

Town of Watertown
Planning and Zoning Commission
Continued Regular Meeting
from July 1, 2009

Time: 8:56PM
Date: July 15, 2009
Place: Swift Middle School
Media Library Room
250 Colonial Street
Oakville, CT

1. Call meeting to order at 8:50PM

Commission took a 5 minute break at 8:50PM
Commission returned at 8:56 PM

2. Roll Call

The secretary executed the roll call.

Present: Chairman, Mr. David Minnich
Mr. Ronald Russ
Mr. Carl Mancini
Mr. Jim Blais
Mr. Glen Duplissie
Alternate, Mr. Ken Demirs
Alternate, Mr. Duane George

Absent: Vice Chairman, Mr. Gary Martin
Secretary, Mr. Michael Masayda
Alternate, Mr. Ray Rondeau

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 M. Masayda

3. Communications and Bills

- a. Council of Governments Memo 060309 Re: Nominations for Outstanding “Regional” Planning Efforts dated June 3, 2009
- b. Council of Governments Minutes May 8, 2009
- c. State of CT DEP Permit No: SCEL:2008 – Baillie Company

Mr. Minnich asked about 3c with regards to DEP, the status the project.

Ms. Mulcahy said they have gotten through one part of DEP, but Bailey has ongoing work and once they finish with DEP they will be ready. They still have to work with the Solid Waste Department and removing some fill and they are in the final process.

By unanimous consent place 3-a to 3-c on file

4. Minutes

- a. Zoning Map Subcommittee Meeting June 1, 2009
- b. Public Hearing June 3, 2009 zoning map change to Watertown’s B-C, Central Business Zone on properties included in the revised Town line between Waterbury and Watertown, CT located on Main Street, Oakville, CT and Watertown Avenue/Falls Avenue, Waterbury, CT.
- c. Public Hearing June 3, 2009 for Text Amendment to Watertown Zoning Regulations Local Business, Section 32, Section 32.6.2, Maximum height 2 stores, Delete 25 feet, Add 30 feet
- d. Regular Meeting June 3, 2009

By unanimous consent amend the agenda to include 4-e Special Meeting June 3, 2009

By unanimous consent approve 4-a to 4-e

5. Articles on agenda

- a. **Applicant:** T-Mobile
Agent: Robert Stanford
Re: Site Plan/Special Permit #273
3 antennas and one equipment cabinet to the existing leased area
At: Water Tower, Georgetown Drive Street, Watertown, CT
Zone: R-30

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit #273/Site Plan application from T-Mobile, Town of Watertown, Georgetown Drive, Watertown for 3 water tank mounted panel antennas 95' feet high and 1 equipment cabinet at the base of the water tower on an existing concrete pad in an R-30 Residence District which includes T-Mobile, Watertown Water Tower Title Sheet T-1 dated 2/18/09, T-Mobile Watertown Water Tower Compound Layout Plan, A-1 dated 2/18/09, T-Mobile, Watertown Water Tower Elevation & Detail A-2 dated 2/18/09 and T-Mobile, Watertown Water Tower Electrical Details E-1 dated 2/18/09 prepared by Maxton, 50 Eastman Street, South Easton, MA ; and

WHEREAS, the Commission received the application on July 1, 2009 and heard the application on July 15, 2009;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** T-Mobile, Town of Watertown, Georgetown Drive, Watertown, Special Permit #273/Site Plan application for 3 water tank mounted panel antennas 95' feet high and 1 equipment cabinet at the base of the water tower on an existing concrete pad in an R-30 Residence District subject to the following conditions:

- 1). The equipment shall be painted to match the exterior of the building or structure.
- 2). The cabinets shall be mounted to the existing concrete pad.
- 3). All exterior lighting shall be full cut-off fixtures.
- 4). Prior to Town officials signing a final Mylar Site Plan map and two paper copies, 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.

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 August 6, 2014.

MOTION MADE BY: Duplissie
SECOND: Mancini.

Aye 7 Nay: 0

- b. Applicant: T-Mobile**
Agent: Robert Stanford
Re: Site Plan/Special Permit #274
3 antennas and one equipment cabinet
to the existing leased area (Water Tower)
At: 1050 Buckingham
Street, Watertown, CT
Zone: IR-200

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit #274/Site Plan application from T-Mobile, Town of Watertown, 1050 Buckingham Street, Watertown, Watertown for 3 water tank mounted panel antennas 105' feet high and 2 equipment cabinets at the base of the water tower on an existing concrete pad in an I-R200 General Industrial District which includes T-Mobile, Watertown Downtown Water Tank Title Sheet T-1 dated 2/20/09, T-Mobile Watertown Water Tank Compound & Equipment Layout Plan, A-1 dated 2/20/09, T-Mobile, Watertown Water Tank Elevation & Details A-2 dated 2/20/09 and T-Mobile, Watertown Water Tower Electrical Details E-1 dated 2/20/09 prepared by Maxton, 50 Eastman Street, South Easton, MA ; and

WHEREAS, the Commission heard the application on July 1, 2009 and July 15, 2009; and

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** T-Mobile, Town of Watertown, 1050 Buckingham Street, Watertown, Special Permit #274/Site Plan application for 3 water tank mounted panel antennas 105' feet high and 2 equipment cabinets at the base of the water tower on an existing concrete pad in an I-R200 General Industrial District subject to the following conditions:

1. The equipment shall be painted to match the exterior of the building or structure.
2. The cabinets shall be mounted on the existing concrete pad.
3. All exterior lighting shall be full cut-off fixtures.
4. Prior to Town officials signing a final Mylar Site Plan map and two paper copies, 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.

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 August 6, 2014.

MOTION MADE BY: Mancini

SECOND: Duplissie.

Aye: 7 Nay: 0

- c. **Applicant:** **Al Bernardi**
 Agent: **Dave Rhode**
 Re: **Site Plan – Use of 1,500 Sq. Ft.**
 Of the existing 6,900 Sq. Ft.
 Building for a skateboard and snowboard
 shop) and 7 additional parking spaces
 At: **755 Thomaston Road, Watertown**
 Zone: **B-L**

Ms. Mulcahy said both Mr. Berger and I have been there for the final signoff of the main building. The building has more than one floor, it's on a grade so that you can enter at different levels. He would like to use part of that building as retail use to sell snowboards and other type athletic equipment. They have adequate parking, enclosed dumpster, lighting and they have met the regulations.

Mr. Russ asked what do they proposed for a sign.

Al Bernardi – 755 Thomaston Road

At this time we are just going to put the signs on the building. In the future if you allow this retail store here and let's say in the future it moves out and now somebody wants to come in a doctor or a lawyer, an accountant and we want to turn it into an office do I how to come back in.

Ms. Mulcahy responded the reason that you are here is that space was not designated as any particular use. You needed to show the parking for an office use, it is the same required parking or less depending on if it is a medical office it requires more.

Mr. Bernardi was concerned about having enough parking for the site if that was an issue.

Ms. Mulcahy said his signed site plan showed 15 parking spaces filed on the land records. I did not have a copy of the one that showed 35 his final signed approved plan by

this Commission showed 15 parking spaces. He now with this new plan has indicated the other parking places and I do not know what happened on the history I just know we have an approved plan and this one meets the regulations and can be approved as well showing the additional parking areas.

Board Member Concerns

Mr. Mancini asked the whole parking area was not to be asphalted at the time, some of it was crushed stone and some was asphalt.

Mr. Bernardi replied we would like to have it asphalt for the simple reason it could be maintained easier, plow easier and I never heard anything else about that.

Mr. Minnich asked the combination of these two businesses what is the required parking.

Ms. Mulcahy it is on his plan the table shows retail 1 per 250 (6 spaces), 1 per 300 office, 1 per 1000 storage. He has 22 spaces.

Mr. Minnich said he has 35 shown on the plan. What was the plan before?

Ms. Mulcahy said the plan before the table read 15 parking spaces. Some of the parking area goes up that driveway where the drop off from the ledge. We did come to a compromise on the fence we reported when we did our final sign off that we allowed him to put the boulders instead of the anodized aluminum fence up there. He created parking along there as well and he has indicated that as new parking now and that he has completed the driveway and I am sure if that was on any of your original plans.

Mr. Bernardi replied all the parking that is on the plan right now was on my first plan, when I first came. On the second plan the staff asked if we could eliminate the parking how much area do I need for American Rooter (15 parking spots). So we showed the 15 but also when we came back in it said existing parking.

Mr. Minnich said it is my thinking and Ruth will check on this on what is filed if the parking spaces are 22 on the plans that are filed in the town clerk's office then it is my suggestion to this Commission that the fee that is appropriate that you have paid for this be waived because you do not need to be here before for an off right.

Ms. Mulcahy it is not an as right it is permitted site plan use. That building was applied for as special permit sanitary services. The retail was never part of the original application and under your regulations it does say permitted site plan uses. It is a permitted site plan use under section 51, so it needs to come to the Commission if he had said that he was going to use part of that building for other than sanitary services he would not have had to come here, if he had put retail on that. It was never approved for a retail store.

Mr. Minnich said I will forget the fee waiver and if we are indeed we are looking at it in that way.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Alfonso and Debra Bernardi at 755 Thomaston Road on July 1, 2009 for a retail store of 1500 square feet in an existing building located in the B-L Local Business District which includes an Improvement Location Survey titled Land N/F Eagles Landing, L.L.C. dated 2/06/09 with a final revision date of 06/25/09 prepared by Compass Engineering Group, LLC, 220 Farmdale Road, Watertown, CT 06795; and

WHEREAS, the Commission heard the application on July 15, 2009.

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a retail store from Alfonso and Debra Bernardi located at 755 Thomaston Road on 4.29 acres in a B-L Local Business District subject to the following conditions:

1. All exterior lighting shall be full cut off fixtures.
2. Prior to Town officials signing a final A-2 Survey Mylar site map and the two paper site map copies, the final map with a signature block for the Chairman of Planning and Zoning 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. The signed Mylar copy shall be filed on the Town of Watertown Land Records before a zoning permit is issued.

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 August 6, 2014.

MOTION Made By: Russ

SECOND: Mancini.

Aye: 6 Nay: 0

G. Dupliesse was out of the room – did not vote on matter

d. Applicant: T.D. Bank North
Agent: Lucien DiStefano
Bohler Engineering
Re: Site Plan/Special Permit #275
Signage change name of bank
From "TD Banknorth" to "TD Bank"
At: 1247 Main Street, Watertown
Zone: B-G

Lucien DiStefano – Bohler Engineering, 352 Turnpike Road, Southborough, MA

It seems like it is straight forward procedure however they are spending roughly 100 million dollars to do so at 468 locations throughout the New England area. On May 27th of this year we received approval from the ZBA for the relocation of the free standing sign. The free standing sign will be increased to 7 square feet and then other signs located on the property including one wall sign and several directional signs and several smaller hours of operation plaques or window decals would be reduced in size and netting out to approximately 4 sq ft of additional signage.

Board Member Concerns

Mr. Mancini asked if the square footage of the signs meet the regulations.

Ms. Mulcahy said yes.

Mr. Minnich commented this is one of those applications that we needed to take a look at our rules as to why it needs to be here and why it cannot be done administratively, but those are the rules.

Ms. Mulcahy said it's if you change a non conforming sign, it says in the regulations it has to come back to the Commission.

At the Planning and Zoning Commission meeting held on July 15, 2009, the Commission voted to approve the Special Permit #275/Site Plan application for a 14' 11 and 3/4" high freestanding sign of 24 square feet , 1 wall sign of 12.39 sq. ft., 2 directional signs of 2 sq. ft each, 1 sign of 2.66 sq. ft. each posting hours, 2 clearance signs of 1.25 sq. ft., and 1 window decal 1.62 sq. ft. for a total of 47.17 sq. ft. of signage in a B-G General Business District with the following motion:

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit #275/Site Plan application from TD Banknorth for a 14' 11 and 3/4" high freestanding sign of 24 square feet , 1 wall sign of 12.39 sq. ft., 2 directional signs of 2 sq. ft each, 1 sign of 2.66 sq. ft. posting hours, 2 clearance signs of 1.25 sq. ft., and 1 window decal 1.62 sq. ft. for a total of 47.17 sq. ft. of signage located at 1247 Main Street, Watertown in a B-G General Business District which includes an Existing Conditions and Property Line Information Taken From a Plan Titled

“Town of Watertown Sidewalk Extension” dated January 2005 prepared by the Town of Watertown Engineering Department, prepared by Bohler Engineering, 352 Turnpike Road, Southborough, MA 01772; and

WHEREAS, the Town of Watertown Planning and Zoning Commission received the application on July 1, 2009 and heard the application on July 15, 2009.

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** Special Permit #275/Site Plan application for a 14’ 11 and 3/4” high freestanding sign of 24 square feet , 1 wall sign of 12.39 sq. ft., 2 directional signs of 2 sq. ft each, 1 sign of 2.66 sq. ft. posting hours, 2 clearance signs of 1.25 sq. ft., and 1 window decal 1.62 sq. ft. for a total of 47.17 sq. ft. of signage in a B-G General Business District subject to the following conditions:

- 1). All exterior lighting shall be full cut off fixtures.
- 2). Prior to Town officials signing a final A-2 Survey Mylar site map and the two paper site map copies, the final map with a signature block for the Chairman of Planning and Zoning 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. The signed Mylar copy shall be filed on the Town of Watertown Land Records before a zoning permit is issued.

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 August 6, 2014.

Mr. Dupliesse had a question it says that all exterior lighting shall be full cut off fixture and if that applied to the existing lighting.

Mr. Minnich said as a condition of approval they will need to make the lights on the outside conform.

MOTION MADE BY: Dupliesse
SECOND: Mancini.

VOTE
MOTION UNANIMOUS passes Aye 7 Nay: 0
(Mr. Dupliesse returned to the return)

- e. **Applicant:** **New Millennium Development**
 Agent: **Attorney Robert Reeve**
 Re: **Preliminary Discussion**
 Proposed Mount Fair Village
 62 single family detached units

 At: **Corner of Buckingham Street**
 And Nova Scotia Hill Road

 Zone: **R-30**

Robert Reeve – 79 Unionville, Farmington

We understand this is an informal preliminary meeting and we are looking for your candid feedback and felt we got that in May and we appreciate that. Mr. Reeve talked briefly about the history of the parcel. The plan before you now is a reduction in the amount of units from 89 down to 78. We further refined that because the feedback was 2 particular items you thought it was a little too dense for the area and you had concerns about the parking issues especially visitor parking, the changes that we made I outlined in a letter that I sent to the Commission June 4, 2009.

We have reduced the density to 62. This brings us down to 2.6 units per acres which is the same density as West View Village. All of the units we proposing now are single family detached condominiums. Eliminating 16 more units we can also do a couple of things to improve visitor parking. We have been able to widen the private road to 24 feet which allows for easier on street parking if it is needed. We have also dedicated 2 visitor parking spaces one on each side of the development. We have increased the separation distance between the buildings to 40 feet separation distance with the RG zone.

Robert Donald – Town Planner and Landscape Architect, Farmington, Ct.

You have received copies of the map. The roadway system we have not changed. In changing the density we were able to widen the road and by removing some of the units we were able to create at either end of the site adjacent to the location of a mail station 22 some odd parking units with adequate parking area and reasonable convenient isolated location. The separation of the building has been maximized for the feeling of openness and reduced the density. We simplified the parking arrangement, the sidewalk issue and the access. The view from the adjoining streets is 200 and 300 feet distance from the road. The wetlands issues with buffers are all continued we have not changed that situation.

Board Member Concerns

Mr. Blais asked is that the only entrance and exit on Nova Scotia Hill Road.

Mr. Donald replied it is and the issue we discussed at our last meeting was an emergency access between West View Village and Mount Fair Village for both units a crisscross arrangement and West View has not responded yet and we have heard various opinions that subject is still unsolved.

Mr. Blais have you consider the entrance and exit on Buckingham Street, the larger road.

Mr. Donald we have 3 traffic studies and they were done at different times of the year and they reflect the same usage figures and volume figures. The problem with Buckingham in that we substantial grade change and we have a more limited range of access points to the extent of working with highway department of the State of Ct and coming up with a satisfactory design given the grades, given the limited frontage, given the design criteria we do not wish to design that.

Mr. Mancini said that was my question to alleviate some of the traffic on Nova Scotia Hill Road if there is another entrance way in if it was possible on Buckingham Street I would like to see that.

Mr. George commented that would be horrendous to put an entrance off of Buckingham Street.

Mr. Donald said we could revisit that traffic study and have everyone look at it we would have to revise it from 89 units to 62 units.

Mr. Minnich I take it from the letter that was written on June 4 there is not a need to visit any modifications to the regulations in an RG zone. You comply with the RG zone...

Mr. Reeve replied we complied with the setbacks; there was some question in my mind whether in an RG zone you could have multiple buildings on one lot coming in this situation, and I think I discussed that in my earlier letter. We may still propose that I will have to talk to Ruth about that. I think the intent was to allow it in the regulations whether it needs to be stated more clearly. So at this point it is nothing more than stating of multiple family homes.

Mr. Russ asked how wide that back entrance into West View Village the emergency entrance is.

Mr. Reeve replied 15 feet, enough for two cars to pass.

Mr. Russ commented you are going to find people wanting to go out that entrance instead of Nova Scotia Hill Road.

Mr. Donald said this entrance will be gated, strictly emergency use.

Ms. Mulcahy commented I also received some e-mails from Mr. Berberino, showing the actual houses that he had built. This is zoned for a Planned Community Development and in that zone the density of this property would be 30 units that would be comparable to Pond View and Oak Drive.

Mr. Minnich said my comment to this plan it has come a long way than it was before and I like it. I appreciate the time to get it to work for you and also to get it to work for us.

Mr. Blais said I like what I see.

Mr. Demirs I need to know more about this emergency you mentioned Dave that the people of West View Village did not like this emergency entrance it is our jurisdiction that we could actually put it into place.

Mr. Minnich responded before we take a position on it lets first listen to West View and the people have pretty strong opinions.

Mr. Demirs asked the trash removal is there dumpsters or is it going to be Copes.

Mr. Donald said it will be individual pickup as I understand it.

Mr. Russ said he is comfortable with it but we do need to go over the emergency plan.

Mr. Mancini said you have come a long way and it looks a lot better than it did before. I was thinking about another entrance way in besides Nova Scotia Hill Road only to alleviate traffic. I would also like to listen to West view on the emergency entrance.

Mr. George said is different than a PCD, this is not home owner owned. One way is sufficient it does not require a two way and it is private roads.

Mr. Dupliesse said I am concerned these are 2, 3, & 4 bedroom units and we just did major additions to all of our schools and we have 62 more units coming in. Is there is some way to limit this, limited the number of bedrooms, or making some of the units age restrictive is that possibility to limit the number of kids through the system. Would you be averse to doing something like that?

Mr. Reeve replied we would consider it.

Preliminary discussion – no motion needed

f. **Applicant:** **Sal Rocha**
 Agent: **Attorney Richard Bruno**
 Re: **Preliminary Discussion to**
 Review alternatives for the use of two
 rear empty storefronts

 At: **170 Main Street, Oakville**
 Zone: **B-C**

Attorney Richard Bruno – 220 South Main Street, Cheshire

I have a reduced site plan and an old photograph of the property at corner Buckingham & Main Street in Oakville. This site plan has five stores and it is a non conforming site because there is not enough parking. Store #3 is the Dunkin Doughnuts, store 4 is a tool shop and store 5 is jewelry store. Prior to this one and two was a hardware store and a music store. The problem now is trying to bring someone in we cannot get zoning compliance because of the parking. The businesses that are there now are the type you go in and you go out. We are looking for some guidance and we cannot find any prior approvals for all of this.

Board Member Concerns

Mr. Minnich explained the stores you have 1 and 2 are going to be conforming to the zoning regulations. So the issue is quite solely parking.

Ms. Mulcahy said one of the issues is the fact a Dunkin Doughnuts is a restaurant and the required parking would take up most of the parking area.

Mr. Minnich said we have a situation that exists and it existed forever and the parking situation we are not going to fix, it is what it is and we have to live what is there. Certainly there may be some certain activities that we want to suggest not occur there. But I think that anything else that occurs there even though the regulations say differently we would consider allowing occurring. I am specifically talking about two things to which we have come across and no doubt anyone have been doing these businesses have come across. A video store or a restaurant it is not going to work for anybody. Given those two kinds of conditions of not having these kinds of businesses in there whatever else that goes in there that conforms to zone to my way of thinking let it happen.

Ms. Mulcahy said I want to add that restaurants are just like retail they are permitted. I would like to have some kind of motion that I can point to. I appreciate that you found a site plan and this is the first site plan that I have seen on this property for the number of parking , the number of stores at least it gives me an idea of what is on the property. I was approached by several people that wanted to do more of a restaurant use on that property.

Mr. Bruno said the owner will not put in a restaurant he has the Dunkin Doughnuts he does not want to put competitors in there. The square footage is a little over 5,000 square feet for all five sites.

Ms. Mulcahy said the other property on the building is a multi family and now the parking for that I am assuming you will show that.

Mr. Bruno said there is no parking.

Mr. Russ commented Dunkin Doughnuts will be moving down to Waterbury across from the Cumberland Farms where they do all the excavating and it will be gone.

Mr. Minnich asked does anyone have any conceptual problems with my thoughts. As direction to the staff that if there is no site plan modification required the use of these buildings can be anything that is permitted in that zone excepting a restaurant or a video store and the parking is not to be considered as part of the approval process.

Ms. Mulcahy said do you want to add medical and professional also require a lot of parking.

Mr. Mancini responded why not limit it to whatever conforms if it is less than 250 sq feet of facility is not allowed you have you have one parking spot.

Ms. Mulcahy said the other approach that would be in conformance with how regulations administered is the fact that because this is preexisting and non conforming that the Commission decide that stores 1 through 5 were preexisting retail stores and can be continued to be used as retail stores. It is in section 63 on page 165.

Mr. Duplissie said the owner might not want that limitation on the building.

Mr. Minnich said I need to think about the precise language in fairness to this and for this site it has no legal matter and it is instruction to our administrator that this is what she is to do.

Motion to table to the August 5, 2009 meeting:

Motion made by: Duplissie

Second: Russ

Aye: 6 Nay: 0

K. Demirs recused himself from this discussion

g.	Applicant:	Denise Benemerito
	Agent:	Dennis Strozzi
	Re:	Preliminary Discussion
		Dog Inn and Spa
	AT:	586 Litchfield Road, Watertown
		(Former Scoville B&B)
	Zone:	R-70

Ken Demirs – Westview Properties

Mr. Demirs referred to the letter for June 25th. It is zoned for a commercial kennel, what Denise proposes is to put a Dog Inn and Spa which is basically a function if you go away for a weekend you could put the dog there. The dogs would be staying in the house and not the barn in the back. The people would be living in the house while taking care of the dogs. The letter indicates that there will be a privacy fence surrounding the property. The lower property that is the wetlands will not be used. It is approximately 5.7 acres of useable land that is in the front of the property. Right now the property is in foreclosure for a couple of years now, there is an offer on the property assuming that we can get it passed through Planning and Zoning. We are here to discuss the possibility of getting it approved and would like your thoughts on the subject.

Board Member Concerns

Mr. Blais asked what is a dog spa is it a kennel.

Ms. Benemerito replied it would also offer grooming as well.

Mr. Blais was concerned about breeding on premises.

Ms. Benemerito replied no nothing like that.

Mr. Blais said he was concerned about noise how many dogs.

Ms. Benemerito replied realistic it would be for 5 dogs or if they had small dogs they wanted to put together that would be the limitation on it.

Mr. Minnich asked why we would not consider this as a commercial kennel.

Ms. Mulcahy was concerned about the 150 foot lot line with barn. They can make the purchase contingent upon approval of their special permit and because of other issues character of the neighbor is considered and I do not know the issue that might come up at a public hearing.

Mr. Demirs said the problem is Bank of America is the foreclosure agent, they will not accept waiting for a special permit. So she needs to get some feedback if yes you could do it.

Mr. Minnich replied she has an off right to a special permit and the permit we would take into account the noise and health issues and so forth.

Mr. Demirs said he is acting for the buyer if she gets a feeling that it could be a go then she will make an offer to Bank of America to say she would buy the property. That is where it hinges right now and she is a little concerned.

Mr. Minnich said we cannot promise anything because we have to have a public hearing and we have to have a special permit but the law has changed on this recently regarding real estate transactions that affect zoning. We will be happy to give our opinion but you are stepping yourself out a little bit if it does not get approved.

Mr. Blais said my biggest concern is neighbors and the barking noise.

Mr. Minnich replied we would establish with the permit a limit on how many dogs will be there. The issue here is they are running a commercial businesses in a residential area and it needs a special permit and if it is permitted its listed use under the special permit.

I think you got everyone here saying it is okay but remember you have a legal issue here.

No motion needed

**h. Applicant: Legends Auto Group, LLC
(Valenti Motors)
Re: Site Plan/Special Permit #268
For new and used vehicle sales
At: 694 Straits Turnpike, Watertown
Zone: B-SC**

Mr. Minnich suggested tabling this and that he would like to look at what they recently submitted to them.

MOTION: Duplissie moved to table

SECOND: Mancini.

K Demirs returned to meeting

**i. Applicant: Echo Lake Brownsfield
Agent: Ted Crawford, Milone & McBroom
Re: Site Plan/Special Permit #269
Application for placement of 212,000
cubic yards of fill for site restoration
for an industrial building
At: Echo Lake Road, Watertown
Zone: IR-80**

Motion: Table Duplissie Table to August 5, 2009

Second: Russ

Aye: 7 Nay: 0

j. **Applicant:**
 Re:

**Planning and Zoning Commission
Text Amendment to the Watertown
Subdivision Regulations to
Section 7 Open Space and Recreational
Areas**

Section 7.2 Size

Delete: “Required open space and or recreation areas may be up to ten percent of the property under consideration.”

Add: Required open space shall be 15% of property under consideration, unless the Commission determines with a $\frac{3}{4}$ vote (6 members) of approval to waive this provision that a lesser area is sufficient to satisfy the need determined by the Commission or that such a reservation is not necessary or otherwise not feasible.

Section 7.5 Conditions of Open Space
and/Or Recreation Land

Section 7.5.4

Delete: The Commission requires that at least **50%** of the land designed as open space shall be land classified as Upland Soil by the **Litchfield County Soil Survey, Litchfield Connecticut.**

Add: The Commission requires that at least **{75%}** of the land designed as open space shall be land classified as upland soil by the **Soil Survey of Litchfield County, Connecticut Soil as amended. The land area reserved for open space may contain areas of wetlands (as determined by a certified soil scientist) and steep slopes (in excess of 12%) provided that the percentage of land in these categories does not exceed the percentage of land in these categories for the entire tract.**

Add: The Commission may waive this requirement **(Add) with a ¾ vote (6 members) of approval**, if the applicant demonstrates that the designation of additional upland areas as open space will result in the preservation of site features as aforementioned, that would not be protected otherwise or the Commission determines that the non-upland areas have special habitat or are more environmentally significant.

Mr. Duplissie wanted to deny the motion it is not ready and we are not ready for it.

Text of Motion: Deny
Motion made by: Duplissie
Second: Blais

Mr. Russ asked if we could table this.

Mr. Minnich said the language that in the 7.54 needs work and we should re advertise this again if we are going down that road.

Mr. Demirs asked why did this come about.

Mr. Minnich said it came from the moratorium committee and one of the issues increasing the amount of open space. The other purpose if we are going to take land we better define the quality of land and put it in the regulations.

Aye: 7 Nay: 0

Motion to deny is approved

k.	Applicant:	Planning and Zoning Commission
	Re:	Zoning Map Update
	Zone:	All

This is ready for us to bring to the next stage. The next stage is establishing a public hearing and at that point we would consider approving this.

Motion: Establish a public hearing for august 5 for zoning map update

Motion made by D. George
Second: K. Demirs:

Aye: 7 Nay: 0

6. Old Business

a. Text amendments initiated by Commission members:

1. Parking Regulations: G. Martin - none
2. Lot Sizes: G. Duplissie - none
3. Site Plan and Special Permit Notice of Public Hearing
Ruth Mulcahy

Ms. Mulcahy handed out #3 this is a very simple amendment the Town has been bearing the expense of sending out the notices when the applicant says it is not in your regulations when we ask them to do the notices for the hearings. It is normally in the regulations, you do have a procedure for both the site plan and the special permit and that is where it would go in any regulation under procedure and this is the current regulation that reads under procedure "the Commission under site plan may hold a public information meeting on an application for site plan approval" then the addition would say "the applicant shall send a notice of public hearing etc." then on special permit the same thing you have procedure the Commission shall hold a public hearing and then again the addition would be the same just telling them when to send the notice.

Mr. Minnich said where the 150 feet came from.

Ms. Mulcahy said that is an arbitrary number I do not find it in the statues. I found it in the neighboring towns regulations but you can change it.

Mr. Minnich said I am looking at this and I think it is ready to go to public hearing.

Motion: Add Site Plan and Special Permit Notice of Public Hearing to agenda for a text amendment to section 51.9 and 52.8

Motion made by: Duplissie

Second: Blais

Aye: 7 Nay: 0

Motion to establish a public hearing for August 5 for a Planning and Zoning text amendment to Section 51.9 and 52.8 of the Town of Watertown Zoning Regulations

Motion made by: Duplissie

Second: K. Demirs

Aye: 7 Nay: 0

7. **New business**

a. **Discuss schedule for calling of bond for Mark Lovley, Lovley Development Re: Hidden Oaks and Fox Crossing Subdivision, Watertown, CT**

Mr. Berger said at the June meeting Mr. Lovley was here and we reviewed a June 2nd letter which provided a schedule for completion for both Fox Crossings and Hidden Oaks. Last week a letter dated July 9th I sent another letter to him asking him for an updated schedule because we have not had any significant progress out there. A July 14th response from Lovley Development updating us on what he has been accomplished and his schedule is moving forward. Public works is willing to accept his revised schedule of getting the paving done the 3rd week in August that should be enough time and should he not complete that to move forward paving done before the plans close this year because our goal is not to have that either of those roads go through another winter.

Board Member Concerns

Mr. George said has he done some of these things.

Mr. Berger in Hidden Oaks but not in Fox Crossings, the Engineer is working on that Vinny Caterino.

Mr. Demirs asked about the sidewalks.

Mr. Berger replied at the Inland and Wetlands meeting a permit was issued for the sidewalk out along Middlebury Road. The application was for the length from the exit at Lovely Drive to the terminus of the existing sidewalk out there to the south side. As part of the original approval for Fox Crossing subdivision I read you the approval. "Sidewalks shall incorporate along the entire frontage of Middlebury road. The design shall be in conformance with Town subdivision regulations subject to review and approval by the Town Planner, Zoning Enforcement Officer and Town Engineer." In the discussion with Mr. Lovley there is a section of sidewalk to connect to the sidewalk to nowhere that is not on frontage of Lovely Development. If we took the frontage north of Lovely Drive and applied it to the area south of Lovely Drive we would be short 75 feet. The Department of Public Works can complete that sometime in the future, there will be Wetland permit issued for that and we can get the permit transferred and construct that in the right of way.

Mr. Minnich said we will ask him to complete it.

The Commission requested C. Berger to ask M. Lovley to complete the sidewalk at Hidden Oaks and Fox Crossing Subdivision

**b. Watertown High School bond reduction for drainage and landscaping
– none**

Mr. Demirs asked the last meeting we asked about removing some islands and was that happening.

Mr. Minnich said the school said it would cost about \$20,000 they would have to change the catch basin and it is too late in the project.

**c. Judson School bond reduction – sedimentation and erosion control -
none**

d. Bond Release – Lakeview Estates, Echo Lake Road, Watertown

Mr. Berger said he had a memo prepared dated June 30th 2009 which recommends a bond reduction \$40,185.00 which includes the top course of paving, some rip rapping, detention basin and deletion of a section of guard rail that will leave us a bond amount of \$106,768.67.

Motion: Approve bond reduction in the amount of \$40,185

Motion made by: Duplissie

Second: Demirs

Aye: 7 Nay: 0

e. Bond Release – St. John School Expansion - \$33,412.50

Mr. Berger said a July 1, 2009 memo recommends a bond release of \$33,412.50 that release the entire bond with the exception of guard rail of the top parking lot in the amount of \$2,800.00.

Motion: Approve bond reduction in the amount of \$33,412.50

Motion made by: Russ

Second: Duplissie

Aye: 7 Nay: 0

8. Chairman's Report – none.

9. Adjournment at 10:59PM
Motion made by: Duplissie
Second: Demirs
Aye: 7 Nay: 0

Michael Masayda _____
Secretary