



# Town of Watertown Connecticut

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Planning and Zoning, Zoning Board of Appeals, Conservation Commission/Inland  
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## Town of Watertown Planning and Zoning Commission REGULAR MEETING

### Minutes

**Time:** 6:30PM (6:35PM)  
**Date:** Wednesday, AUGUST 4, 2010  
**Place:** Swift Middle School Library  
250 Colonial Street  
Oakville, CT

#### 1. Call Meeting to Order

Mr. Minnich, Chairman called the meeting to order at 6:35 p.m.

#### 2. Roll Call

Ms. Allen, Secretary executed the roll call.

Members Present: Chairman, Mr. D. Minnich

Vice-Chairman, Mr. Gary Martin

Mr. Ronald Russ

Mr. Carl R. Mancini

Alternate, Mr. Duane George

Ms. Marie Genovese

Mr. Richard Rossi

Ms. Denise Benemerito-Garassino

Mr. Erik Markiewicz

Members Absent: Alternate, Mr. Ken DeMirs

Also Present: Land Use administrator, Ms. Ruth Mulcahy

Town Engineer, Mr. Chuck Berger

Land Use Secretary, Carol Allen

3. **Public Participation - none**

4. **Communications and Bills**

- a. The Habitat, Summer, 2010
- b. Letter dated July 8, 2010 to Pat Graziano from Roy Cavanaugh  
Re: Trench Cut, 280 Cherry Avenue, Watertown
- c. Letter dated July 26, 2010 from Attorney Paul Jessell to Salvatore DeLuca  
Re: a tax bill for Regina Farms Subdivision.
- d. Statement of Services dated May 3, 2010 Rendered by Attorney Paul Jessell.
- e. Statement of Services dated July 12, 2010 Rendered by Attorney Paul Jessell.
- f. Letter dated July 28, 2010 from Gil Thornfeldt of The Taft School Re: Site Plan/Special Permits #294 and #295

**Susan Henry Business Manager – Taft School**

Submitted letters requesting reconsideration on some of the conditions for the special permit the Commission approved on July 21, 2010.

**Reconsideration**

**Uses** – different organizations using parking, the conditions limit that.

**Public Sidewalk** – in the past Taft has usually provided the materials at their cost and the town furnished the labor and our happy to continue that.

**Public Road** – with the green Taft does not want to be responsible for liability which could happen if we do the work.

**Communication Wire** – we are willing to replace it, concerned about the way the condition is worded and have no control over the communication company and what is required to replace that.

**Bond and Insurance** - regarding the sidewalks and streets.

Text of Motion: Add the topic of 4-f as 11-k on the meeting agenda

Motion made by: C. Mancini

Second by: R. Russ

All in Favor

Text of Motion: By unanimous consent place 4-a – 4-f on file.

**5. Meeting Minutes**

- a. June 16, 2010 Regular Meeting
- b. July 7, 2010 Regular Meeting
- c. July 7, 2010 Site Walk Minutes
- d. Motion Sheet July 21, 2010 Special Meeting

Text of Motion: By Unanimous Consent Approve 5-a – 5-d

**6. Staff Report**

**Hidden Oaks & Fox Crossings** - Ms. Mulcahy stated she received a letter dated August 3, 2010 from Mark Lovely to the Public Works Department concerning the progress with a time table for completion of the punch list with a completion date of September, 2010.

**Echo Lake Walking Trail** - Ms. Mulcahy read a letter from Harry Ward dated August 4, 2010 Mr. Polletta said he could not afford to complete the trail due to the increased cost. A site walk and attached pictures show progress. There is a bond release on the agenda for the subdivision.

**Tattoo Shop** - Ms. Mulcahy also said she received a request for 636 Main Street and that it is a permitted use.

**Highview Estates** - Ms. Mulcahy also received a bond request for a water and sewer bond release that she forwarded to the Water and Sewer Department.

**Rite Aid** – signage for pylon sign

**Wells Fargo** - Ms. Mulcahy was also working on new signage for businesses in Town.

Chairman Minnich asked Ms. Mulcahy if she reviewed the Highview Estates bond. Ms. Mulcahy stated she reviewed the bond with Mr. Berger. Chairman Minnich asked Mr. Berger if \$10,000 was in the ballpark of what needed to be done. Mr. Berger replied that it was sufficient but would stand by Milone and McBroom's estimate.

**7. Chairman's Report**

Chairman Minnich informed the Commission of two upcoming court hearings – a post hearing on Hardrock Development on August 20, 2010 and the Masi Development on French Street on August 12, 2010.

8. **Old Business - none**

9. **New Business**

a. **Green Hills Subdivision, Ice House Road, release of remaining funds**

**Mr. Berger** – memo in packet recommending the release of all remaining outstanding bonds, Water, Sewer and as built has been completed.

Text of Motion: Release remaining bond of \$5,000

Motion made by: C. Mancini

Second by: R. Russ

All in Favor

b. **Lakeview Estates, Echo Lake Road, Release of one year maintenance bond**

**Mr. Berger** – have a memo recommending a bond release for street trees, detention basin plantings and a number of other items. Given the memo today from Harry Ward and discussions with staff in house I recommending that we table these items until the issues are resolved.

**Board Member Concerns**

**Mr. Minnich:** is it all related to the trail?

**Mr. Berger:** the amount bonded for the trail totaled \$6,500.00 and I believe that number is lower than the value of the improvements that need to be installed out there which seem to be echoed by the developer with concerns about the cost involved with the improvements. Mr. Berger suggested the developer's engineer prepare a new bond estimate for trail items to insure the work is done.

**Mr. Minnich:** What is a better estimate for the remaining work and clearly it is not \$81,000.

**Mr. Berger:** did not want to estimate an amount, there are several options to keep the one year maintenance bond and release the money for the street trees and the detention basin plantings.

**Mr. Polletta:** there is no need to hold this money and the trail is 50% completed.

**Mr. Mancini:** agreed with Mr. Polletta, this development appears in good shape and Mr. Polletta has a great reputation in town and did not understand holding back \$81,000. I would recommend releasing \$75,000 leaving \$24,544

**Mr. George:** we heard Ms. Mulcahy say there was very little done vs. Mr. Polletta saying 50% done it is conflicting.

**Mr. Minnich:** said the issue is how much more should we be leaving for the bond on the trail. We know there is \$6,500 he spent \$4,000 how much more money are they going to spend on the trail above the \$4,000.

**Mr. Polletta:** I have numbers which amount to \$11,000 I already spent \$4,000.

**Mr. Mancini:** made the motion to release \$75,000.

**Mr. Martin:** my only concern is that not much has been done since 2005.

**Mr. Minnich:** following up on your comment the 5 year bond ends sometime this fall to have the project completed.

Text of Motion: Approve a bond release in the amount of \$75,000  
Motion made by: C. Mancini  
Second by: R. Russ  
All in Favor

**c. Cobb/Slade Street Subdivision, bond reduction**

**Mr. Berger:** you have a memo I would call attention to 2<sup>nd</sup> to last paragraph talking about an additional inspection being conducted, which was done today; the remaining constructing materials have not been removed from the right of way and recommend that this item be tabled.

Text of Motion: Table  
Motion made by: G. Martin  
Second by: M. Genovese  
All in Favor

**10. Public Hearings**

**a. Continuation of Public Hearing, A Zoning Regulation/Text Change (new) for Baldwin School reuse – proposed amendment to Article IX Watertown Fire District, Section 83.22 Residence R-10F located at North Street, Watertown, CT in an R-10F Zoning District Section 83.22.11 for Adaptive Reuse of a Former Public School.**

Erik Markiewicz recused himself from this public hearing  
Denise Benemerito sat in for Erik Markiewicz

**Mr. Mancini read the by-laws:**

Welcome to this meeting. The Planning and Zoning Commission has established rules for the conduct of its public hearings, copies of these rules are at the doorway to this room and on the town website. While decisions are pending communication with Commission members on the merits of application should only be at this public hearing. Speak with Commission staff at other times. The Chairman has the authority to limit presentations when comments and questions are derogatory, repetitive, not on the subject matter of the public hearing or are not helpful to the Commission understanding the application. As of now there are no there are no speaking time limits. However the Commission may establish time limits for speaking at this hearing. It is usually not helpful to the Commission to hear statements more than once. Opinions polls are also usually not helpful and are not accurate. Land Use decisions run with the land and effects current owners and future owners. It is not possible to identify and invite future land owners to participate in the opinion poll. These hearings are not a debate between the parties of interest they are forum to advise and assist the Commission with its decisions. When recognized by the Chairman, come to the podium at the front of the room and speak directly into the microphone so that everyone at this meeting and the laptop computer recording the meeting can hear you, beginning by stating your name and address. Direct your comments and questions through the Chairman and not to any other person. Thank you for attending this public hearing.

**Mr. Minnich:** We have left a couple of areas open for discussion which has to do with the number of dwelling units, and the size of those units. Does anybody have thoughts for talking purposes what the appropriate number would be?

**Mr. George:** total number of units should be 17; the two bedroom units shall be 1,000 square feet or better, one bedroom unit should 700 square feet or better.

**Mr. Mancini:** 700 square feet with one closet in the bedroom does not seem to be high end to me.

**Mr. Martin:** meet halfway 16 units. Both sides had good arguments.

**Mr. Russ:** 17 units

**Mr. Mancini:** I will go along with the 16.

**Ms. Benermertio-Grassino:** 16 units

**Mr. Minnich:** today we received a letter from Attorney Fitzpatrick. We received as you recall a petition from 102 people and attached are some words of support. I did not understand whether that was a support of their proposal or was a protest of the proposal that was presented by the applicant. The legal reason for this that if there an application for a text amendment and 20% of the property owners within 500 feet of the subject property protest, then under section 8-3b of the statues would require when we vote that the approval is only effective in the adoption of the regulation if we have 2/3 membership rather than having the majority as would be the case to pass this. That would require five votes in favor of adopting the regulation. Mr. Fitzpatrick clarified that today and that is now a protest under section 8-3b. When we go through this process we are required for the adoption to have a 2/3 vote.

**Mr. Minnich:** reviewed a document titled P & Z discussions purposes. I took a look at some of the issues, which are part of the language other than the maximum dwelling units and the size.

One person being **age 55 was the minimum** to live in there. In section 5.2.10 has defined in other areas as general minimum age 21 living with them.

Worked with Paul Jessell having the language say we would require the **minimum sized lot parcel** would be 2.5 acres and every dwelling unit must be the existing building that they have their now and no outside dwelling units of the existing school.

**The two issues the restrictions and condition that were placed in the warranty deed and the sales agreement.** One of which is the façade and most of the authority comes with the Watertown Historical District and is their duty to issue a certificate of apportions regarding any change to the facade. I do not see any benefit to the private agreement that the Town of Watertown had and the unit owners with the regards accepting the restriction as part of the conditions with no change to the façade.

The second issue having the **19 units** is a private agreement we do not have to honor that as in the statues 8-2a as to our jurisdiction and you may wish to consider that as a starting point to which the applicant has proposed.

**Accessory buildings** in the July 7<sup>th</sup> meeting which was revised their proposal they can have up to 2 garages and a building for a common meeting area with height restrictions.

**Parking** they would still need to have 15 off street parking spaces that are not the garage.

Cleaned up the language for **street lights** to coincide with our regulations.

Mr. Jessell helped with cleaning up the language regarding what is to be **filed in the land records** regarding the declaration and the encumbrance on the deeds for the age restriction area.

**Mr. Rossi:** I would consider a reduction with the promise that there is no accessory building in the reduced number.

**Franklin Pilicy**

Essentially every single request was made by the neighbors was accommodated into the new plan. When those concessions were made by the applicant and during those discussions there was no mention of trying to then affect the number of units in the building. It was only after all those concessions were made that a new item appeared to control the number of units inside the building. The applicant has authorized me to say the applicant could agree to the 17 units. With respect to the protest petition I am not sure in what form that petition has been received and whether or not the protest petition affects a text change.

**Tony Fitzgerald – 36 North Street**

I disagree with Mr. Pilicy said about the neighbors never bringing up the concern about the number of units until everything was settled. The neighbors came to you first in February with the regulation that we said we could live with and explained then although there was not a number of units in it, that the 10,000 per square foot per unit requirement from the R10F zone would be limited to 11 or 12 units and has been our core position from the beginning.

On the issue of the protest, it is understandable that Mr. Minnich was uncertain where the nature was. It started out as a petition in support of our proposal which was back in February. At the July hearing I resubmitted those signatures as part of the record of this proceeding specifically in opposition to this proposal that proposed a density that was greater than the 10,000 per square feet per unit requirement of the R10F zone. What started out as a petition in support became a protest. The property owners within 500 feet are included in that larger set.

What is proposed here is to increase the density in an already crowded zone; this is the smallest lot size in the whole town to begin with.

Part of these 19 units there is 5 little units in the basement on grade with the parking lot and that is the opposite of high end in our mind. You cannot get 19 decent units in this building.

**Jonathan Sharp – 330 Main Street South**

Mr. Sharp handed out information and resources. Today we are here talking about the number of units and how many you could fit in here. I am bringing real numbers in the current market today provided by Prudential, Caldwell, and the list goes on. Prudential had the best information. The applicant said 700 square foot properties would sell for \$299,000.00 and the highest end for \$399,000.00 that at 19 units would bring us a little over 6 1/2 million dollars and did not know this building could be worth that and he will show why they are wrong with the facts.

Mr. Sharp explained the charts showing properties for sale in the four surrounding towns Middlebury, Litchfield, Thomaston, and Watertown showing the square footage and sale prices.

Middlebury - 1 unit out of 12 units that is below 2000 square feet.  
Litchfield - 3 units out of 14 units that are below 1500 square feet.  
Thomaston - 3 units out 19 units that are below 1000 square feet.  
Watertown - 4 units that are below 1500 square feet.

There are only 3 units out of the four towns that are less than 1000 square feet. We need to look at not just this building but where this building is and the neighborhoods we represent.

**Ms. Genovese:** all these units that you are comparing are they age restricted for 55 and over.

**Mr. Sharp:** no they are not but a lot of them are. Mr. Sharp had a chart for Southbury showing Heritage Village.

**Mr. George:** Why did you pick Litchfield rather than Waterbury?

**Mr. Sharp:** I have Waterbury which I will get to and I feel Waterbury is below Watertown's standards.

Waterbury – 13 units out of the 208 units were 700 square feet. Out of 169 condos fewer than 1,000 square feet and there is nothing for sale over \$51,000.00.

**Mr. Sharp:** showed a chart for Baldwin with luxury units showing on the left costs with 8 units selling for 2.3 million dollars looking at the current numbers here. If I was a developer looking at this I would go the luxury route because I am going to make more and only building 8 vs. the 19 that is what the four surrounding towns are commanding right now. The neighborhood is a winner because people will take better care of their eight condos vs. the 19.

**Mr. Mancini:** the two reasons why Baldwin School was sold to the developers was because of taxes and Taft School would not agree to 55 and older age restricted.

**Patrick Shawn – 82 North Street**

Taft wanted the building for use of classroom and or faculty facilities in this place. That was what Baldwin was built for it was not built to be a condo.

The town lost \$50,000.00 off the bat because Taft was not accepted; the developer who bought Baldwin paid \$7,590.00 in taxes which the town is short \$42,910.00.

Mr. Sharp talked about surrounding homes market values going down then taxes collected would be less, unless you make them high luxury with the eight units. You have a way of solving your problem and you have the numbers behind it to back it. The houses cannot sell unless they sell for the market price. If he puts in 8 condos and makes them high end people will tend to with more square footage to upgrade.

The developer did not maintain the school for 2 1/2 years and mentioned being on the blight list and showed pictures of the school, the value of the neighborhood will go down if it continues to be like this.

The only way you can guarantee luxury is size. You asked for numbers and you got true numbers.

**Michael Sharp – 330 Main Street, South Bethlehem**

There is no luxury headed our way with this group. The building has the ability to become luxury with the square footage is in each of these dwellings. With 8 units they could put 2 car garages that would build value. They could have amenities like an exercise room, pool, sauna for space open in the basement. Let's put a common area for their community room and allowing more storage. You also keep within the laws of the density that was already in place when he signed the paper and bought this building. With the larger square footage people tend to update their condos and be proud of their building. I would like to invite everyone for a site visit expressing concern for parking with 38 cars vs. 16 for the eight units. He asked Mr. Mancini to remove his second vote on this subject?

**Mr. Mancini:** I will not remove myself on this vote.

**Mr. Minnich:** The politics of Mr. Mancini serving on both boards is legal in this town.

**Mr. Sharp:** I felt there should not be two votes one backing up the second vote.

**Dennis O’Sullivan – 238 North Street**

My suggestion is for you to take another look at the existing zone which will allow one dwelling unit per 10,000 square feet. That is what the neighborhood standard is and that would be in my opinion a compromise consistent with the current zoning regulations.

**Ed Trayburn – 120 Main Street, Watertown**

I would to see lesser amounts of facilities in the building. What it boils down to gentlemen is number of units per building, all the other conversation we are hearing tonight is just talk.

**Tony Fitzgerald**

The petitions I resubmitted by way of protest at the last meeting were copies and handed to the secretary the original signatures.

**Mr. Minnich:** are we to accept these as protest petitions under 8-3b.

**Mr. Fitzgerald:** they are offered as such. Yes.

**Franklin Pilicy**

I would urge the Commission to go not less than 17 units. I concur with the protest position on the facts of this case may apply to a text change.

**Mr. Minnich:** thanked everyone for their comments.

Text of Motion: Close public hearing  
Motion made by: R. Russ  
Second by: R. Rossi  
All in Favor

Erik Markiewicz returned to the meeting  
Denise Benemerito was no longer seated for Erik Markiewicz

- b. Site Plan/Special Permit #298 of Maxton Technology, Inc. for the placement of an antenna on the Town Water Tank located at 192 Georgetown Drive, Watertown, CT in a B-SC District, Business Shopping District.**

**Mr. Mancini read the notice of public hearing:**

The Planning and Zoning Commission for the Town of Watertown, Ct. will hold a public hearing on Wednesday, August 4, 2010 at 6:30 pm at the Swift School, Library, 250 Colonial Street, Oakville, Ct. on the following:

**Site Plan/Special Permit #298 of Maxton Technology, Inc. for the placement of an antenna on the Town Water Tank located at 192 Georgetown Drive, Watertown, CT in a B-SC District, Business Shopping District.**

At these hearings interested persons will be heard and written communications will be received. A copy of the applications are available for review in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT. between the hours of 8am and 5 pm or by calling the office at 860-945-5266 to schedule an appointment. A copy of the applications are also available for review in the office of the Town Clerk, 37 DeForest Street, Watertown, CT. between the hours of 9 am to 5 pm dated Watertown, Ct. this 24<sup>th</sup> day of July 2010. Carl R. Mancini, Secretary, Planning and Zoning Commission.

**Tom Flynn – Site Development Project Manager – Maxton Technology**

Mr. Flynn forwarded to the secretary the green cards, notice that was mailed out and proof of mailings for the record. Clear Wire is in the business of providing wireless internet service rather than telephone service. There are two types of antennas used in this installation; the first is a panel type antenna which you see in town, and dish antennas that communicate with other sites in the area, using line site technology rather using ground hard wire telephone facilities. Clear Wire is locating on the existing Sprint platforms with no new brackets or new facilities. Our new cabling will come down to the side of the tank and go to the Sprint platform that exists already on the ground, adding one cabinet. Submitted are photo simulations showing what it will look like, structural analysis showing of safely handling the installation. There will be no lighting, disturbance, no noise, no generator, standard signage required by FCC.

**Board Member Concerns**

**Mr. Minnich:** do you have permission from the owner of the tower to place these.

**Mr. Flynn:** said we have a signed leased with the town.

**Mr. Minnich:** could you tell me for the record whether the town of Watertown, the owners of the property are accepting this as an application.

**Ms. Mulcahy:** yes

**Mr. Russ:** do any tree lines have to be cut?

**Mr. Flynn:** they select sites and test it physically and if there is a physical obstruction and they will move the antennas instead of taking down a tree.

Public Hearing must be closed by September 8, 2010 unless the applicant grants an extension of time.

- c. Site Plan/Special Permit #299 of Shaker's Inc. /DBA Shaker's Kia for a new Kia Dealership located at 1230 Main Street, in a B-G, General Business District.**

**Mr. Mancini read the notice of public hearing:**

The Planning and Zoning Commission for the Town of Watertown, Ct. will hold a public hearing on Wednesday, August 4, 2010 at 6:30 pm at the Swift School, Library, 250 Colonial Street, Oakville, Ct. on the following:

**Site Plan/Special Permit #299 of Shaker's Inc. /DBA Shaker's Kia for a new Kia Dealership located at 1230 Main Street, in a B-G, General Business District.**

At these hearings interested persons will be heard and written communications will be received. A copy of the applications are available for review in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT. between the hours of 8am and 5 pm or by calling the office at 860-945-5266 to schedule an appointment. A copy of the applications are also available for review in the office of the Town Clerk, 37 DeForest Street, Watertown, CT. between the hours of 9 am to 5 pm dated Watertown, Ct. this 24<sup>th</sup> day of July 2010. Carl R. Mancini, Secretary, Planning and Zoning Commission.

E. Marckiewicz recused himself for the purpose of Baldwin School is now a regular member of the commission for voting.

**Franklin Pilicy**

The new owner of this property is proposing to use it as a dealership with no change to the existing site plan. There are requirements that must be met in order to obtain a dealership license from motor vehicle, a certificate of an approved location with the signature of the Chairman of P & Z and a copy of the site plan certified by an engineer showing the existing conditions. There should be no requirement for a new site plan that meets comp regulations when you have a change in ownership or change in user of the property. I would urge the Commission to consider one other factor that this is a time sensitive situation regarding the status of employees.

**Ronald Wolf – Professional Engineer**

Crestwood Ford has an overall area of 3.886 acres, the existing building which is 13,900 square feet representing 8.2% coverage and ground coverage on site 64.8 % today. Mr. Wolf reviewed the map with watercourses for the 25 year storm and drainage ditches that flow through the property. We have a lighting photometric analysis which has been submitted on the record, department of transportation is requiring no encroachment permit, we had the entire drainage system cleaned on July 27 and July 29. The report indicated that the existing courses and drainage system are adequate to convey the flow for a 25 year design storm. Went over report with Mr. Berger and he plugged in numbers to check for adequate free board so there would be no flooding of the watercourses. Due to conditions of the parking lot a better flow analysis was not done.

**Board Member Concerns**

**Mr. Berger** concurred with Mr. Wolf. The drainage channels are even with the more conservative roughness coefficients, there is still free boarding in those drainage channels for the 25 year storm. The drainage analysis demonstrates that the pipe system below ground is adequate to carry the 25 year storm. By saying that the system is adequate the catch basins do not catch all the water that is coming off the close system drainage area.

**Mr. Wolf:** on every site you always have some bypass on a 25 year storm.

**Ms. Mulcahy:** I received everything and reviewed the site plan, the major issues were engineering and the drainage on the site.

**Mr. Wolf:** DOT requested that we relocate the one sign which says Service on the north end of the property which is in state right of way.

**Mr. Martin:** is the gutter system for the building tied into the drainage system or just going to daylight and increasing the water flow on the surface of the property which will miss catch basins as it goes by.

**Mr. Berger:** The building gutter system is tied into the piping system, it goes underground and I have not discovered where that outlets to.

**Mr. Wolf:** we looked through the site and have not seen any evidence of any gutters, down spouts at all. There are internal roof drains and pipes that come down the building which go underground and do not daylight on the surface.

**Mr. Rossi:** is this building on a slab.

**Mr. Wolf:** I do not believe there is a basement.

**Mr. Minnich:** there are 2 watercourses on this property to which Mr. Moosa has written a memo the requirement for state statues that must act as Inlands and Wetlands before we act on this matter.

**Franklin Pilicy**

I have not seen anything written by the Wetlands officer I would disagree about any need for a Wetlands permit or application. Nothing is changing and nothing is being done.

**Mr. Martin:** it is a rough site, because there is no change of use, existing is acceptable, I tend to agree.

The consensus of the Commission was the same.

Text of Motion: Close public hearing  
Motion made by: C. Mancini  
Second by: G. Martin  
All in Favor

- d. Continuation of Public Hearing An application by the Planning and Zoning Commission for a proposed zoning text amendment to the Town of Watertown's Planning and Zoning Commission Amendment to the Subdivision Regulations New Appendices: "Subdivision Development Agreement".**

**Mr. Minnich:** We have read into the minutes of the first meeting the referral from COG correct. Before this evening is a site development agreement between the developer and the Commission with regards to a checklist of items that we would need and also the documentation for the town clerk's office. What you have is the subdivision plan of agreement drafted August 4, 2010. The agreement is the same before except it has been reviewed by Paul Jessell with minor changes. I want to read into the record his comment regarding the remediation process:

Attached is a memo dated today for subdivision developers agreement that changes and the same for site development plan. *"It is one good answer to the argument regarding negotiation mediation issues that those were included in the developer's agreement all along for many, many years in the addition to the fact that this agreement occurs after the appeal period has past and the negotiation mediation applies only to disputes arising under the agreement."*

This does not apply to that period prior to the 15 days that they have for appeal it is afterwards that is where is taking place.

**Joe Masi – 33 Pleasantview Street**

I rise to oppose, both the site plan development agreement and the subdivision development agreement. You have only the power that is given to you under the statues and I know nowhere where this power is given to under the statues. You mentioned that it would take effect after the 15 days, 15 day point is very important it gives the developer in either case the opportunity to file a court action. What is the advantage for the developer to sign this, none and why have it. You should reject them both. I want my comments to apply to the second public hearing regarding site plans.

**Mr. Minnich:** one of the statutory authorities for this under 8-3e which says “*the Zoning Commission shall provide for the manner in which the zoning regulations shall be enforced and that is one of several citations as to authority for this.*” This subdivision agreement has been in place and done before for more than 20 years. The incentives for someone to be part of this mediation process as part of this agreement they don’t have to sign and they can negotiate as any agreement is not to have that there. For these issues that relate specifically to disputes over what was agreed to or what should be done under a site plan, the best way for that to be accomplished in dealing with it is finding the means to deal through the parties and not through the court system which is slow. The court system encourages mediation process to occur. The mediation is not the outcome of the mediator is not mandated on either party and they can go to court afterward. But what is mandatory with regards to the process that they agree to is to go through that process.

**Mr. Masi:** 8-3e provides for the Commission to run its regulations within the framework of the state statues, given the power that statues give you. It does not allow you to make regulations that are outside of the states give you.

**Mr. Minnich:** this matter has been reviewed by our Town Attorney and has been found to be legal and proper.

Hearing closed at the Commission’s discretion.

Denise Benemerito recused herself from this public hearing. No one was seated in her place, as Denise Benemerito is an alternate member

Text of Motion: Close public hearing  
Motion made by: R. Russ  
Second by: G. Martin  
All in Favor

**f. Continuation of Public Hearing an application by the Planning and Zoning Commission for a proposed zoning text amendment to the Zoning Regulations New Appendices: “Site Plan Development Agreement”.**

**Mr. Minnich:** this is essentially the same as the site plan but applies only to those issues on site plan to which there is a performance bond requirement. Same comments from subdivision regulation, same comments are referred by Mr. Jessell read in the previous public hearing. This site plan development agreement because it falls in the zoning regulations is required to have a referral from COG. In accordance with state law I am required read that into the record.

Town of Watertown Planning and Zoning Commission have proposed a new appendix to its zoning regulation entitled, Site Plan Development Agreement. The purpose of this appendix is to set forth an agreement between the developer and the Watertown Planning and Zoning Commission for the development of an improved site plan. The proposed appendix also sets forth a dispute resolution process that includes mandatory non binding negotiations and mediation that has to be completed before initiating court proceedings in the event of a conflict. A proposed appendix to the Watertown subdivision regulations was also submitted. COGCNV review of subdivision regulations is not required under state statute.

David Minnich, Chairman of the Watertown Planning and Zoning Commission responded to the questions raised in the first draft of this referral report in a telephone conversation June 24<sup>th</sup> 2010 and in an e-mail on June 25, 2010. The e-mail of June 25 constituted a formal objection to the referral report of June 21, 2010. COGCNV staff has taken into consideration of Chairman Minnich’s comments and again reviewed the proposed zoning amendment. This revised referral report is meant to supersede the original report of June 21, 2010. Chairman Minnich’s e-mail and original referral are attached as the appendix.

**STAFF RECOMMENDATION:**

COGCNV staff has reviewed the proposed Site Plan Development Agreement appendix for the Town of Watertown Zoning Regulations and Chairman Minnich’s explanations to the questions posed in the first draft of the referral report. Staff’s comments and questions are presented below:

1. According to Chairman Minnich, “the purpose of the agreement is to have in one document all requirements and references to Site Plan documents and to clearly spell out the requirements of the developer and notices to current and future property owners. The agreement requires nothing that is not permitted by regulation.”

- Staff recognizes the value of having one document that spells out all the requirements for the development of an approved site-plan. Nevertheless, since the requirements are already legally binding on the developer, why is a site-plan development agreement necessary?
- If the developer does not fulfill the requirements of the site-plan approval the developer will not receive a zoning certificate. In section 4.B. of the proposed amendment, the zoning certificate is made contingent on the satisfactory completion of all conditions of article 4 of the agreement. This section of the proposal is redundant unless the purpose of the site-plan development agreement is to include requirements in excess of those required by the site-plan approval.
- Connecticut General Statutes (Sec. 8-3(g)) authorize the Town of Watertown Planning and Zoning Commission to set forth regulations and procedures for site-plan approvals in an open and public process. The proposed site-plan development agreement could constitute a required second process where new requirements could be added to the original site-plan approval, without the vote of the commission or public participation.

2. According to Chairman Minnich, the proposed appendix to the zoning regulations is intended to be a “Standard Agreement” which will be modified by the Administrator for Land Use, as necessary, when a developer and the Commission enter into an agreement for the development of a site plan requiring a performance bond.

- Would the Administrator for Land Use have the legal credentials or authority under state statutes to prepare agreements on the behalf of the Town?

3. Section 4.A of the proposal prohibits the “sale of lots” until a “Record Site Plan Mylar Map” is recorded on the town land records.

- The site-plan approval and development process does not create new lots.
- How can the town zoning regulations, such as the proposed amendment and Section 51.22.2.1 of the existing regulations, prohibit the private sale of an existing parcel of land?

- Subdivision specific requirements in the proposed zoning amendment should be removed if the proposal is adopted as part of the Town of Watertown Zoning Regulations.

4. According to Section 51.22.2 of the Town of Watertown Zoning Regulations, a site-plan development agreement is required any time a performance bond is required by the Commission for public or private improvements. The proposed agreement could be simplified by referring only to the improvement that the Commission is bonding and the terms of that performance bond.

5. Staff supports efforts to encourage developers to choose to participate in a negotiation and mediation process before starting court proceedings. State statutes (CGS Sec. 8 and Sec. 8a) authorize and encourage negotiations and mediation as an alternative to court proceedings in resolution of land use disputes. However; the statutes do not authorize mandatory mediation.

Chairman Minnich in his email points out that “if the developer does not want the mandatory negotiation and mediation process then he should not sign the agreement or he should have it removed from the agreement. “Is not signing the required site-plan development agreement an option under the zoning regulations? If the mandatory mediation process is an optional component of the agreement, that should be clearly noted in the proposed amendment.

6. The proposed site-plan development agreement was adapted from a subdivision development agreement. The state statutes that govern zoning and subdivision are different. Staff recommends consulting with an experienced land use attorney before adopting this proposal.

### **Public Concerns**

#### **Judy Wick – Northfield Road, Watertown**

I do believe there is a difference between site plan developer’s agreement and the subdivision developer’s agreement. There has not been in 20 years or more any site plan developer agreement in the Town of Watertown, only the subdivision. The statutes defining subdivisions and site plans are different and the legal precedence are different. I am trying to understand and read all information and still do not understand. I thought this Commission was in favor of streamlining the application process for businesses coming into town. The site plan issue would create these procedures with duplicate requirements all ready in the regulations and to file additional paperwork at additional expense. There is a reference to section 51.22 in his objection letter the Chairman to COG refers to his authority for the site plan development agreement to be found in this section. It seems to me that this is a circular argument. Basically what you

are saying we have just passed rules which gives us the authority ourselves to pass. Item 22 of this agreement dispute resolution, I agree with Mr. Masi there is nothing in state statues that gives the Commission the power to require negotiations or mediation prior to an applicant being allowed to go to court. When Sam Gold questioned the legality of this, Mr. Minnich dismissed his comments by saying the developer does not have to sign the agreement, then that says to me this is a non mandatory requirement and why would anyone want to sign it. Item 4 in this agreement it states; the developer has requested and received the site plan approval for the site plan in accordance with Ct general statues 8-2 and the regulation subject to site plan modifications, conditions and this agreement. That sounds to me as though the developer must sign the agreement if he wants his site plan approval to be valid. For the sake of the town to avoid more lawsuits and to have a land use attorney look at this.

Text of Motion: Close public hearing  
Motion made by: C. Mancini  
Second by: R. Russ  
All in favor

## 11. Articles on Agenda

**a. Applicant:** Cynthia Ramos  
**Agent:** David Petroccia  
**Re:** First Cut  
**At:** 144 Capewell Avenue, Oakville  
**Zone:** R-G

### **David Petroccia – Land Surveyor**

This property sits on three different streets owned by Cynthia Ramos. She wants to divide the lot which is shown for two separate parcels. Property is located in the RG zone and it meets all the requirements to that zone including water and sewer service. Frontage on this property on two streets, one is undeveloped which is Overlook Avenue, the other is paved up to cull de sac which has access in.

### **Board Member Concerns**

Ms. Mulcahy if the commission does accept this first cut, my memo says they accept with the removal of the shed and some of the patio to meet the regulations and those were built when it was one lot. She should submit a zoning permit when she moves it.

**Mr. Rossi:** access to parcel b is from what direction.

**Mr. Petroccia:** Saugus Avenue.

**Mr. Rossi:** between the defined property and the designation of Saugas who owns that.

**Ms. Mulcahy:** they would have to get a driveway permit from the town.

Text of Motion: Accept first cut of property for Cynthia Ramos at 144 Capewell Avenue, Oakville with the condition on Lot A the removal of the shed and portion of concrete patio be also removed to not create a violation of the current setback requirements.

Motion made by: C. Mancini  
Second by: R. Russ  
All in Favor

<b>b. Applicant:</b>	<b>Gabae Industries</b>
<b>Agent:</b>	<b>Stephen Nizzardo, Light Associates</b>
<b>Re:</b>	<b>Site Plan Approval Vestibule at front entrance of building</b>
<b>At:</b>	<b>400 Park Road, Watertown</b>
<b>Zone:</b>	<b>IR-200</b>

**Stephen Nizzardo – Light Associates**

I am here to get site approval for the vestibule 11 1/2 by 21 feet and a sign on the front.

**Mr. Minnich:** reviewed the requirements.

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Gabae Industries located at 400 Park Road on 19.9120 acres, Watertown, CT for a front vestibule building addition of 11.5' x 21' on an existing industrial building and a 48 sq. ft. wall sign in an I-R200 Restricted Industrial District which includes a Zoning Location Survey-Proposed Addition Prepared for Gabae Industries, 400 Park Road, Watertown, Connecticut dated 7/27/2010 prepared by Smith & Company Surveyors & Engineers, 247 Main Street South, Woodbury, CT, and Building Plans prepared by John Cruet, Jr. A.I. A. Architect, 1200 Boston Post Road, Suite 211, Guilford, CT 06437; and

**WHEREAS**, the Commission heard the application on August 4, 2010;

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for Gabae Industries located at 400 Park Road on 19.9120 acres for a front vestibule building addition of 11.5' x 21' on an existing industrial building and a 48 sq. ft. wall sign in an I-R200 Restricted Industrial 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. The new wall sign shall comply with Article VI Section 62 Signs of the Town of Watertown Zoning Regulations.
3. Prior to Town officials signing a final Mylar map and two paper copies, the final map with a signature block for the Chairman of Planning and Zoning Commission and the conditions of approval 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 26, 2015.

Motion made by: C. Mancini  
Second by: R. Russ  
All in Favor

<b>c. Applicant:</b>	<b>Taft North, LLC/Baldwin School</b>
<b>Agent:</b>	<b>Attorney Franklin Pilicy</b>
<b>Re:</b>	<b>Zoning Regulation/Text Change (new) for Baldwin School reuse Proposed Amendment to Article DC – Watertown Fire District, Section 83.22 Residence R-10F</b>
<b>At:</b>	<b>North Street, Watertown</b>
<b>Zone:</b>	<b>R-10F</b>
<b>Action:</b>	<b>Decision by October 8, 2010.</b>

**Mr. Minnich** said our statutory time to complete this is October 8th and asked the Commission how they want to proceed. The core of this is the number of units and the size.

**Mr. Mancini:** recused himself.

**Mr. George:** will sit in for Mancini.

**Mr. George:** setting number to 17 units, the two bedroom units to a minimum 1,000 square feet, 1 bedroom unit 700 square feet or better so we can make the units larger and high end.

**Mr. Russ:** I do not think we need to restrict the number of units in this building.

**Mr. Martin:** it is not just the interior of the building, its affecting traffic, affecting cars, we were provided a lot of data today and I would like to look at it to verify its accuracy.

**Mr. Russ:** school buses went day and night in the morning and afternoon every day and it did not any affect properties then. With the elderly, there is less noise and less traffic then the buses.

**Mr. Genovese** I would like to wait to and answer some questions in my mind in that area.

**Mr. Rossi:** I would like some additional time

**Mr. Minnich:** I am hearing is to table this. I remind you again no contact with the applicant, petitioners and do this independent of them.

C. Mancini recused himself  
D. George sat in for C. Mancini

E. Markiewicz recused himself  
(no one was seated for E. Markiewicz)

Text of Motion: Table to the September 1, 2010 meeting  
Motion made by: G. Martin  
Second by: M. Genovese

Aye: D. Minnich, G. Martin, R. Russ, R. Rossi, M. Genovese

Nay: D. George

On a vote of 5 in favor and 1 opposed, the motion to table is approved.

C. Mancini returned to the meeting  
D. George was no longer seated for C. Mancini

E. Markiewicz returned to the meeting

**d. Applicant:** Honda of Watertown  
**Agent:** Franklin Pilicy  
**Re:** Site Plan Modification/Site Plan  
Special Permit #297 Sales of Used  
Cars  
**At:** 774 Straits Turnpike, Watertown  
**Zone:** B-SC  
**Action:** Schedule a public hearing before  
October 8, 2010.

**Ted Crawford – Milone and McBroom**

We are here for a modification to the approval received last month for the Honda, Watertown dealership for used cars. We have received comments from DOT, the primary comments were not to use that entrance and to keep the single entrance and exits as they are today on north and out on the south side. Mr. Crawford reviewed the other comments from Dot to the Commission.

**Ms. Mulcahy:** I spoke with Sandy Dennis today, she had not heard back from the applicant since these comments were made, and asked about the new site before us showing the use of the town existing driveways, they still had concerns about the entrances and with stacking and cueing on Rt. 63. DOT had asked to move this further down onto the site to avoid that. Ms. Mulcahy asked is it required of DOT to wait for local approval and they said no, that they could discuss this site plan with them simultaneously or before about getting their sign off.

**Board Member Concerns**

**Mr. Martin:** what we had approved is eliminating one of the entrances and the state is saying keep them both with the one that is existing on Honda property now is a better idea.

**Ms. Mulcahy:** no, they have not made any comment on this one yet.

**Mr. Crawford:** no that is existing.

**Ms. Mulcahy:** this is much bigger, a two way entrance and moved closer to the intersection from where the existing is and that is what DOT would not approve.

**Mr. Crawford:** there concern was cueing in that intersection. We are leaving the existing property by having that southern entrance be an exit and the north entrance.

**Ms. Mulcahy:** once they leave it as existing then you run into this situation here with the 2 entrances way right here and your access between the two sites. So if you leave the existing DOT was talking about moving that back.

**Mr. Martin:** I find the two exits next to each other disastrous.

**Mr. Mancini:** how much would you have to move the proposed driveway to make them happy?

**Mr. Crawford:** we are not sure that is why we felt the existing entrances worked today.

**Mr. Minnich:** for us require closing both of the curb cuts on 774 Main Street and sharing the entrance with a two way in or out which does not change the traffic pattern.

**Ms. Genovese:** Can a car carrier may this turn.

**Mr. Minnich:** coming from Middlebury direction. Hearing no further comments let me read this draft motion of approval

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received an application from Honda of Watertown, C/O: Lorensen Auto Group, One Flat Rock Place, Westbrook, CT Special Permit #297/Site Plan Modification Application to modify the access ways, traffic flow and parking spaces for a used car dealership to be located at 774 Straits Turnpike, Watertown, CT, in a B-SC Shopping Center Business District which includes an Overall Site Plan dated 5/26/ 2010 with a final revision date of 7/29/2010, Site Plan and Erosion Control Plan 5/26/2010 with a final revision date of 7/29/2010, Site Plan Photometric dated 5/26/2010 with a final revision date of 7/29/2010, Erosion Control Specifications and Details and Site Details dated 5/26/2010 with a final revision 7/29/2010, Site Details and Notes date 5/26/2010 with a final revision date of 7/29/2010, Property /Topographic Survey prepared for Lorensen Enterprises Sheet No. 1 of 1 dated 4/29/2010, Illumination Survey Sheet No. 1 of 1 dated 9/14/07 prepared by Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410; and

**WHEREAS**, the Commission heard the application on August 4, 2010; and

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** Special Permit #297 and Site Plan Modification Application to modify the access ways, traffic flow and parking spaces for a used car sales accessory use to a new car sales principal use located at 774 Straits Turnpike, Watertown, CT, in a B-SC Shopping Center Business District subject to the following conditions:

4. All the conditions of approval for the July 21, 2010 application approval apply to this modification approval except as shown on Overall Site Plan dated 5/26/2010 with a final revision date of 7/29/2010 and the closure of both access ways in front of 774 Straits Turnpike.

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 26, 2015.

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

Aye: D. Minnich, G. Martin, R. Russ, C. Mancini, R. Rossi, E. Markiewicz

Nay: M. Genovese

On a vote of 6 in favor and 1 opposed, the motion is approved, the application is approved.

<b>e. Applicant:</b>	<b>Clearwire, LLC</b>
<b>Agent:</b>	<b>Thomas Flynn, Maxton Technology Inc.</b>
<b>Re:</b>	<b>Site Plan/Special Permit #298</b>
	<b>Application for antenna on Town Water Tank</b>
<b>At:</b>	<b>192 Georgetown Drive, Watertown</b>
<b>Zone:</b>	<b>B-SC</b>

Mr. Minnich before you is a motion if you have any comments or questions.

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Special Permit #298/Site Plan application from Maxton Technology Inc. for Clearwire LLC, to install 3 water tank mounted panel antennas 93'6" high, 3 microwave dishes 97'6" high and 1 equipment cabinet at the base of the water tower on an existing platform at the Town of Watertown water tank, 192 Georgetown Road, Watertown, in an I-R200 General Industrial District which includes Title Sheet T-1 Clearwire Watertown Water Tank, General Notes G-1 dated 6/02/2010 with a final

revision date of 6/18/2010, Bill of Materials B-1 dated 6/02/2010, Compound Plan A-1 dated 6/02/2010 with a final revision date of 6/18/2010, South Elevation & Proposed Sector Details A-2 dated 6/02/2010 with a final revision date of 6/18/2010, Antenna Details A-3 dated 6/02/2010 with a final revision date of 6/18/2010, Construction Details A-4 dated 6/02/2010 with a final revision date of 6/18/2010, Structural Details S-1 dated 6/02/2010 with a final revision date of 6/18/2010, Power & Grounding Riser Diagrams E-1 dated 6/02/2010 with a final revision 6/18/2010, Grounding Details E-2 dated 6/02/2010 with a final revision dated 6/18/2010 prepared by Maxton, 241 Boston Post Road, West, Marlborough, MA 01752; and

**WHEREAS**, the Commission heard the application on August 4, 2010;

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** Clearwire LLC, 1296 Blue Hills Ave., Bloomfield, CT 06002 Special Permit #298/Site Plan application for 3 water tank mounted panel antennas 93'6" feet high, 3 microwave dishes 97'6" high below the height of the existing town water tank and 1 equipment cabinet at the base of the water tower on an existing platform located at the Town of Watertown water tank, 192 Georgetown Road, Watertown, 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 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 26, 2015.

Motion made by: C. Mancini  
Second by: R. Russ  
All in Favor

**f. Applicant:** Shaker's Inc./DBA Shaker's Kia  
**Agent:** Ron Wolff  
**Re:** Site Plan/Special Permit #299  
new Kia Dealership  
**At:** 1230 Main Street  
**Zone:** B-G  
**Action:** If the Public Hearing is closed, decision  
by October 8, 2010.

**Mr. Minnich:** reviewed the condition of approval. The photo metrics show that the lighting is not in compliance so they will have to have the lights that go onto Route 63 in compliance.

**WHEREAS,** the Town of Watertown Planning and Zoning Commission received a received a Special Permit #299/Site Plan application for a new car dealership for a KIA dealership from an existing Ford Dealership located at 1230 Main Street, Watertown, on 3.85 acres in a B-G General Business District which includes an Existing Conditions Map/Site Development Plan dated 7/20/2010, Watershed Map for Northerly Watercourse and Closed Drainage Systems dated 7/20/2010 and Drainage Report dated August 2, 2010, an Existing Lighting Conditions dated 8/3/2010 prepared by Ronald Wolff Associates, 39 Sherman Hill Road, Woodbury, CT 06798; and

**WHEREAS,** the Commission heard the application on August 4, 2010; and

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** Special Permit #299/Site Plan application for the location of a new car dealership with an accessory used car dealership and repair for a KIA dealership from an existing Ford Dealership located at 1230 Main Street, Watertown, in a B-G General Business District subject to the following conditions:

1. All exterior lighting shall be full cut off in accordance with Article VI Section 61.4 Outdoor Lighting.
5. The lighting egressing Main Street shall be in conformance with the Zoning Regulations.

6. Prior to Town Officials signing a final Mylar Site Plan map and two paper copies with the conditions of approval and a signature block for the Chairman, 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 26, 2015.

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

**Mr. Minnich:** Attorney Pilicy was asking us to make sure that we approve the location of the new car dealership which that is part of this motion.

All in Favor

- |                      |   |
|----------------------|---|
| <b>a. Applicant:</b> | <b>Clear Wireless LLC(Clearwire)</b>      |
| <b>Agent:</b>        | <b>Jennifer Hers, Brown Rudnick</b>       |
| <b>Re:</b>           | <b>Site Plan/Special Permit #300</b>      |
|                      | <b>Installation of telecommunications</b> |
|                      | <b>equipment</b>                          |
| <b>At:</b>           | <b>Old Pin Shop</b>                       |
|                      | <b>27 Main Street, Oakville</b>           |
| <b>Zone:</b>         | <b>B-C</b>                                |

**Jennifer Hers – Attorney Brown Rudnik – 185 Asylum Street, Hartford**

We are proposing to put antennas on a building that has existing telecommunications equipment on it behind the south enclosure so you will not see them.

**Board Member Concerns**

**Mr. Minnich:** which side of the Pin Shop coming from Oakville is this located.

**Ms. Hers:** on the right, where the existing is now.

Text of Motion: Accept application for review and schedule a public hearing for September 1, 2010

Motion made by: G. Martin

Second by: R. Russ  
All in Favor

- b. Applicant:** **Planning and Zoning Commission**  
**Re:** **Text Amendment to Zoning Regulations New Appendices: "Site Plan Development Agreement"**

**Mr. Minnich:** asked the commission if there are any comments.

**Board Member Concerns**

**Mr. Martin:** Ms. Wick suggested having an Attorney to look at this.

**Mr. Minnich:** we have used our Attorney to review this.

The Commission approved the site plan development as a appendices to the zoning regulations that is dated August 4, 2010 and that the commission determines that the site plan development agreement is in compliance with the Plan of Conservation and Development and the changes in the August 2, 1010 adopted draft are not significantly different from the language that was presented as was filed with the town clerk's office for notice of public hearing and that the text amendment is effective Friday, August 13, 2010.

Text of Motion: The Commission approves the Site Plan Development Agreement as an appendices to the Zoning Regulations dated August 4, 2010 and that the Commission determines that the Site Plan Development Agreement is in accordance and in compliance with the Plan of Conservation and Development and that the changes that have been in the August 4, 2010 adopted draft are not significantly different than the language that was filed in the Town Clerk's Office for notice of public hearing. The text amendment is effective Friday August 13, 2010.

Motion made by: C. Mancini  
Second by: G. Martin

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

- c. Applicant:** **Planning and Zoning Commission**  
**Re:** **Text Amendment to Subdivision**  
**Regulations New Appendices:**  
**“Subdivision Development Agreement”**

**Mr. Minnich:** are there any comments or questions on this.

**Mr. Minnich:** that the Commission approved the subdivision development agreement dated August 4<sup>th</sup>, 2010 as an amendment to the subdivision regulations appendices and that the commission determines the text amendment is in conformance with the Plan of Conservation and Development and that changes that are in the adopted dated August 4, 2010 are not significantly different from the text that was filed at the town clerk noticing of the hearings and that the effective date for this subdivision text amendment is August 13, 2010.

Text of Motion: The Commission approves the Subdivision Development Agreement as an appendices to the Subdivision Regulations dated August 4, 2010 and that the Commission determines that the Subdivision Development Agreement is in accordance and in compliance with the Plan of Conservation and Development and that the changes that have been in the August 4, 2010 adopted draft are not significantly different than the language that was filed in the Town Clerk’s Office for notice of public hearing. The text amendment is effective Friday August 13, 2010.

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

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

- Re:** **Planning and Zoning Commission**  
**Text Amendment to Commission By-**  
**Laws**  
**New Item 13 in Article X, Section 3, ZEO**  
**Duties and (2) Amendment to Section 6 in**  
**Article IX, Public Hearings**

Text of Motion: Accept the June 2, 2010 draft of Article X, Section 3, Item 13 and approve Article IX, Public Hearings Section 6 as amendments to the Planning and Zoning Commission By-Laws, both effective upon adoption.

Motion made by: G. Martin  
Second by: C. Mancini

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

**g. Applicant:**  
**Agent:**  
**Re:**

**Taft School**  
**Attorney Marianne Dubuque**  
**Site Plan/Special Permit #294 and**  
**#295 modifications**

**Mary Ann Barbino – Carmody & Torrance**

**Mr. Minnich:** we agreed to place this on the agenda the next decision has I see to decide before we go any further here, do we further discuss this tonight and consider these issues or do we wish them file a formal site plan modification. What is the pleasure of the Commission?

**Ms. Barino:** We are not changing our plans at all, this is just the conditions that were imposed after the public hearing, so we are not doing anything different. All we are saying in the course of your deliberations you decided certain things and we wanted to have a dialogue with you on some of them. Because we think some of them actually hurt Taft, the town, and town agencies because we do not think they will be able to use the property. We want to come to some closure on some of these issues which are language issues.

The consensus of the commission is to proceed.

**Board Member Concerns**

**Mr. Minnich:** asked what the objection was for number 1.

**Ms. Barbino:** the issue is that is shall be used for Taft School only, which interprets to mean the Town of Watertown and nonprofit groups cannot use. If it could say nonprofit school only, take Taft out and put in non profit.

**Mr. Minnich:** the low hanging overhead utility wire behind the parson and academy should be located if feasible.

**Mr. Barbino:** we will relocate and will work with the utility company. Here it says we cannot have an easement and we do not know what the utility company is going to require. There has been a determination by the Commission that it is a public hazard. You have to be careful with those words we do not own the property and now the church has a document from a public agency saying it is a public safety hazard. We are concerned we have created a risk management issue for us.

**Mr. Minnich:** if you are going to repair and correct this and not take the easy route and put a pole in the back of the academy but rather to relocate them on the green. The issue is with all those wires there is detracts from the value of the property. I think we should leave it alone.

**Ms. Barbino:** with that explanation we are okay.

**Mr. Minnich:** the sidewalks that are currently are in disrepair we want them repaired so they are no longer a safety issue. Our sole concerns was a safety issue and confused as to why this is a big issue. If the town is not going to do those particular repairs work for Taft school to contract with somebody to do it in dollars and cents this is not a big deal.

**Ms. Barino:** Taft will make sure it does get done. We did not implicate that Taft would actually do the work because there has been a history of how the Town and Taft work cooperatively we did not want Taft to have the liability for either the road or sidewalk. If you tell us to make sure it gets done we are fine with that. We were concerned that the language. It says requires for placement, implication here that Taft has to replace it. What I am saying we will agree to have it replaced.

**Mr. Minnich:** repair by the date so that it is no longer a safety issue that will satisfy us.

**Ms. Barbino:** the date is not within our control because public works is not willing to committee to December 1<sup>st</sup>.

**Mr. Minnich:** that is a significant safety hazard. If the town is not going to do it, this is not huge money for Taft to contract to get repaired. Do you want six more months, moving the date to June 1, 2011. If the town is going to the work there is no need for a bond or liability insurance if anyone else other than Town of Watertown is going to do the sidewalk and street they are required to do bond and liability insurance.

**Mr. George:** change the language what you just stated.

**Mr. Barbino:** the sign saying there is parking in the rear. If it is our folks can we not just notify them, do we have to put the sign there?

**Mr. Minnich:** asked Ms. Mulcahy clarifying the motion of approval for no sign

Text of Motion: Changes that have been made to Site Plan/Special Permit #294 and #295 are approved as discussed this evening.

Motion made by: G. Martin  
Second by: R. Russ  
All in Favor

The August 4, 2010 modified Special Permit #295 is as follows:

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Special Permit # 295 application for shared parking ratio for parking spaces to serve more than one use having substantially different hours for the school office use and religious use and the residence use at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District which includes a Site Plan prepared for The Taft School Corporation located at 25, 37 and 51 The Green, Watertown, Connecticut dated 4/15/10 with a final revision date of 5/3/10 and a Key Map dated 4/15/10 prepared by Meyers Associates

P.C., 60 Linden Street, Waterbury, Connecticut 06702, a Traffic Impact Statement and a Parking and Traffic Impact Review dated May 4, 2010 prepared by Fuss & O'Neill, 146 Hartford Road, Manchester, CT 06040; and

**WHEREAS**, the Commission held a public hearing on June 16, 2010 and a meeting on July 21, 2010 and August 4, 2010; and

**WHEREAS**, the Commission pursuant to Zoning Regulations Section 83.63.7 has reviewed the off-street parking requirements at the locations referenced above and determines that no fewer than seventy (70) parking are required; and

**WHEREAS**, the applicant has demonstrated the permanency of joint provided parking spaces to the satisfaction of the Commission; and

**WHEREAS**, the applicant has shown on a Site Plan where nine (9) additional parking spaces may be developed on the subject property.

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** Special Permit #295 application for shared parking ratio for parking spaces to serve more than one use having substantially different hours for the school office use and religious use and the residence use located at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District with 70 existing parking spaces subject to the following conditions:

7. The parking spaces and the handicapped parking spaces shown on the Site Plan titled "The Taft School Corporation" shall be marked and striped on the pavement. These markings will assist to maximize the number of vehicles parked in designated off-street parking areas on the subject property.
8. The Commission determines it is in the public interest and for purposes of public safety not to have parking on a public street. The Commission encourages the applicant to notice those using any Taft School property where it is anticipated there is not adequate off-street event parking, that there is parking permitted and potentially available in the parking lot to the rear of the former church, the subject of this application.
9. If the Commission determines in the future that additional parking spaces are required, the applicant shall upon the request of the Commission submit an application for the expansion of the number of parking spaces. The Commission determines additional parking spaces are not now required based on assumptions the applicant presented during Special Permit review. The exact use of the properties was not stated by the applicant when asked by the Commission. Only generalized statements about use of the facilities were made by the applicant. The Commission is not able to determine parking impact and

therefore conditionally approves the joint use of a shared parking area and the shared parking ratio. If conditions warrant and with notice to the applicant, the Commission may require additional parking. This notice and parking review pursuant to Section 83.63.7 is triggered when there is at anytime on-street parking of more than fifteen (15) vehicles for any event using Taft School properties.

The August 4, 2010 modified Special Permit #294 is as follows:

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Special Permit # 294/Site Plan application to change the church annex and academy building from church offices and church building into school offices, classrooms and meeting rooms located at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District which includes a Site Plan prepared for The Taft School Corporation 25, 37 and 51 The Green, Watertown, Connecticut dated 4/15/10 with a final revision date of 5/3/10 and a Key Map dated 4/15/10 prepared by Meyers Associates P.C., 60 Linden Street, Waterbury, Connecticut 06702, a Traffic Impact Statement and a Parking and Traffic Impact Review dated May 4, 2010 prepared by Fuss & O'Neill, 146 Hartford Road, Manchester, CT 06040; and

**WHEREAS**, the Commission held a public hearing on June 16, 2010 and meetings on July 21, 2010 and August 4, 2010;

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** Special Permit #294/Site Plan application to change the use of the church annex and academy building from church offices and church building into school offices, classrooms and meeting rooms for Taft School use located at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District subject to the following conditions:

1. The former Academy Building shall be used for offices for nonprofit school purposes only. The former Parsonage shall be a residential use for nonprofit school purposes only. The former Sanctuary of the church shall be used for church purposes and for nonprofit school purposes only. The areas in the former church building not the Sanctuary shall be offices used for nonprofit school purposes only. The grounds outside the fore stated buildings shall be used for nonprofit school purposes only.
2. The low hanging overhead utility wire behind the Parsonage and the Academy Building the Commission determines that it could be a public safety hazard and shall be removed. Subject to utility company approval, the overhead utility wire may be rerouted from Academy Street to The Green. There shall be no utility easement in the rear yard of the buildings.
3. All exterior lighting shall be full cut-off fixtures in accordance with Article VI Section 61.4 of the Town of Watertown Zoning Regulations. The floodlights

on the rear of the church and annex building shall be removed. The three 15-foot high pole lights proposed in the parking area shall be full cut off fixtures with no light trespass onto adjoining properties. More than three-quarters ( $\frac{3}{4}$ ) of the lights on the parking lots poles shall be turned off after 11:00 p.m., or after the close of an event if after 11:00 p.m.

4. The applicant's light pole located on the subject property facing The Green between the Academy Building and the Parsonage shall be removed for purpose of public safety. The street light on the CL&P pole #839? located near the property line between the existing parsonage and the walkway to the church is not required. The Commission determines for purposes of public safety pursuant to Special Permit authority, the streetlight on the CL&P pole #27559 located near the subject property line and the driveway accessing The Green shall remain.
5. The dumpster location, if any, shall be indicated on the final Site Plan and shall be located in the rear yard of the buildings. The dumpster shall be covered and screened so that it is not visible from the street.
6. The parking areas shall be marked on the pavement with stripes as shown on the Site Plan to indicate the parking spaces and the required handicap spaces.
7. The traffic flow pattern shall be one way counterclockwise within the interior parking area and be clearly marked with arrows on the pavement and signage acceptable to the Administrator for Land Use / Zoning Enforcement Officer.
8. The driveway width shall be 18' from the Green to the point parallel to the rear of the former church building to accommodate two-way traffic flow. The Commission determines this condition by Special Permit and is for public safety.
9. The Commission determines by Special Permit and for public safety that there are significant safety hazard at portions of the sidewalk adjacent to the subject property that require replacement by sidewalk reconstruction. This work shall be completed by June 1, 2011 and the completed work be acceptable to the Town Engineer. The sidewalks to be reconstructed are located:
  - a. Adjacent to Academy Hill Road as measured from the stop sign at the intersection of Academy Hill Road and The Green from 55 feet to 64 feet. The portion of the plantings encroaching onto this sidewalk shall be removed along the entire subject property frontage.
  - b. Adjacent to The Green as measured from the fire hydrant located at the intersection of The Green and Academy Hill Road along frontage of The Green:

- i. Sidewalk measured from the fire hydrant at 26.0 feet to 58 feet.
  - ii. Sidewalk measured from the fire hydrant at 111.0 feet to 127 feet.
  - iii. Sidewalk measured from the fire hydrant at 147.0 feet to 156.0 feet.
  - iv. Sidewalk measured from the fire hydrant at 163.0 feet to 181.7 feet
  - v. Sidewalk measured from the fire hydrant at 207.0 feet to 214.2 feet.
  - vi. Sidewalk measured from the fire hydrant at 250.0 feet to 262.2 feet.
10. Those sections of the street named “The Green” adjacent to sidewalks that are greater than six (6) inches in height measured from the top of the sidewalk to the top of the street surface shall be repaired so said height is six (6) inches.
11. If Taft does not contract with the Town of Watertown for the Town of Watertown to perform the work on the sidewalks and on The Green as set forth in Conditions 9 and 10 above, then there shall be a bond posted in conformance with Section 51.13 that is approved by the Commission prior to the issuance of a zoning permit. The bond shall be for sidewalks and street reconstruction.
12. If Taft does not contract with the Town of Watertown for the Town of Watertown to perform the work on the sidewalks and on The Green as set forth in Conditions 9 and 10 above, then there shall be a Certificate of Liability Insurance issued to the Administrator for Land Use / Zoning Enforcement Officer naming the Town of Watertown as an additional insured, in conformance with the Zoning Regulations Section 51.22.2.2.3
13. 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 shall be submitted for review and approval by the Town Engineer and the Administrator for Land Use / Zoning Enforcement Officer, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
14. The signed mylar copy shall be filed on the Town of Watertown Land Records prior to a zoning permit 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 July 29, 2015.

**12. Adjournment**

Adjourn at 11:03PM

Motion made by: R. Russ

Second by: C. Mancini

All in Favor

Carl R. Mancini \_\_\_\_\_

Secretary