

Town of Watertown
Planning and Zoning Commission
Public Hearing
Section 51 – Site Plans/ Section 52 – Special Permits

Time: 8:26PM
Date: August 5, 2009
Place: Swift Middle School
Media Library Room
250 Colonial Street
Oakville, CT

1. Call meeting to order

The chairman called the meeting to order at 8:26PM.

2. Roll call

The secretary executed the roll call.

Present: Chairman, Mr. David Minnich
Vice Chairman, Mr. Gary Martin
Secretary, Mr. Michael Masayda
Mr. Carl Mancini
Mr. Jim Blais
Alternate, Mr. Duane George

Absent: Mr. Ronald Russ
Mr. Glen Dupliesse
Alternate, Mr. Ray Rondeau
Alternate, Mr. Ken Demirs

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. Dupliesse

3. Hearing of applications

b. Public Hearing Section 51 – Site Plans

Section 51.9 Procedure: The Commission may hold a public information meeting on an application for Site Plan Approval.

Add: The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

The notice shall meet the following requirements:

The notice shall be sent by certified return receipt mail; - The notice shall be sent no later than ten (10) days prior to the hearing (Note: the date of the hearing may be included in calculating the 10 day prior notice requirement);

Prior to commencement of the public hearing, the applicant shall present the return receipts to the Commission as evidence of meeting this requirement.

Section 52 – Special Permits

Section 52.8 Procedure: The Commission shall hold a public hearing on an application for a Special Permit in accordance with the General Statutes.

Add: The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

The notice shall meet the following requirements:

The notice shall be sent by certified return receipt mail; - The notice shall be sent no later than ten (10) days prior to the hearing (Note: the date of the hearing may be included in calculating the 10 day prior notice requirement);

Prior to commencement of the public hearing, the applicant shall present the return receipts to the Commission as evidence of meeting this requirement.

Mr. Masayda 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 5, 2009 at 7PM at the Swift Middle School, Media Center, 250 Colonial Street, Oakville, Ct. on the following:

Text Amendment to the Watertown Zoning Regulations:
Section 51 – Site Plans

Section 51.9 Procedure: The Commission may hold a public information meeting on an application for Site Plan Approval.

Add: The applicant shall send a notice of the public hearing to the record owners of property, as shown on the Assessor's records, within 150' in all directions from the subject property perimeter boundary, including property located across the street.

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Prior to commencement of the public hearing, the applicant shall present the return receipts to the Commission as evidence of meeting this requirement.
At this hearing interested persons may be heard and written communications be received.

Mr. Minnich said this is a Commission initiative and this was issued by Ruth the intent was to clarify both in the site plan and special permit section of the zoning regulations, the long standing practice the applicant is the one who is to notify at the applicant's expense the nearby property owners of the public hearing.

Board Member Concerns

Mr. Minnich asked if the 150 feet was taken from another community in terms of what they do.

Ms. Mulcahy replied yes.

Mr. Minnich asked the intent of this was to make clear that it was the applicant who was to pay for this public hearing notice for public hearings. That was the intent of this?

Ms. Mulcahy replied yes.

Mr. Minnich said he added the words to be clear in both of the parts under add. He also ask that information for the public hearing notice that will be going to the newspaper if a copy of that could be given to the applicant to send to the property owners with the same information.

Ms. Mulcahy replied that is the customary procedure.

Mr. Minnich asked under section 52.8 the second sentence there was not any intent was there to leave that sentence out because that is the existing language that begins with applicant's for special permits under 52.8.

Ms. Mulcahy replied there was no intent to leave that out.

Ms. Minnich asked about the subdivision regulations and also in the zoning portion of the regulations that has to do with text amendments as well as the applications for subdivisions that are defined should also have similar language so now we have it across the board.

Ms. Mulcahy asked about the language that says, including property located across the street that is customary is have in there, that is within 150 feet, I see that you have crossed that out. It happens quite often applicants will ask is it for across the street also and would make it easier for office staff.

Mr. Minnich replied if that makes it clear then will we leave it in.

Mr. Martin asked are they required to provide a map indicating the 150 foot boundaries so that know all the land owners that are abutting at this 150 radius are being contacted.

Ms. Mulcahy replied usually we send them to an assessor's office to get that information.

Mr. Minnich said my understanding is when they go to the assessor they have the electronic capability to put in 150 feet from whatever location and it gives the properties.

Ms. Mulcahy said the assessor's office has the current names and addresses.

R. Russ arrived at the meeting at 8:30PM

Public Concerns

Robert Zappone - 94 Hillside Avenue

Does the Commission require the applicant now to notify these people?

Ms. Mulcahy replied it is not in the regulations.

Mr. Zappone wanted to make the Commission aware that the applicants are paying substantial fees right now.

Mr. Minnich replied a couple points, the application fee that is paid is associated with the time and money that the town has to pay on your behalf as far as processing your application in terms of staff and out of pockets expense such as public hearing notices. It is tough to figure on every particular circumstance because you do not know how much time is going to be spent on staff and how much material is going to be given up front.

The other part has to with the cost of the notices themselves that you are sending to the neighbors that has always been a cost that the applicants have been told to do. Ruth has brought to our attention to be clear that our policy is what is in the regulations. When people question where it does it say that I have to do that, is the intent of putting that in the regulations. Mr. Minnich said that Mr. Zappone's comment is well noted we probably should look at in the future the fees and other circumstances; average does not work all the time.

Judy Wick – Northfield Road

I can certainly see the reason to do this for site plan special permits and it is in the regulations for subdivisions. But when you were talking about a text amendment for zoning or a text amendment for subdivisions that should apply to everybody and if the applicant submits an application for a text amendment when it does not apply to a particular property, it applies to the whole zone of the property. It would seem like that would be an impossible situations to notify everyone for example: everyone in a BG zone for a text amendment.

Mr. Minnich replied that is a good point that when it is not site specific it is probably not appropriate to do that. Those text amendments as well as the subdivision regulations are not part of this public hearing. It will be the site plan and the special permit sections 51.9 and 52.8.

Mr. Martin asked we are going to add subdivisions to this.

Mr. Minnich replied not as part of this. We can only approve what is presented in noticing and if there is any substantial change we can of course approve it as well.

Mr. Martin said although I agree it should be added to this subdivision so we are going to revisit that in the future.

MOTION: Martin moved to close

SECOND: Masayda

Aye: 7 Nay: 0

Michael Masayda _____
Secretary