is there enough room on these parcels to accommodate expanded industrial uses while providing adequate buffering from the existing neighborhood?

Board Member Concerns

Mr. Minnich asked both applicants if they were planning on moving from the Town of Watertown.

Mr. Cocchiolo (owner of ARS LLC.) replied there is some contemplation from our company if we do not get this zone change. We have been here for years the location is good but we need to make some moves to invest our property and we need to know we are secure and safe and leave the business later on to our family in the future.

Mr. Boileau (owner of TGB properties)
We have a block of businesses that are all diverse and looking from a personal standpoint what do I do in the future with this property. We have always paid our tax bill and have been a good neighbor and taken a lot of pride in keeping our property up. We are looking to the future and saying we need to look at these areas as a business zone with this land swap that has just occurred.

Mr. Minnich asked Mr. Boileau if he was planning on leaving the Town.
Mr. Boileau replied he hopes not.

Mr. Pilicy said the real goal here if manufacturing is no longer viable at that site that building could sit vacant for years. It has to be zoned industrial so that other uses that are authorized in the industrial zone may take that opportunity to relocate there. We do not want the situation up the street that sat for 15 years and keep repeating itself. Yes the non conforming status protects the current use but does not necessarily protect other uses that may be authorized in a business zone.

Public Concerns

Joanne Chapin – 78 Anne Avenue, Oakville

My property is right behind Cocchiolo. There is contamination from the trucks parked. Noise constantly 5:30 and 1:30 in the morning.

Mike Woodley 26 Skipper Avenue, Oakville

I abut Cocchiolo and Spino we have owned our property for 25 years and those businesses are very bad. Cocchiolo appears to be a junkyard with tires on trucks, parts on trucks. They are developing behind the building and have been reported to Planning and Zoning to take pictures of that property and a aerial photo. This summer they are back at it again I called yesterday disagreeing with this move Mr. Raffey stopped it and walked the property line. Yesterday they were moving man holes covers 5:30 in the morning. Spino moves in they do have a decent yard they do have foreign debris over the bank in the neighbor's yard. The weekend comes it is party time at Spino's yard and they meet in the parking lot drink and light bond fires all hours of the night and shoot fireworks and need to curb their language. I am against this zone change. They have flood lights on the building and my house is all lit up.

They should be required to put up fences so we cannot hear or see them.

Mr. Minnich referenced a letter that written to the Commission for March 25th from Mr. Woodley.

Mr. Minnich asked Mr. Pilicy if his clients received this letter.

Mr. Pilicy replied no.

Mr. Minnich said he might want to read this and respond.

Denise Labonte, 18 Skipper Avenue, Oakville

Backyard abuts Cocchiolo property and Spino's property. Ms. Labonte has a letter from herself and her husband along with photographs of debris coming down the hill from both Cocchiolo and Spino properties which contain tar, wooden pallets which have fallen in her yard where the children were playing in the back. Workers have been swearing and throwing beer cans down. Ms. Labonte has called the police and sent written letters to Planning and Zoning. The loud trucks and swearing the children do not want to go in back yard any more.

Mr. Minnich asked if they can keep the photographs and passed them around to Commission members.

Lorraine Chapin, 78 Anne Avenue, Oakville

Ms. Chapin property abuts both properties that want the zone change. Ms. Chapin heard Mr. Pilicy talking about what this would do and how to protect the businesses. What about the homeowners. He talks about the vacant property for 15 years because of zoning and it has to do more with contamination than zoning. These businesses were both purchased knowing that was zoning was at the time. Spinos came in after the zone change. I don't agree with their change at all. It is a residential area; I also hear the trucks and banging in the morning, parties and fireworks. Mr. Cocchiolo use to keep everything in the back but as he has been expanding more and more it is up in front. The trucks are leaking fluid and is concerned about contamination. Mr. Spino does keep it a lot neater but I agree there should be fences. If they do not get these additions they can then move on if the property does not suit their needs. Most of these areas are residential. I am opposed to the change.

Joe Masi, 33 Pleasantview Street, Oakville

Mr. Masi said there is a misconception and I was a member of that Commission in 1993. We had many discussions about this situation throughout the zone change proposed. These were not the only two properties

affected there were other properties affected as well. We did this because we felt at the time the lower Falls Avenue area was a gateway into the residential property and we had many complaints from the neighbors. The case went to court and judge upheld the fact that the zone was a zone. Judy was member of the Commission at the time and it was a unanimous decision well thought out and well talked about. There are aspersions on us that we did not know what we were doing and that is far from the case. There was sound reason for what we did.

Mr. Cocchiolo replied he respected all the comments made this evening; I would like to say a few things in defense of what goes on Falls Avenue. We cannot control what our neighbors do. If there is a problem with Mr. Spino that is not our problem. The neighbor who complained about trucks polluting the ground apparently trespassed and looked underneath them and we do have a heavy maintenance program. There are flood lights there and we are subjected to vandalism from the neighbors and it is a problem and could be worse because of this zone change.

Mr. Minnich asked that one of the issues is the noise and the sight of this. It seems to me a solid fence of some height may help along the residential properties to buffer that. If you were a new businesses coming in and wanted to develop the property we would require some buffering if you want to respond to that, this is not a statement to do anything on the property.

Mr. Cocchiolo replied we have had chain link fence around that property, it has been cut, vandalized, the kids in the neighbor create all kinds of problems with vandalism, cut fence , steal gas and fuel. If I had a choice I would be, but I am committed to Watertown and would like to remain in Watertown and be a peaceful neighbor. We can clean up a little better. I would ask the neighbors to cooperate with us and not go over boundary lines and go onto our property.

Mr. Minnich asked would you consider a solid border fence

Mr. Cocchiolo replied we would consider any suggestion that the Commission would make.

Mr. Pilicy asked if there are problems with noise and language, I would recommend calling the police but those are not occurring on the properties that are before you tonight. The point that I made in the beginning not that

the Commission did or did not have many discussions, the point I made is that the owners of these properties were not notified and the only notice was in the newspapers and many years went by before the property owners ever realized that the zoning on their property changed. I do not think there is any disagreement that these have never been used for residential and it makes sense to put them in a proper zone and allow for potential redevelopment and upgrading of this whole area providing an incentive to clean up the area further rather than distance them.

Judy Wick – Northfield Road

Ms. Wick said the one thing you can see in the conversation is that there is a problem when you mix business industrial and residential it creates issues. That had a great deal to do with what Commission considered at the time in 1993. The idea in making the whole area residential was that when these businesses left and the zoning regulations allow another use that is less non conforming. You do not necessarily put a residence there but it can be a less intense use to make it less non conforming. If you do not do something like that you never get rid of these kinds of clashes. Once a zone exists you will never be able to change it because they will always be some properties that will be hurt one way or another. In 1993 we took into account that this was a residential area that the neighbors were asking us to help them in their residential area and that is why we took the step that we did.

Lorraine Chapin, 78 Anne Avenue, Oakville

Ms. Chapin said the remark Mr. Cocchiolo said I did not trespass on his property and he does have a chain link fence you can see the vehicles from the road and I was not trespassing. The other businesses Mr. Pilicy was talking about in the area many of them are in Waterbury and they are not in Watertown.

Rick Sarandrea, 21 Emile Avenue, Oakville

Mr. Sarandrea has been living in that neighborhood for 38 years and I do not have anything against the businesses. But one thing does concern me for years how the oil tanks have gotten into that area in a residential area from when the business left and they are still there. Can something be done with the tanks?

Ms. Mulcay replied I saw what you are talking about and it is very concerning and are very large.

Mr. Sarandrea said I do not think it is the kids in the neighborhood that are vandalizing.

Mr. Minnich asked Ms. Mulcahy to get a report by next meeting on this and to send a copy to Mr. Sarandrea.

Mr. Cocchiolo spoke again addressing the issue of the oil tanks there were 3 15,000 gallon tanks that were removed by my company with the authorization of DEP and the 300,000 gallon tanks that is up in the air is certified clean and empty per DEP.

Mike Woodley 26 Skipper Avenue, Oakville

Mr. Woodley said to Mr. Cocchiolo I have never been on your property. When a Planning and Zoning Commission person was there I would not walk on his property. As far as his property being vandalized, the neighbor right next door to me who is been there only a month is doing renovations, his copper was stolen from his house last week so it is not just Mr. Cocchiolo. If Mr. Cocchiolo wants to get along with his neighbors he should put a fence there for a barrier so we do not have to see him. I do not begrudge him doing business in the town but we need to live there as well. The oil tank is right in the middle of my window that is what I see. It was my understanding that the tank was to be taken down. Mr. Spino is the worse of the two with his parties. Employees of Cocchiolo have to start thinking about other people other than themselves. He can take steps to stop this from happening.

Carol Perty, 78 Anne Avenue, Oakville

Ms. Perty said I am opposed to it. If it starts industrial then what is going to happen later on in years for the residents. The reason why people have bought is residential and not industrial and it will bring down the property values.

Ron Zapatka, 73 Anne Avenue, Oakville

Mr. Zapatka said he is opposed to the change because of the noise all winter long. They pull the trucks out at 3:00 in the morning. If you let this go through they will bring more stuff in and bring in more equipment cranes and we will have nothing to say about it. I oppose it.

Richard Sarandrea, 62 Anne Avenue, Oakville

Mr. Sarandrea said I do work in town. My problem is when I go out to a job I have certain things that Planning and Zoning wants me to do. A silt fence to keep their property from eroding in the brush. How can we trust them, give them permission to do more when they cannot take care of what they have. I am against it and I am not against someone having a business in town but I am against the zone change because I think adding more of something and not taking care of what is there now.

Mr. Minnich said that Mr. Cocchiolo will be going to Inland and Wetlands Commission and they will be addressing that issue.

Christine Galvin, 6 Happy Avenue, Oakville

Ms. Galvin is opposed on this issue. The noise starts 4:00 in the morning and

behind my property the whole area has been graded out. What is going to stop them from putting any large manufacturing or any other types of businesses behind my back yard. I am opposed to the manufacturing and putting a big fence is for him to going to hide what he is doing.

Anthony Cocchiolo

Ms. Cocchiolo said the grading was not done or authorized by my company and was done by an adjacent property owner. I have no control over the property owners adjacent to us.

Board Member Concerns

Mr. Mancini asked if the flood lights have to be on all night. Do they have the right? Could they be turned down a little bit so the gentleman does not have to have them in his house.

Mr. Minnich said I am hopeful that Mr. Cocchiolo has heard some Comments tonight and it does not seem to be extreme amount of dollars to fix. If that helps to solve the circumstance why not do it. If there was a new development for industry we would require all the buffering. These businesses have been very good business in our town for a number of years and if over time things need to be done to buffer this from residents that are adjoining the properties I am sure he has heard that and I am hopeful he will do that. I will leave that with Mr. Cocchiolo.

Mr. Cocchiolo replied all the flood lights on the building are on motion detectors. We try to keep things as quite as possible. But if there is motion in the yard the flood lights will go on. We will try to alleviate any concerns the neighbors might have.

Mr. Woodley replied the flood lights Mr. Cocchiolo is talking about is not the problem but the tall one on the building that is on all the time.

Mr. Sarandrea said he arrived late to the meeting again what is proposed for that property?

Mr. Minnich replied I asked if anyone was moving and they responded no. They want to change this to IG80. They wish to look in intensifying the use of their property.

Mr. Sarandrea asked are they looking to build a building.

Mr. Minnich replied they have not told us that.

Mr. Sarandrea what are they going to do are they following steps.

Mr. Russ replied they want to go back to the existing IR-80 and it is a non conforming zone right now.

Mr. George replied is more or less thinking of the future that if it is not going to continue as a construction company there is a down use that he can do with it now the way it is he could not use that down use. The other issue we could require down lighting like we do on all businesses.

Mr. Minnich said this is a zone change and is done during an application for site plan review. I am confident that Mr. Cocchiolo has heard the comments, he has been a good business man in town and I am hopeful he will do what he can to help the situation.

Mr. Sarandrea asked how much land are we talking about. You usually have some kind of proposal of what you are doing.

Mr. Minnich replied I understand your question he has not told us

Franklin Pilicy made one final comment if the property returned to the proper zone then if there is a proposal to either expand or redevelop it then has to come before all the land use agencies in town. That gives the Commission an opportunity to address all the types of issues that have been brought up tonight. Anything that would occur there in the future would be a far better situation than it is today. The property would be subjected to all of your regulations and review and conditions. This is a step forward.

Lorraine Chapin, 78 Anne Avenue, Oakville

Mr. Pilicy said the reason they could not continue to operate they have tried to get financing or do things with their businesses and they have been denied so if there is no plan then what have they been denied for. They went to a bank or someone to try to expand and they were told zoning was an issue which is why they are here. What is there reason?

Don Pettitti, 4 Skipper Avenue, Oakville

Mr. Pettitti has lived in his house for 31 years. There has never been a real bad issue and he has had a few words with Spino. He bought the house for his father 11 years ago, because of zoning it was still residential. He felt there is something here. If he wanted to change the zoning on his house to commercial and would you ask why and what are your plans.

Mr. Minnich said he would probably ask.

Mr. Pettitti said I would ask you now to ask.

Mr. Minnich replied you can ask them.

Mr. Pettitti the question has been asked and has not been answered. You should be asking the question.

Joanne Chapin

Ms. Chapin ask when Cocchiolo first came here he has a grader that makes the blocks and stones flying down on the second level of their land they were told to seize and desist because it was not zoned for that. That is what we are afraid of. If he gets the zoning changed he is going bring equipment in and moving dirt. I called the state and they came down and stop doing that because they do not have permits.

Steve Martoni - 60 Falls Avenue, Oakville

Mr. Martoni is opposed to the change. Everybody comments about the noise and what is going on there. Last year Spinosa trucks made a lot of noise scared kids.

Richard Sarandrea - 62 Ann Avenue, Oakville

I would like you to get a hold of the Police Department have you see how many times the police have been contacted to go one of those two properties because of disturbance.

Mr. Minnich said are there any final comments from the applicant.

Text of Motion: Close Public Hearing
Motion made by: D. George
Second by: R. Russ
All in Favor

11. Articles on Agenda

a. Applicant:	John Seelenbinder & Christina Robb
Re:	Lot Line Revision
At:	Guernseytown Road
Zone:	R-30
Action:	Consider Acceptance

Mr. Minnich asked Commission members if they had anything to add.

Text of Motion: Accept Lot Line Revision
Motion made by: C. Mancini
Second by: K. DeMirs
All in favor

- b. Applicant:** ARS Associates
Agent: Franklin Pilicy
Re: Zone Change RG-To IG-80
At: 18 Falls Avenue, Oakville
Zone: RG
Action: Decision by June 11, 2010 if the Public Hearing is closed.
- c. Applicant:** TGB Properties
Agent: Franklin Pilicy
Re: Zone change RG to IG-80
At: 25 Falls Avenue, Oakville
Zone: RG
Action: Decision by June 11, 2010 if the Public Hearing is closed.

Mr. Minnich said we taking both b & c at the same time we might need to schedule a second meeting for third Wednesday in April.

Text of Motion: Table 11 B&C to a special meeting to be held on April 21, 2010
Motion made by: D. George
Second by: K. DeMirs

- d. Applicant:** Gateway Bible Church
Agent: Edward Rousseau
Re: Site Plan/Special Permit #292
Freestanding Sign and
Fee Waiver Request
At: Gateway Bible Church
500 Buckingham Street, Oakville
Zone: R-12.5
Action: Requires a Public Hearing by

June 11, 2010.

Ed Rousseau

Mr. Rousseau was looking for a permit their sign. Mr. Rousseau has gone through the Zoning Board of Appeals and approved for a variance on the sign which included the size and location on the property. Mr. Rousseau is appealing for a fee waiver, they are a nonprofit organization, and do not have the funds.

Board Member Concerns

Mr. Minnich asked what the plans were for the lighting of the sign. Mr. Rousseau replied it is a grade mounted light pointed towards the sign itself with a height limit and a clock as to when it has to be off and would respond to a time to turn them off.

Mr. Minnich replied the location of the sign and the grade level lighting can be very irritating to people that are going to be driving. You have a variance from ZBA and the sign is going to be closer to the road than it has an off right to be. The thought on the lighting that it would be on the sign itself but lighted upwards rather than a grade level sign to which people coming from opposite direction would potentially find it as a glare. Mr. Minnich wanted to hear Mr. Rousseau's response before deciding to condition the lighting on the sign pointing upwards rather than grade level lighting

Mr. Rousseau replied that would be fine. The variance leaves the sign 40 feet off the road if we push the sign further into our property we would be in our parking lot.

Mr. George asked about fee waiver.

Mr. Mancini asked about other nonprofit organizations have we waived the fee.

Mr. Minnich said when the church has come and asked for a fee waiver for a permit it has been our practice. Each application is on its own.

Ms. Mulcahy said they offer public facilities as well.

Mr. Rousseau replied we give out food goods and have AA and NA that is housed there; we do not charge to use our church and barely have enough money to build a sign.

Mr. George replied he has no objection.

Mr. Minnich asked about the lettering on the sign. It is all going to be for church events.

Mr. Rousseau replied it will also be for community services, NA, AA and it will have the times for meetings as well for the church.

Mr. Minnich asked if it was a political sign.

Mr. Rousseau replied no.

Ms Mulcahy said it is a church bulletin board.

Text of Motion: Accept fee waiver
Motion made by: C. Mancini
Second by: R. Russ
All in favor

Text of Motion: Establish a public hearing for May 5, 2010
Motion made by: R. Russ
Second by: K. DeMirs
All in Favor

e. Applicant:	Denise Benemerito
Agent:	Scott Meyers, Meyers Associates
Re:	Site Plan for Natural & Organic Pet Food Store
At:	Main Street, Watertown
Zone:	B-G
Action:	Decision Required by June 11, 2010

Mike Garassino

Mr. Garassino said Key Pros has moved out and we want to have a retail natural pet organic food store. Mr. Garassino gave prints to show parking, signage and was drawn up by Meyers Associates.

Board Member Concerns

Mr. Minnich asked if there were any comments or changes from the Commission.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Denise Benemerito for a retail pet food store of 2,200 sq. ft. with a 48 sq. ft. sign with 9 parking spaces in an existing building located at 1071 Main Street in a B-G General Business District which includes a Site Plan titled Property Owned By Michelle M. McHugh Prepared For Denise Benemerito 1067 and 1071 Main Street, Watertown, CT prepared by Meyers Associates P.C., 60 Linden Street, Waterbury, CT 06702; and

WHEREAS, the Commission heard the application on April 7, 2010;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a retail pet food store of 2,200 sq. ft. with 9 parking spaces in an existing building located at 1071 Main Street in a B-G General Business District with 9 parking spaces in a B-G General Business District subject to the following conditions:

1. All exterior lighting shall be full cut-off fixtures including sign lighting in accordance with Article VI Section 61.4 of the Town of Watertown Zoning Regulations.
2. All signs for the pet food store shall comply with Article VI Section 62 of the Town of Watertown Zoning Regulations.
3. Prior to Town officials signing a final Mylar map and two paper copies with a signature block for the Chairman and the conditions of approval, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and is 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 April 29, 2015.

Motion made by: C. Mancini
Second by: K. DeMirs
All in favor

**f. Applicant:
Re:**

**Planning and Zoning Commission
Zone Text Amendments:**

- (1) **New Section 37 “Medical and General Business District (B-MG)” – Permitted Site Plan Uses**
- (2) **Section 3 “Establishment of Zones” (add B-MG District)**

Action: **Requires a Public Hearing (no date specific)**

Mr. Minnich said you have the language that we discussed from the meeting on March 24th and asked if there any changes the Commission wishes to make point. Mr. Minnich said we are not approving but that is the language that will be published as the text amendment.

g. Applicant: **Planning and Zoning Commission**
Re: **Zone Boundary Line Amendment IR-80 to B-MG District**
At: **Properties fronting north side of Buckingham Street from Route 262 to Calendar Road, Watertown**
Action: **Requires a Public Hearing (no date specific)**

Mr. Minnich said you have a map in front of you, the legal description that will be posted in the Town Clerk's office. For clarity on Calendar Road the line intersects approx. 200 feet from Buckingham Street. It intersects Dr. McCue's property at approx. 400 feet from Buckingham Street so it will have a diagonal at that area. The rest of the boundary lines are as the properties currently exist there. There a 5 properties involved in this area. Your map is correct as presented.

Board Member Concerns

Mr. Russ asked about the two houses.

Mr. Minnich replied they are part of it and zoned industrial and if this goes through this will be changed to BMG.

Ms. Mulcahy said she has done a map with the zones 500 feet of the property. Ms. Mulcahy addressed section 81 and some of the impacts.

Text of Motion: Accept application for review and schedule a public hearing on text amendment and boundary line amendment for May 5, 2010

Motion made by: J. Blais

Second by: D. George

All in favor

Mr. Minnich passed out section 81 if you would read that, it refers to all text amendments that we have in terms of what needs to get done. You are required to conform to section 8-7d statues which talks about the notice registry, you needs to notify those that have registered as well as the signs need to get put up and notices for town clerk.

- h. Applicant:** J. Masi, C. Adams, M. Masayda
S. Masayda, J. Wick
Re: Zone Text Amendment to Section 42
Permitted Site Plan Uses
Action: Requires a Public Hearing by June 11,
2010

Colin Adams

What we are trying to submit a text amendment to section 42 of the Watertown zoning regulations. What we are trying to do is take our industrial park and make it an office business park which will allow many more uses, a research facility including medical and general professional business offices, health or fitness clubs, tennis racket clubs, hospitals convalescent and nursing homes and rehabilitation facilities. We hope that you will accept this application and think that it is in good mind for development because manufacturing is on a down side but office research facilities are always looking for facilities and this would be good for Watertown.

Board Member Concerns

Mr. Minnich asked if there were any comments.

Mr. Minnich asked Ms. Mulcahy and Ms. Allen to send to COG for review both the ones we are initiating as well and the one we have now.

Ms. Mulcahy replied we already have.

Text of Motion: Accept application for review and schedule a public hearing for May 5, 2010

Motion made by: C. Mancini

Second by: R. Russ

All in Favor

- i. Applicant:** Town of Watertown
Agent: Chuck Berger
Re: Site Plan/Special Permit 293
Section 66 – Development in Flood Prone
Area
At: Sunnyside Avenue, Oakville
Zone: R12.5/R.30

Action: **Requires a Public Hearing by June 11, 2010**

Chuck Berger

Very briefly this is part of our Sunnyside Avenue reconstruction and as part of that project we are upgrading the culvert to carry Turkey Brook under Sunnyside Avenue, those culverts are located in flood zone in accordance with section 66 of the regulations you need a special permit for an activity within the flood zone. There are two existing culverts underneath here that will be replaced with box culverts it will be hydraulically adequate and have been coordinated with the Turkey Brook drainage improvement projects that we completed several years ago.

Text of Motion: Accept application for review and schedule a public hearing for May5, 2010

Motion made by: D. George
Second by: R. Russ
All in Favor

j. Applicant:	Town of Watertown
Agent:	Roy Cavanaugh, Director of Public Works
Re:	C.G.S. 8-24 Review
At:	Open Space Grant Application
	2.5 acres in railroad right-of-way near Steele Brook and former WFD sewer plant, Main Street, Watertown
Action:	Consider approval

Mr. Berger

The town has been offered a two and half acre parcel which encompasses primarily the old railroad right of way south of the existing bridge to the Watertown fire district sewer district treatment plant extending south to Rt. 73 and then across 73 where the railroad abutments are to a small area on the other side in the vicinity of Ro's restaurant. The owner has offered it to the town of Watertown to be purchased and we are in the process of applying for a state grant to offset the cost associated with that and performing a property appraisal, assessment and a title search. Mr.

Cavanaugh is looking for 8-24 approval to move forward on the purchase of the property depending on the appraisal and the state grant which will offset 66% of the cost.

Board Member Concerns

Mr. Minnich asked who owned the property.

Mr. Berger replied Jack Daddona and his partner.

Mr. Minnich asked how wide the property is

Mr. Berger replied it varies from 66 feet to a maximum of 100 feet. It is a long and narrow piece of property.

Mr. Minnich said the sole purpose of this purchase is open space to which you are going to have a walking trail is that the intent.

Mr. Berger replied an open space walking trail and other recreation that might be opened up by this. There is a parcel of land downstream from the old sewer to a treatment plant that the Watertown Fire District owns there might be some use in the future.

Mr. Minnich said this is not part of this.

Mr. Berger replied no. It is adjacent and would be the access to that piece of property.

Mr. Minnich said are you aware that the Watertown Fire District offered that to the town for \$1.00.

Mr. Berger replied he was not aware of that. We looked at a potential for a skate board park there and some other recreational development many years ago. The primary purpose of this is for the Steel Brook Greenway walkway it is a piece that we will need to connect what I consider the middle and lower section and it is ideal if we were to own it, if some point in time we would it is a integral piece of property.

Mr. George asked would that be covered by grant.

Mr. Berger replied between 60 70 percent.

Mr. Minnich said this property is owned by the Fire District correct.

Mr. Berger my comments this was solely for open space for the greenway walkway if there was ever any future development of that Fire District parcel that you said was offered to the town for \$1.00 a few years this two and half acre parcel of land would be an ideal access way to get to that fire district property.

Mr. Minnich said for clarify the offer was \$1.00 for ten years and with liability insurance paid for by the town.

Mr. Minnich said our purpose is whether this conforms to our plan of conservation and development and asked if their comments from the Commission.

Mr. Blais sounds like it does if we develop that greenway.

Dennis O’Sullivan - 238 North Street

I hope you make amendment approve this for reasons. Six or seven years I proposed that the fire district property that you were talking about was somehow turned over to the town because they were screaming at the time for more athletic facilities. This seems to be a key component if that can be together in some future phase. This keeps all of your options opens and hopefully we are talking about open space and do not preclude the use for athletic fields.

Mr. Minnich replied open space by state law includes recreation.

Mr. O’Sullivan said then I would highly recommend that you consider.

Text of Motion: Grant 8-24 approval as the application conforms to the Watertown Plan of Conservation and Development
Motion made by: C. Mancini
Second by: R. Russ
All in favor

k. Applicant:	Town of Watertown
Agent:	Chief John Gavallas, Police Chief
Re:	C.G.S. 8-24 Review
	Police, Fire, and Public Works
	Communication Facilities and Equipment
Action:	Consider approval

Chief John Gavallas

There will be interior construction within the police department. All 3 agencies police, fire and public works need to intercommunicate with one another especially during times of storms or events where we are all working together. The communications department is located within the police station in the dispatch center it was purchased back in the early 90’s and is unreliable, obsolete and almost impossible to get parts and will be relocated to a larger more environmental friendly location where the records division is presently located using a one screen dispatcher which would be faster, much less chance

for error. By 2013 all of us are going to be required to switch narrow band. That is one of the reasons we have to do this upgrade and other towns are doing it as well. Our proposal is 1.83 million with a \$300,000 grant that will help fund it brings it down 1.5 million. A 20 year bond it represents one tenth of a mill as far as tax increase goes. The interior construction in the main lobby of the police station is to construct an interview room, conducting police business without having to bring the public into the most secure areas of the police station. A main corridor from the administrative wing of the building over to the investigative services building. Right now we have to pass through the cell blocks to get to the other areas. It is not safe to have staff go through the cell block area especially when processing prisoners. The communication center should be a standalone facility without foot traffic or staff . So this relocation and reconstruction in the present police station will be a big benefit to us and the work will be done by the town crew with the exception of the electrical and the masonry. I would hope that you would look favorably on this change and support it.

Board Member Concerns

Mr. Minnich asked about towers at various locations..

Mr. Gavallas replied with this new program we are going to have one located Buckingham, Stop and Shop, Taft school, John Trumbull, Judd Farm, and the fire house.

Mr. Minnich said the testing that you did with the higher bands and the testing in areas of known problems you did not have problems

Mr. Gavallas replied we had great coverage with this new system.

Mr. Mancini why not put on water tank on straits turnpike vs. Stop and Shop

Mr. Gavallas it worked out better a higher location.

Mr. Minnich said where problems before you now tested those areas with the new equipment and 100% coverage of those known areas. No doubt there would be areas that you did not test and you do not go to.

Mr. Russ said there is no reason why not approve. This is our public safety, police fire highway we should move forward.

Text of Motion: Grant 8-24 approval as the application conforms to the Watertown Plan of Conservation and Development

Motion made by: R. Russ

Second by: C. Mancini

All in Favor

**I. Applicant:
Re:**

**Planning and Zoning Commission
Zoning Text Amendments**

- (1) **Section 64, “Earth Materials Removal and Moving / Grading / Excavating, and Filling of Land”**
- (2) **Section 65, “Filling of Land” – delete and combine with Section 64**
- (3) **Section 5, “Language and Definitions” - definitions for Clean Fill, Filling, Sediment, Soil, Unacceptable Fill, Unacceptable Soil, and ZEO.**
- (4) **Section 1, “Intent and Purpose” Requires a Public Hearing (no**

**Action:
date specific)**

What it is essentially is that anything from 100 cubic yards and less does require a permit for clean fill. Clean fill we spent a lot of time which is the DEP definition in the first page. Mr. Jessell added as well you cannot have asbestos in there. Anything from 100 to 500 cubic yards Ms. Mulcahy approves by permit and anything from 500 plus yards the Commission does. The 500 cubic yards is measured on two year basis. When it comes to unacceptable soil they may not do anything in any quantity that requires DEP permit that complies with the regulations and that also require a permit from this Commission. Important statement that is in here that I wanted to bring to your attention is we are determining because of the issues that we have in town with regards to several places having land to which is not useable because of pollution when making this statement that we have the authority for those areas of unacceptable soil are not in the general welfare of the town and may be cause for public safety and health issues, we use that purpose to regulate this we find that when those issues occur they will be sent to DEP, also anything agricultural land this is exempt from that with some exceptions if there unacceptable soil they too are subject to the unacceptable soil. Secondly that it also they are subject to permit and these regulations if they are taking soil from their property if it adjacent property to which they own that is fine if taking it from their property they are subject to these regulations. These regulations have been reviewed by the Town Attorney, Torrington Health District, Ms. Mulcahy, Mr. Berger, Mr. Cavanaugh and there may be some issues they wish to take a look at and welcome to comment further this has gone through a couple of variations. This makes the process a lot easier to understand.

Text of Motion: Accept application for review and establish a public hearing for May 5, 2010

Motion made by: J. Blais

Second by: R. Russ

All in favor

m. Applicant:	Reflections Condominiums
Agent:	Russell Antonacci
Re:	Site Plan
	Mail Box Canopy
At:	166 Ice House Road, Watertown
Zone:	R-30/PCD
Action:	Requires a Public Hearing

Mr. Antonacci

Mr. Antonacci said this is an application to build a roof over the mailboxes so people can pick up their mail without getting wet.

Board Member Concerns

Mr. Minnich said you are also requesting a fee waiver

Mr. Antonacci replied the fee is \$735.00 for a roof that covers mailboxes and does not have any doors and walls and it is a small complex.

Mr. Rossi asked how big the roof is.

Ms. Mulcahy said the mailboxes were never shown on the original site plan and it is against the road and it is an 8 by 14 foot canopy type of structure.

Mr. Minnich asked if this need a special permit.

Ms. Mulcahy replied no.

Mr. Minnich this is a situation where we need Town Council to change fee structure which would not work for this and these kinds of applications.

Text of Motion: Approve fee waiver

Motion made by: D. George

Second by: R. Russ

All in favor

Board Member Concerns

Mr. Mancini asked does this remove it completely.

Ms. Mulcahy replied we still have to pay for the legal ads for the approvals and the paperwork as well.

Mr. Minnich asked if 235.00 would be fine.

Mr. Antonacci said that would be fine.

D. George withdrew his first motion to waive the total fee
R. Russ withdrew his second

Mr. Blais asked if there will be newspaper tubes next to these mailboxes.
Mr. Antonacci said not that I am aware of.

Mr. Blais asked where they are going to get their newspapers from.
Mr. Antonacci replied they are usually delivered to the door the units.

Text of Motion: Establish the fee for a special permit of \$175.00 plus \$60.00
Motion made by: D. George
Second by: R. Russ
All in favor

Ms. Mulcahy asked Mr. Antonacci how many units there are.
Mr. Antonacci replied 40.

Ms. Mulcahy asked about accessory apartments.
Mr. Antonacci replied 2

D. George withdrew his first motion to waive the total fee
R. Russ withdrew his second

Text of Motion: Establish the fee for a special permit of \$175.00 plus
\$60.00
Motion made by: D. George
Second by: R. Russ
All in favor

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Reflections at Echo Lake, 166 Ice House Road, Watertown, CT, for a mailbox canopy structure 8' x 14' located at 166 Ice House Road in a P.C. D. Planned Community Development R12.5 Residence District which includes a Site Plan titled Echo Lake Condominiums prepared by Curtis Jones & Associates, 43 Sherman Hill Road, Woodbury, CT; and

WHEREAS, the Commission heard the application on April 7, 2010;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a mailbox canopy structure 8' x 14' located at 166 Ice House Road in a P.C. D. Planned

Community Development R12.5 Residence District subject to the following conditions:

4. All exterior lighting shall be full cut-off fixtures in accordance with Article VI Section 61.4 of the Town of Watertown Zoning Regulations.
5. No signs are allowed on the mailbox canopy.
6. Prior to Town officials signing a final Mylar map and two paper copies with a signature block for the Chairman and the conditions of approval, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and is 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 April 29, 2015.

Motion made by: J. Blais
Second by: C. Mancini
All in favor

- 12. Adjournment**
Text of Motion: Adjourn at 9:00PM
Motion made by: R. Russ
Second by: D. George
All in favor

Carl R. Mancini _____
Secretary