



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
Special Meeting
Minutes

Time: 6:30PM
Date: Wednesday, May 19, 2010
Place: Watertown High School
Lecture Hall
324 French Street
Watertown, CT

1. Call meeting to order

Chairman Minnich called the meeting order at 6:30

2. Roll Call

Ms. Allen executed the roll call.

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

Members Absent: Vice-Chairman, Mr. Gary Martin

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

K. DeMirs sat in for G. Martin

3. **Staff Report**

Judson School - Drainage issues on Hamilton Avenue with a large pipe that was installed. Brush, trees and shrubs were removed along a stream channel causing pooling of the water. It is on Wetlands agenda and has been resolved for the town and adjacent property owner.

Walking Trail – Boy Scout wants to install sign giving a map of the walking trail which was restored around the pond in Crestwood Park.

Roma Restaurant – Installing new handicap ramp including plantings and railings which needs to be brought up to code.

Incentive Housing - Forms have been turned over to Town Manager for completion to pay consultant. Interested land owner has parcels of land to see if they were appropriate for incentive housing.

Hardrock Development – Hearing scheduled for June 4th at 9:30 A.M. in Waterbury Court.

Masi – Appeal hearing for June 24th at 9:30 A.M.

Route 262 – No schedule

Bailey – Case will be heard on June 2nd.

1192 Main Street - Ms. Mulcahy had written a letter for a Zoning Compliance Report, the building was built in 1955, there are medical offices, a visiting nurses business and are allowed uses currently subject to approval of Planning and Zoning Commission. The other business there is a contractor business that is not permitted in that zone.

Board Member Concerns

Mr. Minnich asked on Judson School did Ms. Mulcahy receive a commitment from the Town Manager when the project will be started.

Ms. Mulcahy replied right now there is a application submitted and will be voted on in the Wetland Agenda, their permit will be considered for approval at the next month's meeting.

An Incentive Housing Committee was formed to help Ms. Mulcahy with the project.

Members will be: K. DeMirs, D. George and D. Minnich

Chairman Minnich requested Ms. Mulcahy to find out from the Town Manager a date when the walking trail and sidewalk for Joe Polletta's subdivision will be started and to inquire if the town's staffing is going to do the project and if not, it could be put out to bid using funds available for this project from the sidewalk fund

Board Member Concern

Mr. Martin asked if the trail has been done.

Mr. Minnich replied Joe Polletta went to Inland and Wetlands for some issues that were addressed by the Town of Watertown through Mr. Berger that needed some further clarification and that has occurred and is set to go.

Gary Martin arrived at the meeting at 6:37PM.
Ken DeMirs no longer seated for Gary Martin

4. New Business

a. Watertown High School bond reduction - None

b. Polk Elementary School bond reduction

Mr. Minnich received from the architect a bond release for \$31,000.00.

Ms. Mulcahy replied she received a memo from WMC and from Montagno, three items on the memo: sidewalks (\$21,500.00), sedimentation (\$500.00), and storm drainage (\$9,000.00).

Board Member Concerns

Mr. Martin asked has this work been reviewed by somebody other than them.

Ms. Mulcahy replied yes, WMC their engineer goes and does a review.

Text of Motion: Release \$31,000.00

Motion made by: C. Mancini

Second by: G. Martin

All in favor

c. Judson School bond reduction - None

5. Articles on Agenda

- a. **Applicant:** Tony & Sons Seafood, LLC
Re: Site Plan, building addition 18'X30' to an existing retail building
At: 639-629 Main Street, Oakville
Zone: B-G
Action: Decision by July 9, 2010
Map was provided in May 5, 2010 packet

Scott Demirs – 639 & 639 Main Street, Oakville

Our proposed plan is to bring the parking to the north side and bring a loop driveway around the back of the property out on the 629 Main Street side. This will give more parking for employees and customers and the ease of the traffic coming in one way and out the other. The other item we want to do is build 600 square foot addition off the southern side of the building. We pushed it back to make it compliant and within guideline area. That would house more of our wholesale business and would get our truck loading and unloading out of our retail parking. The other hardship is storage, we are coming into our time now when we supplying a lot of clam bakes and lobster bakes and we are shuffling products on and off trucks, we try to keep everything on site and we are out of room we need more freezer and cooler space. There was a question about the property behind both of our pieces it is owned by Bradshaw and we have approval to grade the property and have documentation.

Board Member Concerns

Mr. Mancini said they have done everything we had asked of them and it is going to look a lot nicer having that new space cut back and they are in compliance now and I have no problem with it.

Mr. George said he has no problem with it; they did a good job with what they had to work with.

Mr. Blais said they are doing as much as they can with the limited space they have.

Mr. Minnich asked what the curb cuts widths are currently and proposed.

Mr. Green replied the one going in is 25 and the one going out 18.

Mr. Minnich asked the curb cut that is on the westerly side that is the existing curb cut.

Mr. Green replied we narrowed it.

Mr. Minnich on the westerly side of that property how high the cement retaining wall.

Mr. Demirs replied correct 6 1/2 feet.

Mr. Minnich asked if it required fencing.

Mr. Demirs replied it is a chain link high probably 4 feet.

Mr. Minnich asked does it go the entire length of where the retaining wall is.

Mr. Demirs it goes from where the existing stone wall is right now and where we would be dropping the elevation down from there all the way to the back of the property.

Mr. Minnich asked the consultant if he had done any storm water drainage calculations for this property.

Mr. Green replied yes.

Ms. Mulcahy said those went to the Town Engineer.

Mr. Minnich asked what was the results from your conversation with the Town Engineer regarding his comments on that.

Mr. Green replied we did a post analysis and determined that there was no impact in the existing drainage and it could handle the proposed imperviousness.

Ms. Mulcahy replied she spoke with the Town Engineer to ask if he had any issues or concerns and he said no after he received the drainage report and he wanted it to go DOT.

Mr. Minnich asked for a report from Town Engineer.

Ms. Mulcahy said he usually does not submit it if he does not have concerns.

Mr. Minnich asked if they made an application with DOT connecting into the state storm water drainage.

Mr. Demirs replied they are waiting for approval. They will not review it until zoning approval.

Mr. Minnich said in our regulations you either submit their determination or that you have showed proof that you have made the application to OT.

Mr. Demirs replied when I spoke to DOT I brought it down in the middle of the process with some maps and they said after we had gotten approval from the Commission come back with the approved project so we would not have to reapply again.

Ms. Mulcahy someone from DOT came to our office to ask me about this project and he said he had received the maps and I said we were in the process of getting the approval.

Mr. Minnich asked have you received permission from the State of Ct for the additional curb cut or had you had conversation with them, where does the state stand.

Mr. Demirs replied the curb cut is not additional; there is already a curb Cut at 629 we are just moving it and making a new one.

Mr. Minnich asked you will be making an application.
Mr. Demirs said correct.

Mr. Martin asked the 6 foot high retaining wall is there a fence the entire length of that wall.

Mr. Demirs replied it starts out 3 feet and when it starts to be 6 feet there is a fence.

Mr. Martin asked if they had a loading zone.

Mr. Demirs presently we don't, we just unload it by hand and unload onto carts.

Mr. Martin asked the what is the distance between your curb and your dumpster fence.

Mr. Demirs said 18 feet.

Mr. Minnich asked where are you proposing the drain basins will be when this gets approved.

Mr. Green replied 2 catch basins on sheet 3 one right in front of the store, and one on the east side of the exit.

Mr. Minnich noted on the record they have received 5 variances for this project from ZBA.

Mr. Minnich asked the Commission if they had any additions or changes.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Scott Demers owner of Tony and Sons' Seafood located at 629 & 639 Main Street, Oakville, CT for a 594 sq. ft. retail building expansion in a B-G General Business District which includes Existing Conditions and Removals for Assessors Lot 9 & 9A prepared for SSCD Properties, LLC, 629 & 639 Main Street, Oakville, CT dated April 26, 2010, Improvement Location Survey-Proposed Layout Plan for Assessor's Lot 9 & 9A dated April 26, 2010, Improvement Location Survey Proposed Grading and Utilities Plan and Sedimentation Control Plan dated April 26, 2010, Miscellaneous Notes and Details dated April 26, 2010 prepared by Robert Green Associates LLC, 6 Old Waterbury Road, Terryville, Conn. 06786; and

WHEREAS, the Commission heard the application on May 19, 2010

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application from Scott Demers of Tony and Sons' Seafood located at 629 & 639 Main Street, Oakville, CT for a 594 sq. ft. retail building expansion in a B-G General Business District subject to the following conditions:

1. The existing dwelling located at 629 Main Street shall be removed in accordance with the plan and lots 9 and 9A shall be merged by deed. Proof of merger shall be submitted before a zoning permit is issued.
2. There shall be a one-way entrance only at the northern of the two driveway curb cuts accessing the site to state highway Route 73. "Entrance Only" shall be signed and posted at the northern curb cut facing the street, and "Not an Exit" shall be signed and posted facing the site. There shall be a one-way exit only at the southern of the two driveway curb cuts accessing the site to state highway Route 73. "Exit Only" shall be signed and posted at the southern curb cut facing the street, and "Not an Entrance" shall be signed and posted facing the site.

A final approval is required from the Connecticut Department of Transportation for a second curb cut to the site and the proposed catch basin with connection to the state highway Route 73 drainage system. These CTDOT approvals shall be submitted before a zoning permit is issued. If either approval is denied, the Commission retains jurisdiction of Site Plan approval, and the applicant is subject to Site Plan Modification.

3. All exterior lighting shall be full cut-off fixtures in accordance with Section 61.4 Outdoor Lighting.
4. The Notice of Granting of Variance for the 5 variances granted on April 6, 2010 shall be added to the final filing map.
5. 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 listed on the filing map, 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 are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

Mr. Minnich substituted number two with different wording.

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 May 27, 2015.

Motion made by: R. Russ
Second by: C. Mancini

Mr. Minnich said this is a great improvement to this business and the site plan is in order and complies.

All in favor

- b. Applicant:** Taft School
Agent: Carmody & Torrance LLP
Re: Site Plan/Special Permit #294
For Non-profit School Use
At: 25, 37 & 51 The Green (Formerly Christ Church Parish)
Zone: R-10F
Action: Public Hearing required by July 9, 2010.
Map was provided in May 5, 2010 packet.
- c. Applicant:** Taft School
Agent: Carmody & Torrance LLP
Re: Site Plan/Special Permit #295
Modification of Standards (Shared Parking)
At: 25, 37 & 51 The Green (Formerly Christ Church Parish)
Zone: R-10F
Action: Public Hearing required by July 9, 2010.
Map was provided in May 5, 2010 packet.

J. Blais recused himself from 5 B&C
K. Demirs sat in for J. Blais

Jennifer Yaskal - Carmody & Torrance

We asking you to accept both of those applications and set them down for public hearing. She submitted a few more documents for this application which included an updated site plan, wetlands report, and traffic impact statement in connection with both applications.

Board Member Concerns

Mr. Minnich said we would like to have a site visit as well to see where this is.

Mr. Minnich asked if they have been in contact with the Town Attorney in connection with the green.

Ms. Yaskal replied we have been in contact with the owners.

Mr. Minnich asked about the status of that road, that it is not owned by the town of Watertown if you could follow up on that. I would like to get that issue resolved and part of the town road system.

Ms. Yaskal replied from all the information we have it is a town road but we will certainly contact Mr. Jessell.

Text of Motion: Accept Site Plan/Special Permit #294 and #295 for review as well as establish a public hearing for June 16, 2010 at 6:30PM and schedule a site visit prior to the June 16, 2010 meeting at 5:30PM at the site.

Motion made by: G. Martin
Seconded by: C. Mancini
All in favor

J. Blais returned to the meeting after the Commission discussed 5B&C
K. Demirs was no longer seated for J. Blais

- d. Applicant:** Taft North, LLC/Baldwin School
Agent: Attorney Franklin Pilicy
Re: Zoning Regulation/Text Change
(new) for Baldwin School reuse
Proposed Amendment to Article DC –
Watertown Fire District, Section 83.22
Residence R-10F
At: North Street, Watertown
Zone: R-10F
Action: Public Hearing required by July 9, 2010

Franklin Pilicy

We have submitted a text amendment that would allow the use of the existing former Baldwin School we ask the Commission to schedule a public hearing.

Board Member Concerns

Mr. Minnich asked if they had discussions formerly with the neighbors.

Mr. Pilicy replied they have had several meetings with the neighbors and additional meetings are planned before an application is filed for the specific special permit and site plan and will have specifics of the architectural consultants.

Text of Motion: Accept application for review and schedule a public hearing for June 16, 2010
Motion made by: R. Russ
Second by: C. Mancini
All in favor

e. Applicant: Wishbone Realty
Agent: Attorney Franklin Pilicy
Re: Preliminary Discussion Site Development Plan
At: 1128 and 1142-1156 Main Street, Watertown
Zone: B-G
Action: Discussion only

Franklin Pilicy

The owners of the property have taken very seriously all the prior comments. The building size has been reduced. We have added to the plan some significant improvements with respect to getting into the site and getting out of the site. The plan shows an additional entrance and exit and propose a possibility at the Commissions discretion of possible additional exit off of Baldwin Street. The idea is a formal application for this plan to be filed fairly soon.

Board Member Concerns

Mr. Mancini said there concern was parking and the access and the exit from the property.

Mr. Pilicy replied it will meet the parking requirements, the major concern that I viewed in reading the history of this is the possibility of stacking on or off the property which has been addressed. In order to do that they reduced the size of the building as one way to address these concerns. Every concern that we are aware of has been incorporated into this to make it compliant.

Mr. Minnich asked where the dumpster now located is.

Mr. Gussack replied in the area between existing building and the new building

Mr. Minnich asked what the Commission's feeling again on that issue is Belden Street as an exit only.

Mr. George replied absolutely not.

Ms. Genovese commented I go up that street and people park there and go into Blockbuster and it is really congested. I would not want to see an exit out there.

Mr. Martin replied I am feeling the same way that is a bad spot.

Mr. Demirs asked about the loading docks.

Mr. Pilicy has not seen any loading dock if it would be practical.

Mr. Minnich asked if you are not proposing a loading dock could you provide us with some narrative as how your planning on addressing deliveries.

Mr. George commented there is no loading dock for the other building.

Ms. Mulcahy said it is required by the regulations so they would need to get a variance.

Mr. Pilicy replied the same regulations existed when the original center was approved and there was no requirement for loading.

Mr. Minnich I am not having a problem by your not having a loading dock because it does not currently exist. I would appreciate for the record when you do make an application if you could provide some narrative as to how you plan on addressing the loading issue not having a loading dock.

Mr. Minnich commented this looks like the appropriate size for this area.

No action taken

f. Applicant:	Honda of Watertown
Agent:	Attorney Franklin Pilicy
Re:	Preliminary Discussion Site Plan Modification
At:	774 Straits Turnpike Watertown Map was provided in the May 5, 2010 packet
Zone:	B-SC
Action:	Discussion only

Franklin Pilicy

The proposal will acquire this site and develop it for car sales and servicing uses in conjunction with existing faculties there right now that have been upgraded the past several tears,

Ted Heart – Professional Engineer Malone & McBroom

The area is adjacent to Honda of Watertown it is the building that use to house Academy of Driving School. It is .8 acres; it is currently almost all paved now. There are two curb cuts in front, what we are hoping to do is close of this curb cut and just have one slightly larger curb cut here. The curb cuts are about 18 feet wide there is an entrance and exit. We would like to have one entrance and one exit at this northerly curb cut. We are also planning on putting in a fence for security around the property. We are not planning an increase in the building size, no increase pavement; the drainage will all stay the same. The parking will generally stay the same. We will have a 26 foot isle right here cars come in here and go into main dealership area or vice versa. This is supposed to be a certified used area for certified used Hondas. No change in runoff. Most of the pavement markings will remain the same, we are not planning any major changes with that. We are proposing signs, an 8 by 2 ft 8 inch high pylon sign with 21.3 square feet. We have also shown a building sign its 3 feet by 34 feet that may be a little bit large what we are looking to scale that back and have been talking with the sign manufacturer. We are going to provide lighting similar to what did at the existing dealership using the same types of lights and getting rid of the big flood lights over the whole area across the frontage and wall packs. We are trying to keep this in conformance with what is here at the existing dealership.

Board Member Concerns

Mr. Mancini asked what type of fencing you are proposing.

Mr. Heart we are proposing black vinyl.

Mr. Mancini what is the maximum width of the proposed curb cut.

Mr. Heart replied it will be one 24 foot wide curb cut. Right now it is 18 feet.

Mr. Martin asked if there is intent to meld the two properties together as one property or are you keeping them separate.

Mr. Heart replied I think they are going to be separate properties it will be a separate parcel but it will be all one business basically.

Mr. Martin asked why you would not combine them together.

Mr. Pilicy replied I am not sure either of us can answer that with 100% certainty before we speak to the owner. Essentially one will be the new car operation and the other will be used cars

Mr. Martin asked under the same ownership.

Mr. Pilicy replied once you merge you could never have separate ownership I am not sure if it is planned or not planned we have to speak to the owner.

Mr. Martin asked do we allow in regs .8 acres as a standalone dealership.

Mr. Pilicy said it would be non conforming which would be allowed.

Mr. Demirs asked about the building to the north the chain link fence is going through all their parking lots.

Mr. Heart replied those parking places would be gone.

Mr. Minnich asked that bottom portion of the parcel is that going to be used for travel between the two is it an access way.

Mr. Heart replied yes that is why we can basically get rid of one of those curb cuts.

Mr. Pilicy said the intent to submit the applications fairly soon and move this forward.

No action taken

g. Applicant: Lina Nail & Spa, Inc.
Agent: Pat Graziano
Re: Site Plan Nail and Spa
At: 1197 Main Street, Watertown
Zone: B-G
Action: Decision must be made by July 23, 2010.

Pat Grazino

We have a lease in place for a nail and spa salon. You have the maps that shows the parking requirements that are needed. I am open to answer any questions.

Board Member Concerns

Mr. Martin asked about the location of the building?

Mr. Grazino replied it is the old KeyPros building.

Mr. Martin asked building one, two, three, or four.

Mr. Grazino replied building one.

Mr. Minnich said you will be vacating the use that you have received from us before a year ago.

Mr. Graziano said that fell through the approval for a car lot. The tenant that is coming in I viewed their present spot in Newtown and it is immaculate and we will be proud to have in our building.

Mr. George commented he did not see a problem with the application.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Graziano Brothers LLC, 9 Knight Street, Watertown, CT for a Site Plan application for a nail and spa of 1,167 sq. ft. with 14 parking spaces in an existing building located at 1197 Main Street in a B-G General Business District which includes a Site Plan titled Graziano Building, Main Street, Watertown, CT prepared by Ames & Whitaker, 31 Liberty Street, Suite 208, Southington, CT 06489; and

WHEREAS, the Commission heard the application on May 19, 2010

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a nail and spa of 1,167 sq. ft. with 14 parking spaces in an existing building located at 1197 Main Street in a B-G General Business District subject to the following conditions:

1. All exterior lighting shall be full cut-off fixtures in accordance with Article VI Section 61.4 of the Town of Watertown Zoning Regulations.
2. All parking spaces shall be located within the property line.
3. All signs shall comply with Article VI Section 62 of the Town of Watertown Zoning Regulations.
4. 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 June 10, 2015.

Motion made by: G. Martin
Seconded by: C. Mancini
All in favor

Ms. Yaskal spoke regarding 5b & 5c. I spoke with my client and realized that Paul Jessell has been in touch with Taft and not in touch with the Diocese. I was mistaken and I wanted to correct that for the record.

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| h. Applicant: | Planning and Zoning Commission |
| Re: | 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. |
| Action: | (4) Section 1, “Intent and Purpose” Decision at Commission’s Discretion |

Mr. Minnich said we have held a public hearing on this and this is the time for changes or decisions to what has been discussed and all of that is in the record.

The Commission held a public hearing on May 5, 2010 and discussions on May 19, 2010 and approves Section 64 “Earth Materials Removal and Moving / Grading / Excavating, and Filling of Land”; Section 65, “Filling of Land” – delete and combine with Section 64; and Section 5, “Language and Definitions” - definitions for Clean Fill, Filling, Sediment, Soil, Unacceptable Fill, Unacceptable Soil, and ZEO. Also approved is Section 1 “Intent and Purposes”, Section 36.4.7.17 and Section 66.13; and the Commission finds the text amendments in conformance with the Plan of Conservation and Development; and the text amendments are effective May 28, 2010. The approved text amendments are as follows:

ARTICLE I - GENERAL PROVISIONS

SECTION 5 - LANGUAGE AND DEFINITIONS

[NEW] 5.2.35 CLEAN FILL: Is materials as defined in section 22a-209-1 of the Regulations of Connecticut State Agencies (“R.C.S.A.”), but excluding asphalt paving fragments and materials containing asbestos. Clean Fill includes (1) natural Soil; (2) rock, brick, ceramics, and concrete, which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard; and/or (3) Polluted Soil of the type defined in subsection (45) of subsection (a) of section 22a-133k-1 of the R.C.S.A., which Polluted Soil has been treated to reduce the concentration of pollutants to a level which does not exceed the applicable pollutant mobility criteria (typically groundwater and the environment) and the direct exposure criteria (typically human contact). These criterions are as established in R.C.S.A section 22a-133k-1 through 22a-133 k-3, which reuse, is in accordance with R.C.S.A. subsection (3) of subsection (h) of section 22a-133k-2, as amended.

[AMENDED] 5.2.72 FILLING: The process of depositing Clean Fill, sand, gravel, and/or clay.

[AMENDED] 5.2.170 SEDIMENT: Solid material, either mineral or organic, that is in suspension, is transported, or has been moved from its site of origin by erosion or in a stream channel.

[AMENDED] 5.2.177 SOIL: Any unconsolidated mineral or organic material of whatever origin that is overlying bedrock, not including Sediment.

[NEW] 5.2.206 UNACCEPTABLE FILL: The processing of depositing Unacceptable Soil at the time such Soil or Sediment was deposited as fill material.

[NEW] 5.2.207 UNACCEPTABLE SOIL: Soil and/or Sediment which exceeds the applicable pollutant mobility criteria (typically groundwater) and the direct exposure criteria (typically human contact) established in section 22a-133k-1 through 22a-133k-3 of the Regulations of Connecticut State Agencies (“R.C.S.A.”), as amended.

[AMENDED] 5.1.17 The abbreviation "ZEO" means the Administrator for Land Use / Zoning Enforcement Officer of the Town of Watertown.

ARTICLE VI - SUPPLEMENTARY REGULATIONS

SECTION 64 - EARTH MATERIALS REMOVAL, MOVING, RE-GRADING,
EXCAVATING, AND FILLING OF LAND

64.1 Purpose:

To regulate the removal, moving, re-grading, excavating filling of land (deposit), and compaction of Earth materials, all defined herein Section 64 as “Earth Materials Activities”, generally for a short period of time and in a manner to:

- 64.1.1 Protect the public health, safety, general welfare, and comply with the intent and purposes of Section 1
- 64.1.2 Protect the values of the subject property, the neighborhood, and the Town
- 64.1.3 Protect the subject property so that the Earth Materials Activities provide for the reasonable reuse of the property as permitted under the Regulations as a matter of right in the district where the lot is located.
- 64.1.4 Protect the public and private water supplies
- 64.1.5 Protect the land, watercourses, and wetlands from stormwater drainage damages, and erosion and sedimentation
- 64.1.6 Protect the appearance of the Town
- 64.1.7 Protect from defacing, areas of historic interest and scenic landmarks

64.2 General Provisions:

- 64.2.1 Except as otherwise provided herein, there shall be no Earth Materials Activity on any property, in any district, and in any quantity exceeding 100 cubic yards in a two-year period.
- 64.2.2 There shall be no removal or stripping of any topsoil from the lot, conduct of borrow pits for fill, and stone quarry operations, except incidental rock removal in connection with restoration of a lot; provided however that topsoil excavated from under the location of buildings and structures and driveways, sidewalks, terraces and other paved areas may be removed from the lot only if the remainder of the lot has topsoil cover of not less than five (5) inches, and after the ZEO has given written approval for such removal. The Commission by a two-thirds (5 members) membership vote of approval may waive the provisions of this Section 64.2.2
- 64.2.3 Earth Materials Activities with Unacceptable Soil on any property, in

any district, and in any quantity is subject to a Connecticut Department of Environmental Protection (“DEP”) permit, compliance to DEP regulations, and a Permit under Section 64. The Commission herewith determines that Unacceptable Soil may adversely affect property values, the public health, and safety; and does affect the general welfare of the Town, and therefore is reason for the Commission to regulate Earth Materials Activities containing Unacceptable Soil. The Commission may interpret compliance to this Section 64.2.3 and may waive the requirements of Section 64.2.3 with a two-thirds membership (5 members) favorable vote, and thereafter the Commission may take such actions concerning Unacceptable Soil, as it deems appropriate and consistent with the foresaid determinations and the provisions of Section 64.

- 64.2.4 No Earth Materials permit (“Permit”) for Earth Materials Activities is required for quantities of Clean Fill that in a two-year period is 100 cubic yards or fewer in quantity, except if the activity causes pollution, adversely effects the wetlands, watercourses, or causes damage by erosion, sedimentation, or stormwater drainage, which then is subject to Permit application issued by the ZEO. Earth Materials Activities with Unacceptable Soil that in a two-year period is 100 cubic yards or fewer in quantity is subject to a Permit the ZEO may issue.
- 64.2.5 The ZEO may issue a Permit for quantities of Clean Fill and Unacceptable Soil that in a two-year period is more than 100 cubic yards and fewer than 500 cubic yards.
- 64.2.6 The Commission may issue a Permit and shall exercise initial jurisdiction over an application that in a two-year period is for quantities of 500 or more cubic yards of Clean Fill and Unacceptable Soil.
- 64.2.7 In any quantity, moving, re-grading, or excavating Clean Fill (not Unacceptable Soil) **within** the property lines of a parcel of a Farm or Agricultural land or to an adjacent Farm or Agricultural parcel of the same property owner, is exempt from Section 64. Filling of Land with Clean Fill on a Farm or Agricultural land is likewise exempt from Section 64. Agricultural land for purposes of definition in Section 64 is land classified on the Town of Watertown Assessor records as a “Farm” or “Agriculture”. All other Earth Materials Activity including moving Clean Fill **from** a Farm or Agricultural land is subject to Section 64.
- 64.2.8 At the applicant/permittee expense, a Permit may have conditions of approval requiring services of a Registered engineer, a Soil Scientist, and/or remediation by a Licensed Environmental Professional (“LEP”); the latter two positions as defined by DEP regulations. The Commission

may require investigation, testing, monitoring, and/or environmental services.

64.2.9 Earth Materials Activity containing Polluted Soil, as Polluted Soil is defined within the definition of “Clean Fill” in Section 5:

64.2.9.1 May not be placed below the water table

64.2.9.2 May not be placed in an area subject to erosion or sedimentation

64.2.9.3 Requires a map submitted to the ZEO, or the ZEO’s duly authorized representative, showing the location and depth of the proposed placement of Polluted Soil

64.2.10 There is no minimum or maximum size of site for Earth Materials Activity, however, the size shall have a compatible relationship to existing development and the neighborhood and shall be compatible with the ability to complete the operation within the period of time set by Permit, that may be from six months to two (2) years after Permit issuance, after which the Permit is automatically void and the permittee shall cease all activity authorized by the Permit. The ZEO or the Commission may extend the time period only to remedy a violation or to achieve restoration of the site in as short a time period as practical, or Earth Materials Activity at the site are under a new application and Permit.

64.2.11 A Permit is not required when the Commission approves a Site Plan, a Subdivision Plan, or a Re-subdivision Plan. However, the provisions of Section 64 are required for review and approval of said Plans.

64.2.12 The permittee may be required by the ZEO, or the ZEO’s duly authorized representative, to cease Earth Materials Activity temporarily or permanently by issuance of a Cease and Desist Order, provided: (1) the Earth Materials Activity is not conducted or is incapable of being carried out in accordance with the approved Permit and this Section 64 (2) the Earth Materials Activity is causing damage to any property, waterway, wetland, or stormwater drainage facility, (3) the Permit has expired, or (4) for other reasonable cause. Any violation of this Section 64 is subject to remedy by Section 72.2, excepting, if a bond is required, then in accordance with Section 51.13, the Commission will hold a hearing and may call the bond, and thereafter may void the Permit, cease the Earth Materials Activities, and take enforcement action in accordance with Section 72.2.

- 64.2.13 In the event Unacceptable Soil is discovered or additional Clean Fill is requested in additional area or in quantities exceeding that approved by Permit, an amended Permit or amended Site Plan is required. If the Permit amendment is approved and a bond was required for the original Permit approval, that original bond shall be changed to include the amended Permit bond requirement. The period for satisfactorily completing the original Permit work shall remain unchanged by an amended Permit.
- 64.2.14 The requirements of Section 64 are in addition to the regulations of state and federal agencies, and when Earth Materials Activities affect wetlands and watercourses and are within the 100-foot upland review area, the Watertown Conservation Commission / Inland Wetlands Agency regulations. The Commission shall determine jurisdiction of the Commission Regulations.
- 64.2.15 A Permit shall not derogate any right or power of the Commission and conveys no property right or exclusive privilege.
- 64.2.16 The Commission, at its option, may conduct a public hearing on an application for a Permit by which the Commission has jurisdiction of the quantities of Earth Materials Activities as stated in Section 64.2.6.
- 64.2.17 In granting a Permit there may be conditions and safeguards required to protect the public health, safety, general welfare, property values, and to ensure compliance with these Regulations which may include, but are not limited to:
- 64.2.17.1 The days and hours of operation. Unless otherwise permitted, hours of operation shall be 8:00 AM to 5:00PM, Monday through Friday
 - 64.2.17.2 The area of the property to which the Earth Materials Activity shall be confined
 - 64.2.17.3 The extent of stockpiling of materials on the property
 - 64.2.17.4 Protective measures to minimize noise, dust, vibration, and flying debris
 - 64.2.17.5 A bond is posted in accordance with Section 51.13
 - 64.2.17.6 The location of vehicular access into, out of, and travel within the property so as to avoid hazards and to assure capable accommodation for traffic and pedestrians

- 64.2.17.7 Limitations as to the duration of the Earth Materials Activities
 - 64.2.17.8 Limitations as to the location of the equipment with respect to existing residences and adjacent property
 - 64.2.17.9 Provision shall be made for adequate transition adjacent to Earth Materials Activity areas such as by landscaping, earth berms, or fences
 - 64.2.17.10 Provision shall be made to prevent spillage of debris and Earth materials on streets giving access to the site. It is the responsibility of the applicant to promptly clean up any spillage that occurred.
 - 64.2.17.11 Any vehicular access to the Earth Materials Activity site shall have a gate or other suitable closure, maintained in a locked condition when the operation is not in progress.
 - 64.2.17.12 In addition to seeding, sufficient trees and shrubs may be required to provide transition to any adjacent property and to hasten the return of the subject property to a natural appearance.
 - 64.2.17.13 The permittee shall pay Commission costs of Permit inspections, monitoring, and testing.
- 64.2.18 A Permit approved by the Commission may require a bond. A bond may be required for assuring conformance with the purposes of Earth Materials Activity as stated in Section 64.1. If the Commission requires a bond to insure the faithful performance of the work, the Permit shall not become effective until the applicant posts a bond with the Commission in accordance with Section 51.13, which bond the Commission approves. The bond shall ensure completion of the Earth Materials Activity in accordance with the requirements of the approved Permits and may include maintenance activities conditioned by Permit and approval that may have a duration exceeding the period of the Earth Materials Activity. Such bond shall provide for the completion of any uncompleted or required work covered by the bond, or when the Permit expires or is void for failure to comply with the requirements of the Permit, and/or is for required maintenance. Such bond shall not be released in full by the Commission until all conditions of the Permit that is the subject of the bond, have been satisfactorily completed, and not earlier than the second growing season and the required permanent vegetation cover is growing in healthy condition.

64.3 Application Requirements:

As part of the application for a Permit the applicant shall submit maps, plans and cross-sections prepared by a licensed surveyor, landscape architect, or registered engineer which, at a minimum, shall contain the following information:

- 64.3.1 The boundaries of the entire property, the location and extent of the Earth Materials Activity, any wetlands and watercourses, any wooded areas (denoted by foliage lines), and all intersecting streets on or within 200-feet of the property.
- 64.3.2 Existing contours of the entire property, 20 feet beyond the property line, and in the area of the Earth Materials Activity. Longitudinal and transverse cross-sections of the area shall be based on USC&G datum and drawn at an interval not to exceed two feet. Existing contours shall be based upon an actual field survey or an aerial survey with established ground elevations. The map scale shall be 1"=40'.
- 64.3.3 Amount of the number of cubic yards of Earth materials that is the Earth Materials Activity
- 64.3.4 An Erosion and Sedimentation Control Plan in accordance with Section 69
- 64.3.5 The location, surface treatment and grading of truck and vehicle access to the property.
- 64.3.6 The location, type, size, and purpose of any existing and proposed buildings, structures, areas for stockpiling, and equipment used for the storage and/or processing Earth materials on the subject property.
- 64.3.7 Existing and proposed drainage on the property and existing rivers, streams, watercourses, ponds and swamps, wetlands and siltation traps on or within 200 feet of the property.
- 64.3.8 The location of test pits and/or borings, if any
- 64.3.9 The location of any wooded areas and/or rock outcrops
- 64.3.10 A concept plan showing the possible re-use of the property after completion of the Earth Materials Activity shall be provided. The concept plan shall show general building and parking locations, a general layout of stormwater drainage, water, and sanitary sewer lines, proposed grades, and site access. A determination by the Commission that the concept plan is acceptable shall not constitute Commission approval of the concept plan or any other plan (e.g. Site Plan).

64.3.11 The Commission may require for its approval, reports and plans such as, but not limited to:

64.3.11.1 Wind-borne Erosion and Vibration Plan

64.3.11.2 Soil Erosion and Sedimentation Control Plan

64.3.11.3 Maintenance and Operations of Storm Drainage Facilities Plan

64.3.11.4 Stormwater Pollution Protection Plan having two components: (1) pollution caused by soil erosion and sedimentation during and after the Earth Materials Activity and (2) stormwater pollution caused by use of the property after Earth Materials Activity

64.3.11.5 Filling and Compaction Activities Plan

64.3.11.6 A written program of how the Earth Materials Activity is to be conducted, including the sequence for site preparation, stockpiling, drainage and erosion and sedimentation controls, periods of operations, and site restoration.

64.3.12 The ZEO or, if the Permit application is subject to Section 64.2.6, the Commission by a two-thirds (5 members) membership vote of approval to waive the Application Requirements in Section 64.3, may require less detail and less information for a Permit application.

64.4 Performance of Earth Materials Activity:

The permittee/applicant shall comply with the following standards:

64.4.1 Excavation and grading shall provide for proper drainage of the property during and after completion of the Earth Materials Activity. The Permit may be conditioned to restrict Earth Materials Activity from within 200 feet of a property line in or abutting a residential district, within 100 feet of a property line in or abutting a business district, or within 20 feet of a property line in or abutting an industrial district.

64.4.2 The final grade of any excavated slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Slope stabilization shall occur before a new slope is created and the existing slopes disturbed. Where ledge rock or similar geological conditions are encountered, a steeper grade may be approved subject to further requirements for fencing, other protective safety measures, and/or engineering controls to stabilize the slope.

- 64.4.3 Clean Fill shall not be over 12-inches in greatest dimension within 24-inches of the ground surface, and/or 5-inches in greatest dimension within 12-inches of the ground surface.
- 64.4.4 The Permit may restrict processing machinery erected or maintained on the property within 300 feet of any property line or street line. Any such machinery shall be removed from the property upon termination of the approved Earth Materials Activity or termination of the Permit.
- 64.4.5 Proper measures shall be taken to minimize noise, dust, vibration and flying debris during operations.
- 64.4.6 Vehicle access to the property and the work area shall be arranged to minimize traffic hazards.
- 64.4.7 The use of buildings, structures or equipment for storing or processing Earth materials are subject to a Permit.
- 64.4.8 Upon completion of the Earth Materials Activity, all disturbed areas of the property, except waterways and rock exposed by excavation, shall be covered with a minimum of five inches of topsoil. Such topsoil shall be evenly spread over the disturbed area, rolled, fertilized and planted with a permanent vegetation cover suitable to prevent erosion and to hold all slopes. Clean Fill should be in 12-inch lifts and compacted to the standards required by Section 64. All disturbed areas shall be stabilized in accordance with the Permit.
- 64.4.9 Any time prior to the satisfactory completion of the Earth Materials Activity, the ZEO, or the ZEO's duly authorized representative, may require those areas of the property where Earth Materials Activity are substantially complete, to be final graded, covered with a minimum of five inches of topsoil, and seeded to establish a permanent vegetation cover.
- 64.4.10 All Earth Materials Activity shall be done in conformance with the requirements of Section 69 "Erosion and Sediment Control". At all stages of the work, proper drainage shall be provided to avoid stagnant water, soil erosion problems, and excessive run-off, silting of wetlands and watercourses and damage to property, streets or drainage facilities.
- 64.4.11 The embankment and disposal of surplus material caused by Earth Materials Activity during roadway excavation shall in addition to Section 64 requirements, also comply with the Connecticut Department of Transportation regulations section 2.02.01 through 2.02.04, as amended.

- 64.4.12 The Filling material shall consist of a minimum of 80% Clean Fill with the remainder woody vegetation and masonry only. No trash, garbage, building materials, or junk of any nature shall be permitted. Trees, tree stumps, woody vegetation and masonry shall be located on the property as approved by the ZEO, or the ZEO's duly authorized representative.
- 64.4.13 Earth materials compaction may be required to a standard of 95% for every foot of Filling of dry density for that soil when tested in accordance with the American Association of State Highway Traffic Officials ("AASHTO") T-180 method; or another lesser standard approved by the Permit. The permittee, at their expense, shall show compliance with the Permit, evidenced by a report that is acceptable to the ZEO, or the ZEO's duly authorized representative.
- 64.4.14 The Town, Commission, their officers, employees and agents shall as a condition of the Permit, have permission from the permittee or the property owner to enter and travel onto the subject property to inspect work and to take measurements. The permittee or property owner may require appropriate and reasonable safety equipment for protecting said persons.
- 64.4.15 The permittee shall employ best management practices consistent with the terms and conditions of the Permit to control stormwater discharges and to prevent erosion and sedimentation at and from the site, and otherwise to prevent pollution to or from the property, including the wetlands and watercourses.
- 64.4.16 The permittee shall immediately notify the ZEO, or the ZEO's duly authorized representative, of any erosion and sedimentation impacts on the property including the wetlands and watercourses as this becomes known to the permittee.
- 64.4.17 The recommendations of the ZEO, or the ZEO's duly authorized representative, shall be followed. This may include, but is not limited to, erosion and sedimentation controls, grading, and stormwater management improvements.
- 64.4.18 Before commencing Earth Materials Activity, the permittee shall clearly mark at fifty (50) foot intervals all property boundaries, the area of the Permit Activity, and inland wetlands boundaries. A convenient benchmark shall be established and identified by the ZEO. The permittee shall maintain these markings throughout the Permit activity until the Activity has been inspected by the ZEO and is satisfactorily complete.

64.4.19 The permittee shall notify the ZEO, or the ZEO's duly authorized representative, of the locations of Earth Materials Activity prior to performing those activities to ensure that all necessary soil erosion and sedimentation controls in the areas of such activities are in place and maintained in accordance with these Regulations.

64.5 Variance Procedure:

As provided in Section 71, the Zoning Board of Appeals shall hear and decide requests for variances from the requirements of Section 64. In passing upon such applications, the Zoning Board of Appeals shall consider the purposes of Section 64, and all technical evaluations, relevant factors, and standards specified in Section 64 and may attach such conditions to the granting of variances limited to furthering the purposes of Section 64.

ARTICLE VI – SUPPLEMENTARY REGULATIONS

SECTION 65 - FILLING OF LAND

[Delete Section 65 and combine Section 65 with Section 64]

Zoning Regulations that are affected by the removal of Section 65
Proposed Amendments

36.4.7.17 The applicant shall comply with Section 64 “Earth Materials Removal and Moving/Re-grading/Excavating, and Filling of Land”.

66.13. Variance Procedure:

As provided in Section 71, the Zoning Board of Appeals shall hear and decide requests for variances from the requirements of Section 66 Flood Prone Areas. In passing upon such applications, the Zoning Board of Appeals shall consider the purposes of Section 66, and all technical evaluations, relevant factors, and standards specified in Section 66 and may attach such conditions to the granting of variances limited to furthering the purposes of Section 66.

ARTICLE I - GENERAL PROVISIONS

SECTION 1 - INTENT AND PURPOSE

1. The Planning and Zoning Commission of the Town of Watertown, Connecticut, hereby adopts these Regulations in accordance with the purposes, authority and requirements of the General Statutes of the State of Connecticut, for the following intent and purpose:
 - 1.1 To guide the future growth and development of the Town in accordance with a Plan of Conservation and Development designed to represent and promote the most beneficial and convenient relationships among the residential, commercial, industrial and public areas within the Town, considering the suitability of each area for such uses as indicated by existing conditions, trends in development and changing modes of living, and having due regard for the use of land, building development and economic activity, both within and adjacent to the Town;
 - 1.2 To promote and protect the public health, safety, general welfare, convenience, and property values;
 - 1.3 To provide adequate light and air;
 - 1.4 To prevent the overcrowding of the land and to avoid undue concentration of population;
 - 1.5 To secure safety from fire, panic, flood and other dangers;
 - 1.6 To protect and conserve the character, the environment and the social and economic stability of all parts of the Town and to encourage the orderly and beneficial development of the Town;
 - 1.7 To protect and conserve the value of land and buildings throughout the Town, appropriate to the various zones established by these Regulations;
 - 1.8 To bring about the gradual conformity to the uses of land and buildings throughout the Town to the adopted Plan of Conservation and Development and to minimize conflicts among the uses of land and buildings;
 - 1.9 To promote the most beneficial relationship of streets and traffic circulation throughout the Town and the arrangement of land uses, having particular regard for the minimizing of congestion in the streets and the promotion of safe and convenient vehicular and pedestrian access appropriate to the various uses throughout the Town;

- 1.10 To provide a guide for public policy and action in the efficient provision of public facilities and services, and for private enterprise in building development, investment and other economic activity relating to uses of land and buildings throughout the Town;
- 1.11 To assure that development takes place in an amount commensurate with the availability and present and future capacity of public facilities and services, thereby facilitating adequate provision for transportation, water, sewerage, schools, parks, recreation, open space and other public requirements;
- 1.12 To prevent the pollution of watercourses and wetlands, safeguard the water table and public surface and ground drinking water supply and on the operation to collect spring water or well water, avoid hazardous conditions and damage resulting from storm water runoff and flooding, encourage the appropriate use and sound management of natural resources throughout the Town, have proper provision for soil erosion and sediment control, and conserve the Town's natural beauty and topography;
- 1.13 To consider the development of housing opportunities for all citizens of the Town, including cluster development, consistent with soil types, terrain, and infrastructure capacity;
- 1.14 To have reasonable consideration for the impact on agriculture;
- 1.15 To protect historic factors; and
- 1.16 To encourage energy efficient patterns of development, the use of solar and other renewable forms of energy, and energy conservation.

Motion made by: R. Russ
Seconded by: C. Mancini
All in favor

**i. 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:

Decision at Commission’s Discretion

Mr. Mancini said at the last meeting I was asked to recues myself because Heather Urwin said at a Democratic meeting we all took a vote on this proposal already. I have no financial or personal gain in the matter and a vote was never taken. There was talk and there was a consensus by the membership there how they wanted to go. I do not want the five applicants to have any cause for a lawsuit in the future for my being on this Commission. For the betterment of the town I will recues myself from this Commission for this matter for the rest of the night.

Mr. Russ said he will do the same.

Mr. Mancini said do I have the right as a taxpayer to stay in the room and listen to what is being said.

Mr. Minnich replied yes.

Mr. Mancini said he will take that option.

C. Mancini recused himself from 5 h, i, and j (all three text amendments) and for the remainder of the meeting

R. Russ recused himself from 5 h, i and j (all three text amendments) and for the remainder of the meeting.

K. Demirs sat in for C. Mancini

D. George sat in for R. Russ

D. George stated for the records that because he did not attend the May 5, 2010 public hearing, he did read all of the May 5, 2010 minutes and handouts pertaining to the B-MG text amendments and B-MG Boundary amendments introduced by the Commission, and Joseph Masi et al IR-80 and IR-200 Districts text amendments.

Mr. Minnich noted the handouts that were received from the public hearing have been distributed to all the members of the Commission and they were specifically, the letter to Chief John Cavalas dated 5-28-2009 and our Plan of Conservation and Development section 5.3 begins with section 10 of our plan given to all members of the Commission.

Mr. George said he received those and read them and is aware of what happened at the last meeting.

Mr. Minnich asked the Commission to read the draft motion. The motion was prepared by Mr. Minnich and Ms. Mulcahy assisted and reviewed by Warren Hess and Ms. Allen also saw this motion before this evening. Prior to your receiving it this evening no one else has seen it tonight.

Mr. Minnich brought to the attention to the Commission some changes that were made to the draft.

Board Member Concerns

Mr. Martin asked about the half acre issue that everyone was concerned about, has anything been done with that.

Mr. Minnich replied we kept that as a half acre and did not change that. I will also note for the record the issue of the map was put into the Town Clerks office which accurately reflects the meets and bounds of this zone. A comment was made that it was indicated as being in IR80 zone and we indicated for the record last time that there is a portion that is an IR200. You have received a copy in the packet this evening showing where the IR200 and IR80 line is. You will further note in the meetings we held previously in April you did received a copy where that IR80 and IR200 line was and clearly indicated where those two lines are. The requirement is that we need to define the meets and bounds of the new zone and we have done so in accordance with the law.

Mr. Martin said the applicant stated he was fine increasing the acreage.

Mr. George asked what the necessity of doing that is.

Mr. Martin replied the issue was raised that you could do 30 half acre building lots.

Mr. George replied the topography would not accommodate that in many cases.

Mr. Martin said I do not see where a negative affect could be had by doing this and that is shows we have listened and we have done something.

Mr. George I read and analyzed that and we should not change from what we were doing.

Mr. Martin if it is not going to affect the project and the owner has told us it is not an issue, I do not see a problem in doing it.

Mr. Minnich said the rational basis should be is this really in the best interest of the town and what we want to have. Tailoring to what they want and indicating a larger acreage would be good or bad for whatever reason. It became clear to me that what I heard and read was simply be accommodating and do not find that in my view a reason to change what we currently have proposed.

Mr. Martin said we are not opening this up to anywhere but through our judgment of its appropriateness in a particular location.

Mr. Minnich said that is correct.

Mr. Martin said maybe 3/4 of an acre is better.

Mr. Minnich thinking about where this could be applied elsewhere in town I think the half acre has more areas that it could be applied to in town and more easily compatible with the neighborhood.

Mr. Martin said if we do an acre now it is an acre everywhere.

Mr. Blais liked the acre; the half acre is too small.

P&Z Text Amendment for B-MG District

WHEREAS the Planning and Zoning Commission introduced two text amendments to the Watertown Zoning Regulations for a medical and general business district, designated as B-MG District; and

WHEREAS the Commission published notice of public hearing for the text amendments in the Town Times newspaper on April 22, 2010 and April 29, 2010; filed the notice of public hearing and the text amendments in the Town Clerk's office on April 22, 2010; referred the text amendments to the Council of Governments of the Central Naugatuck Valley (COGCNV), and held a public hearing on May 5, 2010.

WHEREAS the Commission reviewed the text amendments on May 5, 2010 and May 19, 2010.

IT IS NOW THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** as follows text amendments to Section 3 and Section 37 of the Watertown Zoning Regulations for a medical and general business district (B-MG District):

Text Amendment #1 [ADD TO:]

ARTICLE I – GENERAL PROVISIONS

SECTION 3 – ESTABLISHMENT OF ZONING DISTRICTS

3.1 Establishment of Districts:

Districts

Map Code

Medical and General Business District

B-MG

Text Amendment #2 [NEW]

ARTICLE III - BUSINESS DISTRICTS

SECTION 37 - MEDICAL AND GENERAL BUSINESS B-MG DISTRICT

- 37.1 Purpose: To accommodate outpatient medical offices, general offices, professional offices, financial institutions, restaurants, and retail stores and service establishments for mostly medical purposes; serving the needs of the entire Town and neighboring communities.
- 37.2 Permitted Site Plan Uses: The following principal uses shall be permitted subject to site plan approval in accordance with Section 51:
- 37.2.1. Offices, outpatient Medical, General, or Professional
 - 37.2.2. Banks or financial institutions, without drive-through facilities
 - 37.2.3. Restaurants, sit-down with indoor seating and without drive-through facilities
 - 37.2.4. Medical use only: research and clinical laboratories, testing laboratories
 - 37.2.5. Medical rehabilitation facilities, outpatient and not overnight
 - 37.2.6. Stores or shops for the conduct of retail business mostly for medical purposes in each store or shop, as determined by the Commission
 - 37.2.7. Stores or shops for the conduct of personal service business mostly for medical purposes in each store or shop, as determined by the Commission
- 37.3 Special Permit Uses: The following principal uses shall be permitted subject to approval in accordance with Section 52:
- 37.3.1. Medical transportation
 - 37.3.2. Veterinary hospital, without general boarding of animals
 - 37.3.3. Child day care centers
- 37.4 Permitted Accessory Uses: The following accessory uses shall be permitted:
- 37.4.1. Uses normally accessory to a principal use requiring Site Plan approval, provided that such uses shall be applied for, with, and included in, the Site Plan application

37.4.2. Uses normally accessory to a principal use requiring a Special Permit, provided that such uses shall be applied for, with, and included in, the Special Permit application

37.5 Conditions: The following conditions for all uses:

37.5.1. Building mechanical equipment located outside the structure, provided that such equipment shall be properly screened

37.5.2. Off-street parking and loading, excluding parking structures, subject to Section 63

37.5.3. Signs, subject to Section 62

37.5.4. Recycling containers, grease containers, and dumpsters for trash and garbage, shall be screened and not in Front Yard.

37.5.5. Outdoor lighting: driveways, parking lots, sidewalks, and building exteriors shall incorporate standard fixtures and poles in character with the District to obtain a uniform lighting appearance. Outdoor lighting shall have full cut-off fixtures and comply with Section 61.4.

37.5.6. Outside overnight parking of vehicles or equipment, provided no vehicle or equipment shall be parked within any required yard and that the Commission may require appropriate screening (e.g., landscaping, fencing). Medical transportation outside overnight parking limited to ten vehicles.

37.5.7. Amplification of sound is prohibited outdoors

37.5.8. Storage or displays is prohibited outdoors

37.5.9. Building exteriors shall be in keeping with the character of the District

37.5.10. More than one principal use and/or more than one principal building to be permitted

37.5.11. Access to public water and public sanitary sewer

37.6 Area and Dimensional Requirements:

37.6.1. Minimum Lot Requirements:

37.6.1.1. Minimum Area 20,000 sq ft

37.6.1.2. Minimum Frontage 50 feet

37.6.1.3.	Maximum Height: 3 stories	40 feet
37.6.2.	<u>Minimum Setbacks:</u>	
37.6.2.1.	Front yard for building	25 feet
37.6.2.1.1.	When abutting a residential district	50 feet
37.6.2.2.	Rear Yard for building	25 feet
37.6.2.2.1.	When abutting a residential district	50 feet
37.6.2.3.	Side Yard for building	10 feet
37.6.2.3.1.	When abutting a residential district	50 feet
37.6.2.4.	Side and rear yard for parking and loading areas	10 feet
37.6.2.4.1.	When abutting a residential district	30 feet
37.6.2.5.	Front yard for parking and loading areas	10 feet
37.6.3.	<u>Bulk and Coverage:</u>	
37.6.3.1.	Maximum floor area ratio	0.5
37.6.3.2.	Maximum impervious surface coverage	80%
37.6.3.3.	Maximum building coverage	40%

BE IT FURTHER RESOLVED the Commission determines the text amendments herein approved are in conformance with the Watertown Plan of Conservation and Development (“Plan”), and Article VIII Section 81 of the Zoning Regulations - “Amendments, Validity and Effective Dates”, Section 1 – “Intent and Purposes”; and the Zoning Regulations. The text amendments are in the public health, safety, and general welfare of the Town of Watertown. Medical offices, medical laboratories, medical testing facilities, and stores and shops for retail and personal services mostly for medical purposes located in close proximity to each other are a convenience to citizens; and

BE IT FURTHER RESOLVED the text amendments are in conformance to Section 5.3 and Section 10.1(A) of the Plan, which states, “The primary economic development policy in the 2007 Plan is to retain and expand existing businesses and industries while attracting new businesses and industries to suitable locations in order to expand the tax base and increase employment. The Town should continue to give priority to business and industries that: (a) provide a higher tax base and a higher number of job opportunities, (b) help support existing local business and industries, and (c) buffer local employment and Watertown’s Grand List from negative affects of cyclical regional, State, and national trends by diversifying employment opportunities.” The Commission determines additional medical facilities are needed in Town of Watertown and are an expanding business that is not directly affected by cyclical trends; and

BE IT FURTHER RESOLVED the Commission determines changes to the text amendments herein approved when compared to the original text amendments filed in the Town Clerk's office on April 22, 2010 prior to notice of public hearing published in the newspaper, are not substantial changes, and address comments of COGCNV and the public at public hearing; and

BE IT FURTHER RESOLVED the effective date of the two text amendments is May 28, 2010.

Motion to amend main motion: Amend Section 37.6.1.1 to increase minimum area of 20,000 Sq. Ft. to 40,000 Sq. Ft. and amend Section 37.6.1.2 to increase minimum frontage of 50 feet to 75 feet

Motion made by: G. Martin
Second by: J. Blais

Aye: G. Martin, J. Blais
Nay: D. Minnich, K. Demirs, M. Genovese, R. Rossi, D. George

On a vote of 2 in favor and 5 against the amendment is not approved.

Text of Main Motion: Approve text amendments as read
Motion made by: D. George
Seconded by: K. DeMirs

Mr. Blais commented we should include hazardous medical waste, radiation and nuclear medicine this is a perfect area to include in a medical facility you cannot throw that waste away with other waste.

Mr. Martin and Mr. George said that the law mandates that.

Mr. Minnich I see there may be some merit but what they put in those recycling contained is not the subject of zoning but is the subject of the state statue and environmental protection. What you are stating is stored mostly indoors and probably would not be outdoors and our role is limited for screening and in the back yard. When the application is submitted that is when it is best addressed and we can acquire the kinds of things that you are talking about as a condition of approval.

Mr. Blais agreed.

Mr. Demirs on page 2 where it talks about outpatient and no overnight, does that limit them from doing a sleep lab.

Mr. Minnich it is best left to the interpretation of the Commission at the time.

Aye: D. Minnich, J. Blais, K. DeMirs, M. Genovese, R. Rossi, D. George
Nay: G. Martin

On a vote of 6 in favor and 1 opposed, the motion is approved-the text amendments are approved.

Mr. Minnich wanted to emphasize I have seen this whole development as a one stop shopping for medical offices and to see their doctors they can then go to test labs, restaurants and so forth as a convenience to the public.

Mr. Martin said his no vote does not reflect the concept of this some much I would have like to seen a larger lot size and I support this and believe it is the right thing for the community.

j. Applicant:	Planning and Zoning Commission
Re:	Zone Boundary Line Amendment IR-80 and IR-200 to B-MG District
At:	Properties fronting north side of Buckingham Street from Route 262 to Calendar Road, Watertown
Action:	Decision at Commission's Discretion

Mr. Minnich said in your packet was a revised map which shows that IR80 and IR200 issue.

Boundary Amendment B-MG District Buckingham Street

WHEREAS the Planning and Zoning Commission introduced a district boundary amendment to the Watertown Zoning Regulations for a medical and general business district near Buckingham Street from Route 262 to Calendar Road, designated as B-MG District; and described on a map with metes and bounds descriptions; and

WHEREAS the Commission published notice of public hearing for the B-MG zoning district boundary amendment in the Town Times newspaper on April 22, 2010 and April 29, 2010; filed a copy of the notice of public hearing and a B-MG district boundary map with metes and bounds descriptions in the Town Clerk's office on April 22, 2010; referred the district boundary amendment to the Council of Governments of the Central Naugatuck Valley (COGCNV); properly noticed all property owners who are the subject of the hearing and within 150 feet of the B-MG district perimeter boundary by mail with proof of mailing evidenced by a certificate of mailing; posted public hearing notice signs

in conformance with Section 81.4 – “Public Hearing” for “Amendments, Validity and Effective Dates”, and Section 51.21 – “Posting Public Hearing Notices on Subject Property”; and held a public hearing on May 5, 2010.

WHEREAS the Commission reviewed the B-MG boundary amendment on May 5, 2010 and May 19, 2010.

IT IS NOW THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** the district boundary amendment to the Watertown Zoning Regulations for a medical and general business district (B-MG) as was filed on a map with metes and bounds descriptions in the Town Clerk’s office on April 22, 2010; and

BE IT FURTHER RESOLVED the Commission determines the district boundary amendment herein approved is in conformance with the Watertown Plan of Conservation and Development (“Plan”), and Article VIII Section 81 of the Zoning Regulations - “Amendments, Validity and Effective Dates”, Section 1 - “Intent and Purposes”; and the Zoning Regulations. The Commission determines this boundary amendment is in the public health, safety, and general welfare of the Town of Watertown; and

BE IT FURTHER RESOLVED the B-MG boundary amendment is in conformance with Section 10.1(E) of the Plan which states: “Keep major land uses distinct from one another: (a) protect existing residential neighborhoods from commercial encroachment by discouraging zone changes that would allow mixed uses in established residential areas, except at the borders where major streets are located and (b) protect industrial land from residential encroachment.”; and

BE IT FURTHER RESOLVED the B-MG boundary borders an arterial roadway classified as a limited access expressway, Route 262, which provide linkages between cities and towns and other traffic generators that are capable of attracting travel over long distances. The B-MG boundary also borders an arterial roadway classified as a major collector street, Buckingham Street, which provides traffic movement between neighborhoods and collects traffic from local roads. The Commission determines these roadways are planned for uses such as permitted in the B-MG district. There is presently a traffic control signal light at Route 262 and Buckingham Street that serves to keep the flow of traffic at a good traffic standard. Impacts of congestion from development in the B-MG district can be mitigated during Site Plan review; and

BE IT FURTHER RESOLVED the Commission determines this B-MG boundary amendment is in harmony with surrounding development and overall neighborhood stability, and will have a positive effect on property values; and

BE IT FURTHER RESOLVED the Commission determines the B-MG district has access to public water, public sanitary sewer, and a storm drainage system. There will be insignificant affects from development in the B-MG district on town and school services; and

BE IT FURTHER RESOLVED two existing lots in the B-MG district were non-conforming residences previously in the IR-80 district and will continue as non-conforming lots in the new B-MG district. No new non-conformity to any property results from this approval; and

BE IT FURTHER RESOLVED the effective date of this B-MG district boundary amendment is May 28, 2010.

Text of Motion: Approve
Motion made by: D. George
Second by: K. DeMirs

Mr. Martin I reread the information highway department going to the state to look at the intersection of 262 and Buckingham Street was confused looking at the answer for correcting traffic issues at this location.

Mr. Minnich commented on the access it is this Commission's prerogative to determine access to this site as well as traffic flow and that is our statutory responsibility. It is my opinion 262 is a limited access way and there is to be no curb cut I would highly prefer an application if it is to come would not have direct access of Buckingham Street unless they demonstrate a good need to do that. The access should come from Callender and Echo Lake Roads and would help to alleviate traffic congestion in that area and it would be done at site plan application.

Mr. Minnich wanted noted for the record this amendment was prepared by himself with the assistance of Ms. Mulcahy, Attorney Hess has reviewed this as well as Ms. Allen as seen this and are the only people that have seen this prior to seeing this a few minutes ago.

On a vote of 7 in favor and 0 opposed, the text boundary amendment is approved.

k. Applicant:	J. Masi, C. Adams, M. Masayda S. Masayda, J. Wick
Re:	Zone Text Amendment to Section 42 Permitted Site Plan Uses
Action:	Decision by July 9, 2010

Mr. Minnich said you have before you a motion that I prepared with the assistance of Ms. Mulcahy and reviewed by our Attorney Warren Hess and Ms. Allen has seen this and those are the only people that have seen this proposed motion prior to your now receiving it.

I would bring to your attention section 8-3 of the statues and section C

when such commission make any change in regulations or boundaries it states upon its records the reason such change is made.

Mr. Minnich said this was reviewed by our Attorney Warren Hess in regards to this application the wording is that when we make a change we are required to state the reasons on the record. In the opposite we may or may not for you reasons of denial.

Joseph Masi, et al IR-80 and IR-200 District Amendments

WHEREAS Joseph Masi, Colin Adams, Michael Masayda, Stanley Masayda, and Judy Wick made application for a text amendment to the Watertown Zoning Regulations Section 42 , Restricted Industrial IR-80 And IR-200 Districts”; and

WHEREAS the Commission published notice of public hearing for the text amendment in the Town Times newspaper on April 22, 2010 and April 29, 2010; filed notice of public hearing and the text amendment in the Town Clerk’s office on April 22, 2010; referred the text amendment to the Council of Governments of the Central Naugatuck Valley (COGCNV), and held a public hearing on May 5, 2010.

WHEREAS the text amendment to Article IV Section 42 as amended by the applicants on May 5, 2010 is as follows:

Section 42.3 Permitted Site Plan Uses:

Section 42.3.2 Research or Development Facilities **Add: including medical**

Add: 42.3.11 General, Medical or Professional Offices

Section 42.4 Special Permit Uses:

42.4.2 Health or fitness clubs, tennis or racquet clubs. **(Remove: only as part of a unified complex)**

Add: 42.4.7 Hospitals or convalescent homes

Add: 42.4.8 Rehabilitation facilities

WHEREAS the Commission reviewed comments from COGCNV and the public on May 5, 2010, and reviewed the application on May 19, 2010.

IT IS NOW THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **DENIES APPROVAL** of this application for zoning text amendment to Article IV Section 42.

Text of Motion: Deny text amendment

Motion made by: K. DeMirs

Seconded by: D. George

Mr. Minnich commented that this issue of having this through the IR80 and IR200 zones brings the comment of convenience to light there is not any retail that is associated with this use in this area and certainly found the use both the medical offices, the medical lab and testing, it is mostly for medical purposes as well as having restaurants are indeed combining them on the same site as convenient to the public which this does not have in this intensive purpose. I have not been persuaded by the comments made from the public or by Mr. Giannetto with regards to the reasoning he used for helping us from his perspective of not approving this application. I do not think of having this because he is going to seek competition in other areas, competition hurting his smaller area that he would have any validity any reasoning for zoning purposes to use in this whole process. This is the same concept that I firmly disagree with owners of businesses in town come to us and see a particular expansion of that use as hurting their business. Our role as is not to be involved in what is going to competition, but rather the expansion of the purpose and use to which is before us and that it is in the best interest of the town of Watertown and does it comply with the regulations and the intended purposes of Section 3. I do not find the comments made by Mr. Giannetto as in way conforming to any of those purposes in Section 3 and I discount all of those comments he made to us regarding that. As the process of the public hearings went along we added in each of the succeeding hearings what occurred in the previous hearings but leave s the issue of what occurred in the first hearing was never supplemented by what occurred in the 2nd and 3rd hearing and I intend to make a motion for your consideration of what occurred in 2nd and 3rd be included on the record as in the first hearings, so that all of the 3 hearings have the entirety of the 3 hearings as they occurred.

Mr. Martin said the BMG can be laid down in other locations within this site and that is part of my desire to see this a more controlled growth as opposed to just opening up the whole thing.

Mr. Minnich replied this expansion in the IR80 and IR200, there is others in town that have IR80 and IR200 that would apply to them as well.

On a vote of 7 in favor and 0 opposed, the motion is approved, the application is denied.

Text of Motion: The Public hearings on May 5, 2010 that were held for the B-MG boundary amendment and the Joseph Masi et al IR-80 and IR-200 Districts text amendment be included in the first public hearing which was the Commission application for B-MG District text amendment; so that all three public hearings are inclusive of all three public hearings.

Motion made by: D. Minnich
Second by: K. DeMirs
All in favor

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|----------------------|---|
| I. Applicant: | Planning and Zoning Commission |
| Re: | Text Amendments to Zoning Regulations |
| | Section 51, "Site Plan" |
| Action: | Consider establishing a public hearing |

Mr. Minnich said this has been a long time in work and progress. The Commission can waive the requirements of the maps and various other requirements of section 51 if it is just for a use change excepting the two areas which includes the outdoor lighting and signage. By the statutory 2/3 thirds vote we can waive those requirements.

Mr. Minnich this was reviewed by Town Council subcommittee, staff, Inland and Wetlands Chairman with the focus on pre application procedures we needed to make the introduction of people that would come to town more friendly as well as being more informative as to what the process is.

Mr. Minnich says the zoning enforcement officer is the same as we had before the purpose of the pre application process is to help them as an applicant to get all the information they need to have so when it is submitted it is complete.

The purpose of the pre application meetings with our staff which will include other town officials at the meetings of the applicant and whatever questions they want to have and to get answered they control and generate the informal agenda. It is not a process to get some approvals from staff but rather it is whatever they wish to get clarification for and comments from staff.

We have made some changes to the mailing of notice of public hearing on page nine section 5.9.3 there is a requirements that when there is a public hearing the state law requires us to have notice twice in the paper and so forth. This statement added to the site plan regulations that says the Commission shall not conduct a public hearing for site plan application if there is no evidence satisfactory to the Commission of public hearing notice in accordance with requirements of section 51.9.3. That clearly says to us that if there has not been proper notice by this regulation we will not conduct the public hearing.

The section on the bond which has to do with the post approval process talks about developers agreement they are required to a number of things. What this process changes is they do not have the bonding and the liability insurance prior to the filing of the Mylar's. That the Zoning Enforcement Officer is not permitted to issue a zoning permit which may occur much later than the filings that are required in the Town Clerks office.

Ms. Mulcahy suggested in order for that zoning permit to be issued that they have to have their performance bond and evidence of the inspection fees and commission fees that have been paid to the town, evidence of the liability insurance, evidence of all property lines and wetland boundaries including the 100 foot upland reviews have been clearly marked, rear and side lots pins have been place property and are of the correct size and type. A pre construction meeting has been held and all the requirements prior to commencing site plan work have completed to the satisfaction of the ZEO.

In essence this does not change any requirements to which we currently have but changes the order to which they are done.

Mr. Blais asked where we are asked to sign off on these bonds we do not see one paper of evidence of money going anywhere and going back in it.

Mr. Minnich there are two form that are appropriated under our regulations for bond. One is a cash bond and the other is a letter of credit. The cash bond goes to the Town Finance department and they set up an account on the books with regards to the receipt of any expenditures that get charged against that account and when it gets down to 25% Ms. Mulcahy then is required to take a look what is the future expenditures of that bond. The letter of credit the town does not hold any cash a letter that comes from the bank and we give authority by the bond reduction for them to reduce that letter of credit. We get a copy of the letter that comes from the bank and Ms.

Mulcahy keeps that. The reductions from the letter of credit requires us to hold a public hearing. Those reductions of the letter of credit are well documented by our actions that we have made.

Text of Motion: Accept application for review and schedule a public hearing for June 16, 2010

Motion made by: G. Martin
Second by: J. Blais
All in favor

6. Adjournment
Text of Motion: Adjourn at 9:00PM
Motion made by: D. George
Seconded by: G. Martin
All in favor