

**Town of Watertown  
Planning and Zoning Commission  
Regular Meeting**

**Time:** 8:45 P.M.  
**Date:** September 2, 2009  
**Place:** Swift Middle School  
Media Library Room  
250 Colonial Street  
Oakville, CT

**1. Call meeting to order**

The Chairman opened the regular Meeting at 8:45 P.M.

**2. Roll Call**

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

**Absent:** Secretary, Mr. Michael Masayda  
Alternate, Mr. Ray Rondeau

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

The Chairman seated Alternate, Mr. Ken Demirs for absent member Secretary, and Mr. Michael Masayda.

**3. Public Participation**

None

**4. Communications and Bills**

- a. Citation August 11, 2009: Daniel & Linda Gorman Vs. Watertown Zoning Board of Appeals**

- b. Petition For Certification To The Appellate Court: Docket Number CV-09-4018422S – Douglas, Lynn, Wasiutynski, Maggi, Wick Andrew & Lafreneire VS Watertown Planning and Zoning Commission dated August 10, 2009**
- c. Council of Governments Minutes June 12, 2009**
- d. Frederick P. Clark – Billing Statement for Traffic Review for Brownfield Application Echo Lake Road, Watertown, CT dated August 6, 2009.**

Mr. Minnich replied the policy we recently adopted and went through Town Council is that the financial part of this arrangement in terms of the dollars is handled no longer by the Town and is not a responsibility of the Town but is between Frederick P. Clark and the applicant.

By unanimous consent communication and bills approved.

## **5. Minutes**

- a. Continuation of Public Hearing August 5, 2009 Special Permit #269 Echo Lake Brownsfield, LLC**
- b. Public Hearing August 5, 2009 Section 51 – Site Plans/Section 52 – Special Permits**
- c. Public Hearing August 5, 2009 A Proposal to Adopt an Updated Zoning Map**
- d. Regular Meeting August 5, 2009**

By unanimous consent minutes approved.

## **6. Staff Report**

A meeting was held on August 27, 2009 about Old Baird Road, the new tower is going on the town site. Ms. Mulcahy did not received the results on that yet.

Update on Delgobbo of 1034 Guernseytown Road, both Mr. Berger and I submitted an avadavat at the request of the Attorney. Basically the information that was presented was the fact that the house was built in 1957 and in those regulations there were no slope requirements on driveways and it is a preexisting, nonconforming situation.

### **Board Member Concerns**

Mr. Blais asked it is still active they stopped paving at the Delgobbo's house?

Ms. Mulcahy replied yes it is still active; the avadavat was signed on August 24<sup>th</sup> and submitted to the court.

Mr. Blais asked if the construction is going to still stay stopped until this is resolved.

Mr. Berger replied he did not know the answer to that right now. The contractor has broken the project up into 4 phases and we have asked him to adjust his phases to postpone as long as possible the work in that area.

Mr. Martin asked if the line has to move did anyone looked at the cost ramifications.

Mr. Berger replied it would be significant.

Mr. Minnich said the project is nonconforming or preexisting.

Ms. Mulcahy replied the project would reduce the non conformity

Mr. Berger said the steepest portion of the driveway is currently at 16% and it is a compound curve, not the entire driveway is 16% and the project will leave him with a 15.39% grade throughout.

## **7. Articles on agenda**

- |                      |   |
|----------------------|---|
| <b>a. Applicant:</b> | <b>Echo Lake Brownsfield</b>  |
| <b>Agent:</b>        | <b>Joseph Wellington</b>  |
| <b>Re:</b>           | <b>Site Plan/Special Permit #269</b>  |
|                      | <b>Application for placement of 212,000 cubic yards of fill over 600' of piped stream for site restoration for a future industrial building</b> |
| <b>At:</b>           | <b>Echo Lake Road, Watertown</b>  |
| <b>Zone:</b>         | <b>IR-80</b>  |

### **Board Member Concerns**

Mr. Minnich said his comments: This application has two purposes which the applicant has presented to us. One is to remediate the polluted soil and other materials at that site and the second is to fill the site so that it has a more attractive and can be used more intensively for the use to which it is zoned. On the issue of the pollution it is my considered opinion I hear absolutely no comments of this agreement that this portion of the project is that everyone is favorable that it should precede.

With regards to the purpose of the second part which is the 212,000 cubic yards of fill; this fill would make the property in my judgment more attractive for industrial development. It presents some challenges for the applicant in terms of his needing to get other permits from the State and Federal government. We are aware that the landfill

closure plan has not been approved by DEP. I have been looking at the reason as to why we would consider approving this project with regards to fill if indeed it was not approved for the closure. The reason that some of the property that will be nearby to which this fill is going to be placed there and the work that DEP may require may indeed interfere with the placement of the fill, DEP are the experts with this and I have thought as a Commission that we not make our judgment based on conditions of other officials and agencies. He also has to adhere to Inland & Wetlands and to Planning & Zoning, Connecticut DEP and also to the Environmental Protection Agency and he has to manage to get through those people so my thought was we should approve this project contingent on that.

In the draft motion we have gone through the quality of soil to be put here. I agree with the position of the applicant with the clean fill that it does not contain asphalt fragments. DEP has clearly defined what the process would be on monitoring and managing administratively and record keeping and making sure what clean fill is.

For the adjacent property and clearly there is no discrepancy that the applicant has no right to be on property that they do not own. The issue the interveners have told us about trees that have been cut down, I will reinter ate on our advice from our Town Attorney on previous occasions is that it is a private matter between the applicant and the neighbor that is adjacent to them. It is not our role to make a decision and that is at the Superior Court level. The intrusion that has occurred in the past and the difficulty that we have had through our staff to get them off their property is such as an extraordinary measure of a special permit is that we authorize our staff to allow work to be stopped if they indeed do not get off the property.

The last issue the integrity of the pipe and the placement of the pipe in the ground, for the record we have now received a Certified Engineer's Report to which an analysis our Town Engineer concurs has the strength and design installation to meet the 60 foot fill on top plus the intensive use of that property which would be a 4 story industrial building.

We have in here issues regarding the LAP that they are required to pay for. In this draft the record keeping of the LAP must send copies to the Land Use Office and that we can use that LAP or another of our choice to help us to decipher what that analysis means and it required to give them on a monthly basis of the quality and quantity that is appropriate.

The fill that is below the ground water table, as well as the fill around the pipe needs to be a higher quality of fill that is required.

We also talked about the order of the work that is being done. That is in the prevue of the permittee and our role is not going to be involved in what they are going to be doing first or next and get approvals throughout this process. Our concern is what the end product is and going to look like and the reporting mechanisms as you go along with quantity and

quality of fill, they are required to compact this soil and we have on record 95% compaction rate.

The vehicle egress and ingress and traffic related issues have a third party review that have given their opinions regarding the site line as well as the only turning right allowed exiting this property are all of those are part of this approval, so everything suggested by the third party consultant is here.

It is also going to be required if we approve the property boundaries as well as the Inland & Wetland boundaries, the Connecticut DEP permitted landfill closure boundaries, and leaving non permitted landfill closure boundaries must be clearly marked. I am suggesting this be conditioned on the Connecticut DEP landfill closure plan, I also recognized that there is landfill activity outside of the landfill that was designated and permitted by DEP we are aware of that and I suggest in the language that it is assumed that DEP in their landfill closure plan will include that non permitted land fill area in their landfill closure plan. However I put in here if in the event they do not that is depended on another Commission that they still not begin work on this project until which DEP is not going to include all of this non permitted landfill in their permit. That portion to which it is not the permittee would need to come back for modification on the site plan and special permit under this Commission and we will discuss that in the future. So the bottom line in protection of health and safety of the Town is that DEP is responsible for the landfill closure and all of the expanded landfill and they may not except in a limited way be able to do anything on the site.

Those are just the highlights.

Mr. Duplissie asked about the bond issue.

Mr. Minnich I have asked Mr. Berger to present an amount of money for the bond, he has done so and it is my intent that number be included in this permit.

Mr. Duplissie asked if they started the project and then abandoned it we are required to bring in fill to meet the closing standard that they been brought in, there is no dollar amount for us to do that at some point if we were to call the bond to finish the job.

Mr. Minnich replied in terms of the landfill closure we permitted none of that. We are specifically saying that we are not going to allow them to do until such time as they have a permit from DEP for the landfill closure.

Mr. Duplissie asked if they were in the process of doing the work they hit a major snag there might be more money needed to clean the site then they anticipated and they abandon it and it is now open, should we have monies for the cleaning of the contaminates.

Mr. Minnich replied we are not permitting for any environmental removal other than the issue of the facilities for the pipe and the storm water drainage facilities that Inland & Wetlands has reviewed.

Mr. Minnich said we should be bonding what we are permitting.

Mr. Martin asked maybe that is the question does DEP protect the Town when this starts. Do they have the checks and balances to make sure that the town is not left holding an open dump?

Mr. Berger replied it is my understanding that the applicant as part of the DEP process will be required to do additional testing and studies of what is there now before, as they develop their landfill closure plan they have to dig a number of test pits, test holes and monitoring holes to figure out what is there. The DEP program will have to fully characterize in DEP's mind what is there now and from that develop a landfill closure plan. It is my understanding that it's the property owner's responsibility to carry that out. It is DEP's responsibility to ensure that happens. Now we have an unpermitted landfill now DEP has been trying for a number of years to get it remediated and closed. The town is not the property owner they have not been seeking enforcement action against us they have been dealing with the previous owners. I think that it is the property owners responsibility to remediate this situation. Should they miss something in their initial characterization that comes up later on and they walk away from it, DEP is going to follow them wherever they may go or the future property owner to get that issue resolved. I don't know if the Town should take any responsibility for closing and remediating someone else's landfill that we had no part of. I am not sure if we could get a number on that anyway. They will know that number before DEP gives them the landfill closure plan.

The Chairman read the draft motion dated 9/2/09 into the record.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application and Special Permit #269 application on June 3, 2009 for the placement of 212,000 cubic yards of soil of which there will be in an undefined quantity formerly polluted soil, piping a tributary of the Naugatuck River for approximately 600', burying the piped stream with up to 60' of fill and Site Plan application for future industrial use after the removal of approximately 100,000 tires and 2000 cubic yards of PCB contaminated soil on 22 acres in an I-R 80 Restricted Industrial District which includes a Site Plan Vicinity Location Map Site Remediation and Filling Sheet 1 dated 3/25/09, Compiled Existing Conditions Map Site Remediation and Filling Sheet 2 dated 08/07/08 with a final revision date of 3/25/09, 2004 Aerial Photo Map Sheet 3 dated 08/07/08 with a final revision date of 3/25/09, Grading Plan Sheet 4 dated 8/7/08 with a revision date of 08/26/09, Final Wetlands Mitigation Plan Sheet 5 dated 10/15/08 with a final revision date of 3/25/09, Sediment & Erosion Controls Sheet 6 dated 8/07/08 with a revision date of 3/25/09, Proposed Sight Line Improvements Sheet 7 dated 8/07/08 with a final

revision date of 3/25/09, Erosion Control Specifications and Details Sheet 8 dated 8/07/08 with a revision date of 3/25/09, Site Details Sheet 9 dated 8/7/08 with a final revision date of 3/25/09, Cross Sections Sheet 10-12 dated 8/7/08 with a final revision date of 3/25/09, Cross Section Wetland Areas Sheet 13 dated 10/15/08 with a final revision date of 3/25/09, Land Use Commissions Town of Watertown Conditions of Approval Sheet 14 dated 2/25/09 with a final revision date of 3/25/09, Property Survey prepared for Echo Lake Brownfield Sheet 1 of 1 dated 7/9/08, Final Wetland Mitigation Plan Sheets 1 & 2 dated 10/15/08, Site Plan Proposed Landfill Closure Sheet S-1 dated 05/16/97 with a final revision date of 01/14/98, Title Page Site Remediation and Filling dated 08/7/08 with a final revision date of 03/25/09, Existing Landfill Limit Overlay Site Remediation and Filling Sheet 1 dated 07/15/09, Site Plan Existing Conditions TR-20 Watershed Map Sheet 1 dated 11/13/08 Sheet 2 dated 11/13/08 with a final revision date 03/25/09, Public Water and Sewer Site Remediation and Filling Sheet 1 dated 08/21/09, Site Plan-Grading Plan Sheet 4 dated 08/07/08 with a final revision dated 09/02/09, SU Truck Maneuvering simulation sheet 1 of 1 dated 09/01/09 with final revision date of 09/02/09, prepared by Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410; and

WHEREAS, the Commission heard the presentation of the applications on July 1, 2009, July 15, 2009, August 5, 2009 and September 2, 2009;

WHEREAS, "Clean Fill" is a defined term used herein and means (1) natural soil, (2) rock, brick, ceramics, and concrete, which are virtually inert and pose neither a pollution threat to ground or surface waters nor a fire hazard and shall not include asphalt pavement fragments (3) polluted soil as defined in subsection (45) of subsection (a) of Section 22a-133k-1 of the Regulations of Connecticut State Agencies (R.C.S.A.) which soil has been treated to reduce the concentration of pollutants to the levels which do not exceed the applicable pollutant mobility criteria and direct exposure criteria established in Section 22a-133k-1 through 22a-133k-3 of the R.C.S.A. and which soil is reused in accordance with R.C.S.A. subsection (3) of Subsection (h) of Section 22a-133k-2 of such Regulations, and

WHEREAS, "Unacceptable Soil" is a defined term used herein and means soil which exceeds the applicable pollutant mobility criteria and direct exposure criteria established in Section 22a-133k-1 through 22a-133k-3 of the R.C.S.A.

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission APPROVES Echo Lake Brownfield, LLC, Echo Lake Road, Watertown, CT, the Site Plan Application and the Special Permit #269 application for the placement of 212,000 cubic yards of Clean Fill, piping a tributary of the Naugatuck River for approximately 600', burying the piped stream with up to 60' of fill and Site Plan application for future industrial use on 22 acres in an I-R 80 Restricted Industrial District subject to the following modifications:

1. The Site Plan and Special Permit #269 are conditioned on the Connecticut Department of Environmental Protection (CTDEP) issuing a landfill closure permit for subject property. Placing fill, realigning a natural watercourse, and installing a 36 inch RCP pipe in the seasonal watercourse as part of new storm water drainage facilities; all of which are on or near land where environmental remediation of soil and materials is likely to be required by CTDEP may, if the Commission were to have approved the Site Plan and Special Permit #269 without a CTDEP landfill closure permit, have an adverse environmental impact. In assessing this risk the Commission determines this condition is in the interests of public health, safety, and welfare of the Town of Watertown.

The Commission has been informed by the permittee that the landfill has been expanded in area from that permitted as a landfill by CTDEP. The Commission in conditioning approval assumes CTDEP will include said area, defined herein as the Non-permitted Landfill, in their CTDEP landfill closure permit. In the event all of the Non-permitted Landfill is not included in the CTDEP landfill closure permit, the permittee may not perform work on the site exceeding work described in the condition numbered #2 below. In such event the permittee must make application to the Commission for modification to the Site Plan and Special Permit #269 by addressing the Non-permitted Landfill area. The permittee is required to provide Land Use Office staff, the Town Engineer, and their agents, reasonable access to the property to verify the CTDEP permitted landfill closure boundaries and if any, the Non-permitted Landfill boundaries.

The Commission notes the August 27, 2009 letter from Diane W. Duva Assistant Director Waste Engineering and Enforcement Division of CTDEP which states "The initial closure plan dated June 23, 1997 last modified May 3, 1999 submitted to the Department was submitted by a different entity, Echo Lake LLC. Since there is a new entity and a change in site conditions in addition to the passage of time, Echo Lake Brownfield LLC must submit a new revised closure plan from the new entity."

The Commission takes guidance from *Lurie v. Planning and Zoning Commission*, 160 Conn. 295, 307, 278 A.2d 799 (1971) "where an exception or a Special Permit is granted and the grant is otherwise valid except that it is made conditional on favorable action by another agency... over which the zoning authority has no control, its issuance will not be held invalid solely because of the existence of any such condition" The rationale for this rule is that it allows "greater flexibility in zoning administration by avoiding stalemates between a zoning authority and other municipal agencies over which it has no control" *Baker v Planning and Zoning*, supra 482.

2. Absent a CTDEP landfill closure permit, the permittee may (a) for purposes of allowing safe access to certain locations on the property defined on the Site Plan,

- (b) for purposes of maintaining site security, and (c) for purposes of environmental investigation; bring Clean Fill to the site in a quantity not exceeding 100 cubic yards, and may relocate not more than 200 cubic yards of surficial soil that is not Unacceptable Soil from one location on site to another location on site, provided the transferred soil does not cover Unacceptable Soil or is transferred to or from the area of the CTDEP permitted landfill and the Non-permitted Landfill area.
3. Permits and approvals from other local, state or federal agencies may be required before any or all work is commenced. The Site Plan and Special Permit #269 herein approved as conditioned does not address requirements of other jurisdictions, which the permittee is by law also required to comply with.
  4. Fill placed near (a) stormwater drainage facilities, (b) the RCP pipe, (c) the area below the seasonal high water table, and (d) the top 3.5 feet of soil capped at final grade; must be natural soil, rock, gravel, and clay that does not represent a threat to human health or the environment because it has not been affected by the release of any contaminant or pollutant at a level at or above the detection limit for said contaminant or pollutant pursuant to CTDEP regulations. Said fill must never at any time have met the criteria as Polluted Soil, as defined in section (3) of the definition of Clean Fill stated herein, even in the event the soil has been treated to remove pollutants.
  5. The Commission determines no soil less the standard of 100% Clean Fill may be brought to the site. This Commission interpretation of the Zoning Regulations is the only interpretation complying with the Zoning Regulations definition of "Earth", references to "earth fill", and Sections 65.3.2 and 65.3.3. Soil that is not Clean Fill is not permitted to be brought to the site. No more than 400 cubic yards of surficial soil on the site at the time of Site Plan approval may be relocated on the site; and then only to the approved locations defined on the Site Plan. In compliance with Zoning Regulation 65.3.4 the final grade of any filled slope shall not exceed one foot of vertical rise per three feet of horizontal distance. Slope stabilization shall occur before a new slope is created and the existing slopes disturbed.
  6. Clean Fill brought to the site and surficial soil presently on site and transferred to another location on site shall be compacted to a standard not less than 95% for every foot of fill. The notation on the Site Plan states "Fill shall be placed and compacted in accordance with State of Connecticut Department of Transportation (DOT) Standard Specifications for Roads, Bridges and Incidental Construction Form 816 and addendums." A notation shall be added and is a requirement of this permit that states: "Compaction of fill shall not be less than 95% for every 12 inches of Clean Fill. The compaction requirement shall apply to fill brought to the site and soil on the site that is transferred to another approved location on site.

A professional geotechnical engineer (GPE) shall test said required compaction and submit reports to the Land Use Office.” All on site final activities will be in accordance with the filling and compaction program as prepared by Milone & MacBroom in a reported dated July 31, 2009.

7. The traffic island, curb cut, access gate, roadway, and security fencing installed to prevent public vehicular access to the site are hereby determined by the Commission to be temporary improvements; and shall be so noted on the final Site Plan signed by Town officials. These temporary improvements and the temporary structures and site improvements presently noted on the Site Plan shall be removed by the permittee the earlier of when work is completed or by the expiration date of this permit defined in the last paragraph herein, whichever is first in time. The area to which the temporary improvements and structures were shall be restored to a natural state with appropriate protection to prevent erosion.
8. The 600 feet of 36 inch RCP pipe and its installation specifications are designed for 60 feet of fill cover and a 4-story industrial building. The Commission determines the 4-story industrial building is the most intensive use of the property allowed by the Zoning Regulations for the zoning district where this property is located. Structural calculations are in a report from Milone and MacBroom, Inc., 99 Realty Drive, Cheshire, CT 06410 dated August 25, 2009 titled “Structural Calculations Echo Lake Brownfield LLC, Echo Lake Road, Watertown, CT” and further titled “MMI-3289-01” The Town Engineer reviewed the report and analysis. All the recommendations the Town Engineer discussed in his memorandum dated August 28, 2009 are approved and are a requirement of the Site Plan and Special Permit #269. The Commission herewith accepts the report and analysis as evidence supporting the design of the pipe and its installation specifications. The permittee must not fill in excess of 60 feet above the RCP pipe. Such fill restriction is to maintain stability for future development including buildings and parking lots. The permittee may not substitute fill that causes more than 60 feet of fill above the RCP pipe in exchange for assurance there will be a less intense use of the site above any portion of the 600 feet of RCP pipe. The permittee has discussed several times during public hearing that the property owners plan to sell the property prior to final development. Therefore, the permittee can make no reasonable assurance of final development plans.
9. Soils and materials removed from the site must be as approved by a federal, state or local agency. Any type of soil and materials other than that which is permitted for removal by federal, state or a local agency shall not in any quantity be removed from the site. Permittee shall remove Unacceptable Soil from the site for disposal at off-site locations(s) to the extent required by the Connecticut Transfer Act.

10. The Commission concurs with the report of the Watertown Inland Wetlands Agency dated February 12, 2009. The Planning and Zoning Commission determines that 212,000 cubic yards of Clean Fill brought to the site, and construction of watercourse stormwater facilities including 600 feet of 36 inch RCP pipe; are in the interests of public health, safety and welfare of the Town of Watertown and do not adversely impact the environment both within and outside the site. Piping a natural watercourse near a known area of polluted soil provides a level of assurance that ground water containments, if any, will not migrate, if at all, by means of the natural watercourse. 212,000 cubic yards of Clean Fill and the watercourse facilities including piping provides an additional potential public benefit and general welfare to the Town to the extent the property may be developed in the future for uses in compliance with the Zoning Regulations.
11. The stormwater drainage facilities including the piping and associated stormwater control structures shall be operated and maintained by Echo Lake Brownfield, LLC and by all future owners of the Property and be in accordance with the defined herein "Stormwater Plan" titled "Operation and Maintenance Storm Drainage Facilities, Echo Lake Brownfield, Echo Lake Road, Watertown, Connecticut, MMI #3289-01-14 revised August 18, 2009". This document is required to be filed by Echo Lake Brownfield, LLC on the Watertown Land Records in the Watertown Town Clerks Office at a time not later than the time the Site Plan Mylars are signed by Town officials. Such filing is notice to the current Property owners and all future Property owners of their duty to comply with the requirements of the Stormwater Plan.

The Stormwater Plan referenced herein is amended and the permit is so conditioned to include at the end of the Stormwater Plan: "Town of Watertown The Town of Watertown is not responsible for the operation and maintenance of the facilities described herein. The owner(s) of the Property(s) where the facilities are located are required at their expense and by their actions to operate and maintain the stormwater drainage facilities as described herein. The Town Engineer, the Administrator of Land Use / Zoning Enforcement Officer, the Assistant Zoning Enforcement Officer, and other persons accompanied by one or more of the forenamed Town officials are allowed and have permission of the Property owners(s) to enter and travel onto the Property to inspect said facilities at times Town officials choose. No advance notice is required to Property owner(s). The permittee may require appropriate safety equipment as a condition of entry to the site for the purpose of protecting the safety of said persons."

12. The permittee shall employ management practices consistent with the terms and conditions of this permit to control stormwater discharges and to prevent erosion and sedimentation at and from the site and to otherwise prevent pollution of wetlands and watercourses.

13. The permittee shall immediately notify the Watertown Land Use Office of any erosion and sedimentation impacts on wetlands and watercourses on the site.
14. The order of work on the site is the determination of the permittee.
15. The permittee shall notify the Land Use Office of the location(s) of fill and grading activities prior to performing those activities so as to ensure that all necessary soil and sedimentation controls in the areas(s) of such activities are in place and serviceable.
16. The permittee shall notify the Land Use Office prior to installing the RCP pipe so that the pipe can be inspected to ensure compliance with the specifications and this permit, its installation is inspected, and all necessary soil and sedimentation controls in the area(s) of such activities are in place and are serviceable.
17. Vehicle ingress and egress, and traffic related issues shall be in accordance with the traffic study prepared by Frederick P. Clarke Associate, Inc., 41 Ruane Street, Fairfield, CT 06284 and dated June 29, 2009 and July 15, 2009 and the Site Plan. The permittee shall ensure vehicles make only right turns onto Echo Lake Road when vehicles egress from the site. The permittee is not required to construct roads / access ways to Commission regulation standards as the roads / access ways are temporary. There shall be one access way off Echo Lake Road. The paved apron shall be a minimum of 20 feet. Easements for any off site grading required to obtain acceptable sight line shall be submitted to the Land Use Office before work is begun on the access way. The ingress and egress have been designed based on a SU vehicle. No vehicle larger than a SU vehicle shall be allowed to access the site.
18. The permittee shall clearly mark all property boundaries, inland wetlands boundaries, CTDEP permitted landfill closure boundaries and if any, Non-permitted Landfill boundaries. The permittee shall maintain said markings throughout all activity under this permit.
19. The temporary waste stockpile located on the southeast side of the property adjacent to Echo Lake Road shall be fenced and this fence shall be reviewed and approved by the Land Use Office and the Town Engineer.
20. The permittee shall take all steps necessary to ensure persons performing activity at the site from entering an adjacent property for any purpose. Town officials from the Land Use Office are authorized by the Permittee and the Commission to direct work under this Permit from adjacent properties. Officials from the Land Use Office have the authority to as soon as immediately order work stopped until such time as there is compliance with this condition. Such an order does not require a formal Cease and Desist Order. The Commission determines this

- extraordinary condition is necessary and reasonable given the record between the property owners of this site and adjacent property owners. The condition is imposed pursuant to Special Permit #269 authority.
21. The permittee shall ensure that all disturbed areas are stabilized in accordance with Site Plan.
  22. The permittee may maintain and use such structure as is on the Site Plan and such equipment as is necessary to oversee and to implement the activities covered by this permit. Such equipment includes but is not limited to that necessary for environmental testing, earth, and fill compaction.
  23. The permittee shall submit to the Land Use Office a duly signed certificate that site work as is completed is in compliance with the Site Plan and Special Permit #269, including amendments, if any, to same.
  24. The permittee shall meet with an official(s) from the Land Use Office and Town Engineers Office prior to commencing work at the site. Permittee shall meet with said Town officials monthly and as is otherwise reasonably needed in the opinion of the Town officials, while work is being performed at the Site under this Permit.
  25. The permittee shall provide to the Watertown Land Use Office:
    - a. Copies of all documents sent to and received from CTDEP, United States Army Corps of Engineers, and all local, state and federal agencies within five (5) business days of sending/receiving such documents
    - b. Copies of monthly summaries of the cubic yards of material deposited at the site. The summaries shall be based on the individual truck tickets and shall be certified by a licensed professional engineer or licensed environmental professional as to the accuracy of the quantity and quality of the fill
    - c. Copies of fill quality records on a monthly basis
    - d. Reports summarizing work performed at the site on a monthly basis
    - e. Reports that are required monthly shall be submitted by the 15<sup>th</sup> of the month for the immediate preceding month
    - f. Interim As-Built drawings as the fill project progresses. Four interim As-Built drawings are required to be submitted by a Licensed Land Surveyor. The As-Built drawings shall be submitted when the fill reaches approximate elevation 474, elevation 488, elevation 502 and elevation 516. These elevations correspond to the elevations of the reverse benches as shown on the approved Site Plan-Grading Plan. The As-Built drawing should be prepared using the approved Site Plan-Grading Plan as a base map. Accompanying the interim As-Built drawings, the permittee shall provide a report which includes the monthly summaries of material deposited at the site, the amount of remaining material to be deposited at

the site and calculations based on the interim As-Built drawings confirming the volume of material deposited. The report shall be prepared by a licensed engineer or environmental professional.

- g. Final As-Built drawings shall be submitted within a reasonable time following the completion of all site development activities under the Site Plan and Special Permit #269.
26. The Commission may retain and use the services of an independent Licensed Environmental Professional (LEP) and a Professional Geotechnical Engineer (GPE), as these positions are defined by CTDEP. The LEP and GPE should be reasonably acceptable to the permittee and shall periodically review documents and information that the permittee provides to the Land Use Office. The LEP and GPE may provide advice to the Land Use Office staff, the Town Engineer, and the Commission so they may reasonably understand the significance of the documentation and information. LEP and GPE services under this permit shall be provided on a part-time and periodic basis. The permittee shall directly pay LEP and GPE fees and expenses, which costs shall be reasonable for the work performed. Nothing in this permit shall authorize the aforesaid LEP and GPE to perform independent environmental investigation or remediation work at the site.
27. The Town Engineer, the Administrator of Land Use / Zoning Enforcement Officer, the Assistant Zoning Enforcement Officer, and other persons accompanied by one or more of the forenamed Town officials are allowed and have permission of the Property owners(s) to enter and travel onto the Property to inspect work under the Site Plan and Special Permit #269. The permittee may require appropriate safety equipment as a condition of entry to the site for the purpose of protecting the safety of said persons.
28. In compliance with Zoning Regulation 65.3.5 a ambient dust suppression plan is approved and titled "Wind-Borne Erosion Report, Site Remediation and Filling Echo Lake Brownfield LLC, Watertown, Connecticut August 27, 2009 MMI #3289-01-14" prepared by Milone & MacBroom Inc 99 Realty Drive, Cheshire, Connecticut 06410.
29. The Site Plan and Special Permit #269 are not transferable without Commission approval. The Commission may require a new Site Plan and Special Permit and may revoke the existing Site Plan and Special Permit #269
30. The Commission retains jurisdiction of the Site Plan and Special Permit #269. Duties delegated to staff by Regulation, policy, or custom are subject to review and approval by the Commission at the discretion of the Commission or its Chairman.

31. The Commission reserves the right to determine and interpret compliance with its regulations and approvals. The permittee is not required to submit a plan and seek approval of each lift of its fill and grading activities during work to prepare for future development.
32. The Site Plan and Special Permit #269 derogates no rights and powers of the Commission, conveys no property right or exclusive privileges, is subject to all public and private rights, and is subject to all applicable federal, state, and local laws. In conducting and maintaining activities approved herein, the permittee may not anywhere cause pollution, soil and sedimentation erosion, or impairment or destruction of the inland wetlands and watercourses of the Town of Watertown.
33. All activities conducted at the site pursuant to this permit shall be consistent with the terms and conditions set out herein. Failure to comply with said conditions may result in the modification, suspension, or revocation of this permit.
34. In compliance with Zoning Regulation 65.2.2 the permittee shall prior to commencing any work on site under the Site Plan and Special Permit #269, present to the Land Use Office a bond in the amount of \$368,276.08. Such bond shall be presented in accordance with Section 51.13 of the Regulations and the Commission Bond Policy. The Commission approves the September 2, 2009 Town Engineer bond estimates.
35. The recommendations of the Town Engineer shall be followed including additional sedimentation controls, grading and storm water management improvements as necessary on the site.
36. The permittee has agreed and this permit acknowledges the property owners abandon any rights to a landfill use on said property.
37. A pre-construction meeting with the permittee, the Land Use Office, and the Town Engineer is required before any site activity begins.
38. Prior to Town officials signing a final mylar 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 Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Commission or its Chairman. The final A-2 survey Site Plan map shall list the conditions of approval, contain a signature block for the Chairman of the Planning and Zoning Commission, and after signature be filed by the permittee on the Watertown Land Records.

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 (5) years after approval . Such five (5) year period expires on September 11, 2014. The Special Permit #269 is determined by the Commission to be temporary and expires not later than September 11, 2014.

Mr. Minnich said under #17 we have ingress and egress adding to the end of #17 the ingress and egress has been designed based on a SUV vehicle, no vehicles larger than SUV vehicle shall be allowed access to the site.

Mr. Duplissie asked about #14 is the determination of the permittee. Could we state something slightly different?

Mr. Minnich it is basically saying you got your approvals to do the work, do the work and the order that you do the work and how you are going to do the work is up to you as a permittee but in the end the work that we have suggested here are to be done. Thinking about this it becomes unmanageable from our perspective to manage what they are going to be doing.

MOTION: Russ moved to approve.

SECOND: Blais.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais and Duplissie.

NAYS: None

Abstained: Demers

MOTION PASS 6-0-1.

<b>b.</b>	<b>Applicant:</b>	<b>ServPro of Middletown</b>
	<b>Agent:</b>	<b>Gary Edwards</b>
	<b>Re:</b>	<b>Zoning Text Amendment to Article III Section 34, B-G District, to Add Section 34.3.15 Cleaning Service Businesses provided service is conducted off site with no outside storage and no retail use</b>
	<b>Zone:</b>	<b>B-G (Requires a public hearing)</b>

MOTION: Duplissie moved to approve the text amendment.

SECOND: Russ.

**VOTE**

**AYES:** Minnich, Martin, Russ, Blais, Duplissie and Demirs.  
**NAYS:** None.  
**Abstained:** Mancini

Mr. Minnich said the reason for this is in the interest of the Town of Watertown adding this additional use to this district and I find it consistent with the zone to which it is being changed.

MOTION UNANIMOUS PASS 6-0-1.

**MOTION:** Duplissie moved to approve the effective date of the text amendments for Friday September 11, 2009.

**SECOND:** Russ.

**VOTE**

**AYES:** Minnich, Martin, Russ, Blais, Duplissie and Demirs.  
**NAYS:** None.  
**Abstained:** Mancini

MOTION UNANIMOUS PASS 6-0-1.

**c.      Applicant:                      ServPro of Middletown**  
**Agent:                            Gary Edwards**  
**Re:                                    Site Plan/Special Permit #277**  
**Office/Storage for cleaning company**  
**At:                                    690 Main Street, Oakville**  
**Zone:                                B-G**  
**(Requires a public hearing)**

Mr. Minnich said before you is a draft motion and asked if there needed to be any changes.

Mr. Minnich wanted to add the condition that we talked about before this approval is subject to no filings in the Superior court for opposition to the text amendment.

The Chairman read the draft motion into the record.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit #277/Site Plan application for a Cleaning Service Businesses from Servpro of Middletown, CT to be located at 690 Main Street, Oakville, CT on .978 acres

which includes a General Location Survey dated 10/30/2006 prepared by Gary Giordano Professional Engineer & Land Surveyor, LLC, 19 Terrell Farm Road, Bethlehem, CT, a Site Layout Plan Land To Be Leased To Servpro 690 Main Street, Watertown /Oakville, Connecticut prepared for Zappone Brothers dated 7/14/09 by Land-Data Engineers, 567 Watertown Avenue, Waterbury, CT; and

WHEREAS, the Commission heard the application on September 2, 2009;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission APPROVES Servpro of Middletown, CT, Special Permit #277/Site Plan application for a Cleaning Service Business with no outside storage and no retail use to be located on 9,900 sq. ft. of leased area on two separate lots, at 690 Main Street, Oakville, CT in a B-G General Business District subject to the following conditions:

1. No outside storage is approved with this application.
2. All signs shall comply with Article VI Section 62-Signs of the Town of Watertown Zoning Regulations. The existing sign poles located in a non-conforming location shall be removed as stated in the application.
3. All exterior lighting shall be full cut-off fixtures.
4. No dumpster location or plan is approved with this application.
5. No hazardous or bulk chemicals shall be stored on the site.
6. A landscaping plan shall be submitted for review and approval by the Administrator of Land Use and the Town Engineer.
7. This approval is based on the merger of the non-conforming 5,662.8 sq. ft. lot known as 690 Main Street with the adjacent lot where the required 6 parking spaces are shown on the plan.
8. Prior to Town officials signing a final A-2 Survey mylar site map and two paper copies, the final map with a signature block for the Chairman with the expiration date 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.

9. Effective date of approval for this Site Plan/ Special Permit shall not be earlier than 09/11/09 and shall be void if there is an action filed with the Superior Court for Opposition of the Zoning Text Amendment approved earlier tonight.

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 September 24, 2014.

MOTION: Duplissie moved to approve the application.

SECOND: Blais.

**VOTE**

AYES: Minnich, Martin, Russ, Blais, Duplissie and Demirs.

NAYS: None.

Abstained: Mancini

MOTION UNANIMOUS PASS 6-0-1.

<b>d. Applicant:</b>	<b>Town of Watertown Water and Sewer Department</b>
<b>Agent:</b>	<b>Vinnie Caterino</b>
<b>Re:</b>	<b>Site Plan/Special Permit #278</b>
	<b>Two (2) steel storage containers in rear of building</b>
<b>At:</b>	<b>747 French Street, Oakville</b>
<b>Zone:</b>	<b>R-12.5</b>
	<b>(Requires a public hearing)</b>

Mr. Minnich said before is draft motion of approval are there any changes to it.

WHEREAS, the Town of Watertown Planning and Zoning Commission received Special Permit #278/Site Plan application from the Town of Watertown Water and Sewer Authority for 2 temporary steel storage containers 8' x 20' and approximately 9' high in an R12.5 Residence District which includes a Survey Prepared For The Town of Watertown Water and Sewer Authority Proposed Steel Storage Containers prepared by David P. Petroccia, Licensed Land Surveyor, 3 Lake Drive, Oxford, Connecticut dated 7/3/09; and

WHEREAS, the Commission heard the application on September 2, 2009;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission APPROVES Special Permit #278/Site Plan application from the Town of Watertown Water and Sewer Authority for 2 temporary steel storage containers 8' x 20' and approximately 9' high located at 747 French Street, Oakville, CT in an R-12.5 Residence District subject to the following conditions:

1. The two temporary steel containers shall be removed after the construction of a building addition or a permanent shed or within 2 years whichever is sooner.
2. No outside storage is approved with this application. All debris, parts and other equipment shall be stored inside the containers or in the existing building.
3. All exterior lighting shall be full cut-off fixtures.
4. No dumpster location is approved with this application.
5. Prior to Town officials signing a final A-2 Survey Mylar site map and two paper copies, the final map with a signature block for the Chairman with the expiration date 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 September 24, 2014.

**Board Member Concerns**

Mr. Martin said the Fire Marshall should sign off on the exact location of those units.

Mr. Minnich replied our action is void if he decides that he does not like the locations of what we are approving. That by law we are allowed to condition our approval on someone else's approval. We can table this matter until that statement comes from the Fire Marshall.

Mr. Russ said he has worked in that building for 26 years, there is not a problem with that. They have 3 garage doors that they can open and get in.

**MOTION:** Mancini moved to approve.

**SECOND:** Russ.

**VOTE**

**AYES:**

Minnich, Martin, Russ, Mancini, Duplissie and Demirs.

**NAYS:** Blais.

MOTION PASSED 6-1.

<b>e. Applicant:</b>	<b>Youghioghny Communications (Pocket) Teresa Vele</b>
<b>Re:</b>	<b>Site Plan/Special Permit #279 Telecommunications Tower</b>
<b>At:</b>	<b>Old Pin Shop 1886 Watertown, Wtn</b>
<b>Zone:</b>	<b>B-C (Requires a public hearing)</b>

Mr. Minnich said before you is a motion of approval is there any changes.  
Hearing none.

WHEREAS, the Town of Watertown Planning and Zoning Commission received Special Permit #279/Site Plan application from Youghioghny Communications-Northeast LLC dba as Pocket Communications for 3 lattice tower mounted panel antennas on approximately 67 feet high with all equipment cabinets inside the building located on .95 acres of land at 1886 Watertown Avenue approximately 67 feet high with all equipment cabinets inside the building in a B-C Central Business District which includes Roof/Utility Routing Plan C-1, Enlarge Partial Roof Plan/Enlarged Partial 4th Floor Plan C-2 and East Elevation C-3 dated 7/09/09 prepared by Natcomm Consulting Engineers Inc., 63-2 N. Branford Road, Branford, CT 06405; and

WHEREAS, the Commission heard the application on September 2, 2009;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission APPROVES Pocket Communications, Old Pin Shop, 1886 Watertown Avenue, Watertown, Special Permit #279/Site Plan application for 3 lattice tower mounted panel antennas approximately 67 feet high with all equipment cabinets inside the building in an B-C Central Business District subject to the following conditions:

1. The exterior equipment including the lattice tower shall be painted to match the exterior of the building or structure.
2. All exterior lighting shall be full cut-off fixtures.
3. Prior to Town officials signing a final A-2 Survey Mylar site map and two paper copies, the final map with a signature block for the Chairman with the expiration date

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 September 24, 2014.

MOTION: Mancini moved to approve.

SECOND: Blais.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

<b>f.</b>	<b>Applicant:</b>	<b>Verizon Wireless</b>
	<b>Agent:</b>	<b>Theresa Viele</b>
	<b>Re:</b>	<b>Site Plan/Special Permit #281 Generator and conduit on roof</b>
	<b>At:</b>	<b>The Old Pin Shop 20 Main Street, Oakville</b>
	<b>Zone:</b>	<b>B-C (Requires a public hearing)</b>

**Theresa Viele**

Ms. Viele showed a site plan for a generator that Verizon is going to place on the roof top adjacent to the antennas that they have there currently. We are putting generators on all of our antennas across the state. They are going to run the conduit up through the building, hopefully you will not see the generator from the street and it will be necessary backup for the antennas.

**Board Member Concerns**

Mr. Minnich asked about the noise and how many decibels for this generator and how long it is going to be tested, and the size.

Mr. Blais asked is it using propane, gasoline, or diesel.

Mr. Viele replied this one is propane and I will have all the generator specs with me for the public hearing.

Ms. Mulcahy commented you might want to send it to me so I can put it in the packets for October 7th hearing at Watertown High School.

MOTION: Duplissie moved to schedule the public hearing for 10/07/09.

SECOND: Mancini.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

<b>g. Applicant:</b>	<b>Anthony Crecco</b>
<b>Re:</b>	<b>Deposition of clean fill</b>
<b>At:</b>	<b>59 Cherry Avenue, Watertown, CT</b>
<b>Zone:</b>	<b>R-10F</b>

Ms. Mulcahy said she had a statement from Anthony Crecco he would like to withdraw his application at this time; he is before the Inlands & Wetlands and requests that his fee be waived for future application.

Mr. Minnich asked what the amount of fill is, if this is less than 100 cubic yards why is it here.

Ms. Mulcahy said Mr. Crecco has to go to Wetlands there was a violation he was filling in his property. I do know how much.

Mr. Minnich you can determine whether it needs to be on the agenda if it is less than 100 yards.

Mr. Minnich said we should refund the fee because it is an administrative issue and if it is 100 yards or more he can come back.

MOTION: Duplissie moved to accept the withdrawal from the applicant and refund the application fee to the applicant.

SECOND: Blais.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None. MOTION UNANIMOUS PASS 7-0.

- h. Applicant:** Valenti Motors  
**Agent:** Legends Auto Group, LLC  
**Re:** Curt Smith  
Site Plan/Special Permit #282 for a parcel of land less than 5 acres And  
Site Plan/Special Permit #283 for a new auto sales with used auto sales  
**At:** 694 Straits Turnpike, Watertown  
**Zone:** B-SC  
(Requires Public Hearing Required)

MOTION: Duplissie moved to establish a public hearing on 10/07/09 and the Commission will consider accepting the application as part of their decision for the application.

SECOND: Mancini.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

- i. Applicant:** Cercemaggiore Club  
**Agent:** John Vitone  
**Re:** Site Plan/Special Permit 280  
30X30 addition to existing pavilion,  
16X10 open covered function area for use as a band stand, speakers platform, display area etc and also 2 covered walkacross shelters for use during inclement weather  
**Zone:** R-30  
(Requires a Public Hearing)

**John Vitone**

Mr. Vitone said we have an existing pavilion that is 60 feet long and it is too small for the functions that we hold. As a result we have to use rental tents which are very costly and are tripping hazards. We can solve these problems if we were allowed to put a 30 foot extension on the existing pavilion, a 10 by 16 foot functionary off to the side of the pavilion and the walk across. There is no encroachment on any boundary lines or wetlands and we have plenty of land. Mr.

Vitone submitted the site plan and construction. Mr. Vitone we will bring the engineer for the public hearing.

MOTION: Mancini moved to schedule the public hearing for 10/07/09.

SECOND: Russ

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

<b>j.</b>	<b>Applicant:</b>	<b>Ken O'Brenier</b>
	<b>Re:</b>	<b>Lot Line Revision</b>
	<b>At:</b>	<b>Tarbell Avenue, Lots 482-A</b>
		<b>And 482-B</b>
	<b>Zone:</b>	<b>12-5</b>

**Ken O'Brenier**

We have two parcels of land one conforming and one non conforming. One is a 30 foot lot and I want to subdivide into two lots 12, 600 square feet make two building lots.

**Board Member Concerns**

Ms. Mulcahy said you would be accepting the first cut. Because those lots are non conforming and they merge, it is another as of right. It is not a lot line revision, it is a first cut.

Mr. Minnich asked the creation of this creates it takes away the non conforming to conforming. The off right that you mentioned does not apply to non conforming lots.

Ms. Mulcahy replied you have a unique thing when you own adjacent non conforming lots they are automatically merge by the regulations. So these were created 1919 and so these regulations automatically merged all of those lots according to the zoning regulations. What he is getting is his free first cut.

Mr. Minnich questioned again off right for lot line revision on non conforming.

Ms. Mulcahy replied are perfectly correct.

Mr. Duplissie when we move the lot line that will make it so we have now two conforming building lots.

Ms. Mulcahy replied it all conforms to the building regulations.

Mr. Minnich said when people come for lot line revision almost of all the times it is an off right that they have and our role is to accept it. When the comment is made that this gentleman has an off right to create a lot revision, I was under the understanding that he does not have an off right to do it on properties to which he has a non conforming lot. However that is the technical issue here, in the end he is creating two conforming lots which takes away the nonconforming which is appropriate and fine with our regulations. I have concluded with this in my thinking he does not have an automatic off right which we accept here, rather it is the Commission discretion as to whether it will accept the lot line revision, which is the technical issue.

MOTION: Russ moved to accept the lot line revision/first cut.

SECOND: Mancini.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

<b>k.</b>	<b>Applicant:</b>	<b>Henry Sorenson</b>
	<b>Agent:</b>	<b>Gary Giordano</b>
	<b>Re:</b>	<b>Lot Line Revision</b>
		<b>205&amp;207 North Street</b>
	<b>Zone:</b>	<b>R-10F</b>

**Gary Giordano – Professional Engineer & Land Surveyor**

Mr. Sorenson wants a lot line revision between his two lots. My client was trying to sell the front lot and as you will notice there is a grassy area between the private driveway and the house to the South. Mr. Giordano said any who has looked at the lot did not want to mow the neighbor's front lawn. We would like to give this grassy area to the house on the South and it will not be an issue anymore.

**Board Member Concerns**

Mr. Martin asked if there was going to be any construction.

Mr. Giordano replied it is just a matter of giving that piece of land to the neighbor next door.

Ms. Mulcahy said it makes the non conforming less non conforming.

MOTION: Duplissie moved to accept the lot line revision.

SECOND: Mancini.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

- |           |                   |   |
|-----------|-------------------|---|
| <b>I.</b> | <b>Applicant:</b> | <b>Vincent Giannetto/<br/>Dr. John McHugh</b>   |
|           | <b>Re:</b>        | <b>Preliminary Discussion<br/>Zone Change/Text Amendment<br/>Building of Medical and professional<br/>offices</b> |
|           | <b>At:</b>        | <b>777 Echo Lake Road, Watertown</b>  |
|           | <b>Zone:</b>      | <b>IR-80</b>  |

**Curt Jones – Civil One**

Mr. Jones said this preliminary hearing essentially is for the pursuit of medical professional offices at 777 Echo Lake Road. Mr. Jones said they would like to erect 2 or 3 buildings from 8600 square feet to 14,000 square feet. His objective is to create a diverse medical community as well as offices for other professional services possibly a medical walking center, Radiology comprising of X-Ray and MRI. Mr. Jones recognized that this community is lacking with diverse medical specialists and services. The site is considerably central and easy access to several primary roads within Town and certainly the highway. The purpose is to get the Commission to give reception for us to venture and give us some direction. Mr. Jones was well aware that this property is zoned for industrial use and suggested how to incorporate these offices into that zone.

**Jack McHugh – Pediatricist**

I have lived here for over 25 years and I have noticed medical internists moving out of Town. The ability for me to send patients for testing such as MRI, Cat scan, blood testing, and the ability to have other specialties in Town such Dermatology, Orthopedics, Medical logical services we don't have that in Town. There is no central location for a medical complex right as it stands in Watertown and it would be great to bring in doctors to Watertown.

**Board Member Concerns**

Mr. Duplissie asked about size of the building.

Mr. Jones replied the medical buildings will be roughly 8600 square feet. The professional will be a larger building 14,000. We have done some solicitation with physicians and other professionals and it seems to be well received from people we talk to. Until we know what direction we are going, we cannot size the building or parking.

Mr. Martin asked is that in the IR80 or IR200 zone?

Mr. Jones replied it is actually an IR80 and there is a portion of it that is IR200.

Mr. Minnich I have significant problems adding that as a use to an IR80 or IR 200 in an industrial area and it is not for industrial use. This is clearly another type of business use and my thought is that with the help with Ruth take an existing use to which this does apply to and apply that zone. I am in favor of what you are trying to do by taking and creating a zone and apply here the boundary lines of the zone I think you need to go beyond your property boundaries.

Mr. Jones replied it is my understanding from previous experience if we do that we want to incorporate other properties then since we initiated the action we have to have those other properties sign on to this application, whereas if the town instituted it the town can just rezone those properties.

Mr. Duplissie asked how large the site is

Mr. Jones replied 8 acres with two story buildings.

Mr. Minnich I am in favor of doing this if you could look at more land to which we can take on this and figure what potential properties are and their boundaries. Here you want boundary in fairly small piece of property and you want to have a whole text. I think we take an existing zone language to which this would apply figure what boundary lines would be appropriate we do not have to change any text. So we will leave this then that you figure out with Mr. Jones what existing zones may appropriately be and make this as large as feasible for what would involve the other owners and let them know what is happening and then we can take on that task and we can do it as early as our next meeting the action would be to set up a public hearing and that it would be in October or November.

The Commission agreed that staff should work with the applicant to find the best possible zone that would fit this property and the surrounding area.

The Chairman moved to go to item 10 on the agenda.

## **10. Chairman's Report**

The Chairman gave his report. The Commission took no action.

There is a meeting with the CCPW lawsuit at the appellate court, the hearing date is in Hartford for September 17th with Donna Masi.

The Chairman moved to go to item 7 p. on the agenda.

**11. Executive Session**

**a. Pending Litigation**

- 1. Concerned Citizens for Preservation of Watertown – Appellate Court**
- 2. Route 262 PCD Regulations – Sebastian Douglas, et al. – Appellate Court**

MOTION: Duplissie moved to go into executive session at 11:06 P.M.

SECOND: Blais.

Mr. Minnich said the people that were in executive session have come out of executive session and that all that was discussed in executive session are the purposes that were stated and there were no motions taken during executive session.

**VOTE**

AYES: Minnich, Martin, Russ, Mancini, Blais, Duplissie and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 7-0.

The Chairman noted for the record that Gary Martin and Glen Duplissie left at 11:11 P. M.

**7p. Schedule hearing for calling of bond for Mark Lovley, Lovley Development Re: Hidden Oaks and Fox Crossing Subdivision, Watertown**

Mr. Berger said we met with the developer, his Attorney and our Town Attorney and a number of Town Staff on August 24<sup>th</sup>. Within two days we did have signed contract between lovely development and Cocchiola Paving they will be doing all the finish work. They did start the work last Friday afternoon the 28<sup>th</sup> removing some of the winterization around the catch basin, taking out damaged curbs, working on the grass pavers. This afternoon I received an updated schedule from Mr. Lovely, the attachment with that schedule is from Cocchiola Paving saying that they are doing the paving the week of September 18<sup>th</sup>.

**Board Member Concerns**

Mr. Mancini expressed concern that the dates are being pushed further and further.

Mr. Minnich said the bond itself expires next spring some time. However the five year period ends October 5<sup>th</sup> and the other November, Therefore the 5 year period is the most current one and quite frankly if he has not finished the work beyond that period of time we are going to have a problem calling the bond. If we are required to call the bond it is required to a hearing not a public hearing. We authorize the establishment of a public hearing at the discretion of the Chairman for the calling of the bond for Mark Lovely and Lovely Development regarding Hidden Oaks and Fox Crossings.

MOTION: Mancini moved to authorize a public hearing at the discretion on the Chairman.

SECOND: Russ.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais and Demirs.

NAYS: None.

MOTION UNANIMOUS PASS 5-0.

<b>m.</b>	<b>Applicant:</b>	<b>Planning and Zoning Commission</b>
	<b>Re:</b>	<b>Text Amendment to Zoning Regulations</b>
		<b>Article IX – Watertown Fire District</b>
		<b>Add Section 83.20 – Residence R-30F</b>
		<b>District</b>

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

<b>n.</b>	<b>Applicant:</b>	<b>Planning and Zoning Commission</b>
		<b>Text Amendment to Subdivision</b>
		<b>Regulations – Section 3.4.1 Add</b>
		<b>paragraphs for public hearing notice</b>

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

- o. Applicant: Planning and Zoning Commission  
Text Amendment to Zoning Regulations  
Section 81.4 – Add text for public hearing  
notice for Zoning Map amendments – not  
for text amendments**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

- p. Schedule hearing for calling of bond for Mark Lovley, Lovley  
Development Re: Hidden Oaks and Fox Crossing Subdivision,  
Watertown**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**8. Old Business**

**a. Text amendments initiated by Commission members:**

**1. Parking Regulations: G. Martin**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**2. Lot Sizes: G. Dupliesse**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**3. Zoning Enforcement Officer's report of existing businesses and uses on land incorporated into the Town of Watertown from the City of Waterbury**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**9. New business**

**a. Bond Release, Rickevicius Subdivision, Lot 5 Linkfield Road/Tree Planting/Maintenance Bond**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**b. Bond Release, Butternut Views, Lot 1 sediment and erosion control storm drainage improvements**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**c. Bond Release Plenn Estates, Plenn Court**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

AYES: Minnich, Russ, Mancini, Blais, Demirs and George.

NAYS: None.

MOTION UNANIMOUS PASS 6-0.

**d. Bond Release, Deluca Subdivision Street Trees**

MOTION: Russ moved to table this agenda item.

SECOND: Demirs.

**VOTE**

**AYES:**

Minnich, Russ, Mancini, Blais, Demirs and George.

**NAYS:** None.

MOTION UNANIMOUS PASS 6-0.

- e. Watertown High School bond reduction for sedimentation and erosion control, storm drainage and storm channel improvements**

**MOTION:** Russ moved to table this agenda item.

**SECOND:** Demirs.

**VOTE**

**AYES:**

Minnich, Russ, Mancini, Blais, Demirs and George.

**NAYS:** None.

MOTION UNANIMOUS PASS 6-0.

- f. Judson School bond reduction – sedimentation and erosion control and sidewalks**

**MOTION:** Russ moved to table this agenda item.

**SECOND:** Demirs.

**VOTE**

**AYES:**

Minnich, Russ, Mancini, Blais, Demirs and George.

**NAYS:** None.

MOTION UNANIMOUS PASS 6-0.

**12. Adjournment**

**MOTION:** Russ moved to adjourn at 11:15 P.M

**SECOND:** Demirs.

**VOTE**

**AYES:**

Minnich, Russ, Mancini, Blais, Demirs and George.

**NAYS:** None.

MOTION UNANIMOUS PASS 6-0.

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Michael Masayda \_\_\_\_\_

Secretary