



Town of Watertown, Connecticut

Land Use Administration
Watertown Municipal Center
61 Echo Lake Road
Watertown, CT 06795
office: (860) 945-5266 fax: (860) 945-4706
web: watertownct.org

Minutes

PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA May 3, 2023 6:30PM

Place: Watertown Town Hall
Town Council Chambers
61 Echo Lake Road
Watertown, Connecticut

1. CALL TO ORDER

Chairman Raymond Antonacci called the meeting to order at 6:30PM

2. ROLL CALL

Members Present: Ray Antonacci, Chairman
Richard Antonetti
Ken DeMirs, Secretary
Dan DiVito, Vice-Chairman
Lou Esposito
Bob Marinaro
Dave Pope
Lou Cavallo
Jack McHugh

Members Absent: Joseph D'Uva

Others Present: Mark Massoud, Administrator for Land Use,
Building Services
Paul Bunevich, Town Engineer
Carol Allen, Administrative Assistant

PUBLIC PARTICIPATION – none.

3. ACCEPTANCE OF MINUTES

Regular Meeting March 1, 2023
Regular Meeting April 5, 2023 (meeting not held lack of quorum)
Special Meeting April 12, 2023

Text of Motion: Table minutes
Motion made by: D. Divito
Second by K. Demirs
All in Favor

STAFF REPORT –

Mark Massoud reported:

1. Two long term projects started:
 - New medical building on the corner of Bunker Hill and Straits Turnpike. They have scheduled the project to finish the work by the end of the year.
 - Watertown Farms the service station which has been under construction on the site that is proceeding with bonds being put into place.
2. 795 Straits Turnpike and 1125 Main Street they gain their approvals tonight and they probably would move forward quickly.
3. Revisions to the regulations - the bulk of the work is in the hands of the consultant who is completing that. As soon as he gets that done, we will get the subcommittee back to review and finalize. We are in the last third of the review before bringing it to the commission
4. Implementation of the E-permit system - the consultants are pushing staff to complete some worksheets so that they can initiate the build of the Land Use portion involving permits for all 3 of the commission that will help us track projects and allow for online applications as well.

CHAIRMAN'S REPORT – none.

4. OLD BUSINESS

- a. Proposed Sealy Oakville Center Planned Development District: submitted by Attorney Franklin Pilicy:
 - 1) Petition to amend the zoning regulations 2) section 2 Definitions to add "Planned Development District (PDD)" and to amend section 34.14 Drive – Through Facilities, 3) establish the Sealy Oakville Center Planned Development District (SOCPDD).

Text of Motion: Move Old Business to the end of the agenda
Motion made by: D. Divito
Second by: R. Antonetti
All in favor

5. Public Hearings (New)

- a. Site Plan/Special Permit #2023-01, River Oak Academy Child Daycare Center, 795 Straits Turnpike, Watertown, CT Map 165A, Block 257, Lot 50 in a BSC Zoning District.

Carol Allen, Administrative Assistant read the public hearing notices.

Attorney Pilicy stated I am here on behalf of the applicant for Riverview Oak Academy Day Care, with Ashley Kittridge. As a preliminary matter all notice requirements have been compiled with and have provided an avadavat and evidence of notice submitted to the zoning staff prior to tonight. It is an existing daycare in an existing building that has been vacant for years now. With approximately 64 students, approximately 15 employees. It will operate 5 days a week.

Dan DiVito asked about child safety being on a main road.

Ashley Kittridge answered we have a safety fence going up, the minimum is 4 but we are going 6 to 8 privacy fence and we do have that valet service that you can see on the plans with one lane going up and go around back, exit to the left.

Ken Demirs asked if she had been in the daycare business in the past?

Ashley Kittridge answered yes, I had my first daycare in 2017. We did look into pulling in and valeting in a circle around the front but the turn radius isn't large enough, we had to use the back and come right out.

Chairman Raymond Antonacci asked if the applicant had more to comment on and then asked the public for comments?

Hearing none.

Text of Motion: Close the Public Hearing
Motion made by: Antonetti
Second by: K. Demirs

All in Favor

Text of Motion: Waive the reading of the resolution and adopt the written resolution with all conditions prepared by Mark Massoud, Administrator of Land Use/Building Services dated April 27, 2023

Motion made by: K. Demirs

Second by: D. Divito

All in Favor

- b. Site Plan/ Special Permit #2023-02 submitted by AEPM International LLC, on behalf of Sabrina Signore, 1125 Main Street- proposed mixed use site redevelopment within existing buildings. Map 11A Block 23 Lot 24 in a B-G-1 Zoning District.

Michael Marcinek, AEPM International LLC. stated we are here for the applicant on 1125 Main Street LLC proposed change and use to a mixed-use facility being commercial space on the ground floor, commercial retail and then two apartments on the 2nd and 3rd floor. The building is not large enough to go under the current zoning to be more than the two units. We got a combination of one unit that would be on the second floor and then a second unit would be a combination for two-bedroom, one efficiency, one bedroom/one two bedroom. We are proposing to have 11 parking spaces, keeping the current configuration in the front on angled parking and then there will be added space on the side and the rear, maintaining the differentials between the parking and the buildings. The existing building will be connected to the sewer system and will have a sprinkler system so there will be construction in the road to complete that process.

Richard Antonetti stated with the apartments I do like the sprinkler systems being put in, will there be a fire escape for the upper apartment?

Michael Marcinek answered yes there will be a second means of egress out of the building. Typically, there will be two on the upper floors. You will not be able to see them, they will be on the side of the building.

Richard Antonetti asked will they be covered?

Michael Marcinek answered all egress stairs have to be covered.

Dan DiVito asked I thought with the option of the sprinklers you were not going to have to do the addition of stairs.

Michael Marcinek answered any time you have an egress, stairs on the outside of the building have to be covered. There will be a stair inside of the building you won't be able to see the stair.

Dan DiVito asked you are not building anything outside of the building.

Michael Marcinek answered nothing extra, correct it will be inside the building.

Dan DiVito thanked him for adjusting the parking.

Chairman Raymond Antonacci asked this is currently served by a septic, is there any intention to connect the sewer?

Michael Marcinek answered correct.

Chairman Raymond Antonacci asked if it was 16 spaces.

Michael Marcinek answered 11 parking spaces.

Mark Massoud, Administrator for Land Use, Building Services asked the applicant if he could explain the difference between option 1 and option 2 in terms of the latest plans in terms of reconfiguration of parking and if one is more preferable to the development.

Michael Marcinek answered because of the tightness in front of the building we are trying to keep the parking as minimal as we can. There is going to be angled parking. Previously we had them at 45, we are going down to 30 degrees because it is so tight in front. We want them so we can get out and around in front of the parking areas. There is only going to be 3 spots and 1 handicap in the front and then the back and the side will have the remaining parking, that is the preference right now.

Mark Massoud, Administrator for Land Use, Building Services stated and the options were submitted by Mike in terms of comments from staff and the Town Engineer. To try to make the parking as conforming as possible to new standards but recognizing that it is an existing site and there was some preexisting non conformities. Our suggestion was that creating new impervious surface and have the applicant do. That is the reason for the two options.

Chairman Raymond Antonacci stated he saw 11 on the plan.

Michael Marcinek answered that was and modified and submitted to committee.

Chairman Raymond Antonacci asked what kind of retail is going on the first floor.

Michael Marcinek answered Sabrina is not sure yet, they trying to decide what will be well suited either for a small hair salon, nail salon or do they add something like a coffee shop or a small bakery for themselves to run. They are still up in the air; they don't know what to expect.

Ken Demirs asked if you have 2 apartments with a total of 3 bedrooms, how many parking spots are required per apartments?

Michael Marcinek answered under the zoning regs that I have read through an efficiency a one-bedroom type is 1 ½ spaces and then for a two bedroom is it 2 ½ spaces for a total of 4.

Ken Demirs stated so that leaves you with two for retail slots.

Michael Marcinek answered correct and it is 250 square feet per slot, there is 15,040 square feet.

Text of Motion: Close the Public Hearing
Motion made by: Antonetti
Second by: K. Demirs
All in Favor

Text of Motion: Waive the reading of the resolution and adopt the written resolution with all conditions prepared by Mark Massoud, Administrator of Land Use/Building Services dated April 27, 2023

Motion made by: K. Demirs
Second by: D. Divito
All in Favor

6. NEW BUSINESS

- a. Site Plan Modification, Theraplant LLC- 856 Echo Lake Road, Watertown, CT, Map 103, Block 96, Lot 1A, IR-80 zone, reconfigure 1200 square feet of existing space within the facility for manufacturing of edible cannabis products.

Krista Palomba, 480 Echo Lake Road stated I am here on behalf of Theraplant. We are looking to seek a modification to an existing room where we would like to partition it off and make a kitchen. So that we may manufacture gummies. I want to clarify kitchen, there will be no open flames. We would be using kettles that melt pectin to make the gummies.

Chairman Richard Antonacci stated you are doing something within the existing plant.

Mark Massoud, Administrator for Land Use, Building Services stated the business has been in operation for several years. It appears to be a modification, revision of their existing process. There are no additional employees, no additional parking required, there is no expansion of footprint, it seems acceptable from a staff point of view.

Bob Marinaro asked I am just assuming; you would go through the Health Department and all that when it comes to cooking and the operation.

Krista Palomba answered we need a packing license this is our first step is here and then are working with the Foods and Standards Division of the DCP, they are with us every step of the way.

Jack McHugh asked is this going to require a hood or any type of fire protection?

Krista Palomba answered no.

Richard Antonetti asked these gummies that you are producing, are they are going to be attractive to children, in your packaging would they be clearly marked. Children are very interested in gummies; would it be clearly marked dangerous substance on the packaging so it does not fall into the hands of any children in school.

Krista Palomba answered there are very strict regulations surrounding cannabis especially in the packing and labeling. In the packaging the gummies can only be in basic shapes square, rounds they cannot appeal to children, the names of the cannabis when we name our strains cannot be

it would be appealing to any children at all. We cannot get approved until the DCP says this is okay. So, the names itself the kids probably would not be able to read because they are very complicated and scientific. Secondly, they have to be clearly marked and they say THC with the cannabis logo on it and it has to be plain packaging. Everything of ours is very plain it has to be black or white, they do not appeal to children at all. We are the manufactures so we are selling directly to dispensaries. When they leave our facility, they are in a van that goes straight to dispensary. What the dispensary does you cannot sell to anyone under the age of 18.

Richard Antonetti asked are you still in the factory wearing the garments what must be worn in the factories so nothing can be taken from the plant.

Krista Palomba answered correct we wear scrubs with no pockets.

Text of Motion: Waive the reading of the resolution and adopt the written resolution with all conditions prepared by Mark Massoud, Administrator of Land Use/Building Services dated May 2, 2023

Motion made by: K. Demirs

Second by: L. Cavallo

Aye: Ray Antonacci, Ken DeMirs, Dan DiVito, Lou Esposito, Dave Pope, Lou Cavallo

Nay: Richard Antonetti

Abstention: 0

On a vote of 6 in favor, 1 Nay, 0 abstention, the motion is approved.

Richard Antonetti explained his vote, the reason I am voting no and I have voted no in the past on the use of a federal drug that is number one on the list of federal government as an illegal substance. So therefore, I believe that cannabis should not be legal in any state that votes it through because it is illegal on a federal level. That is the reason why I am voting no.

7. INFORMAL DISCUSSION

Ryan Geddes, for Premiere Properties LLC- 243 Echo Lake Road, potential revision of site plan development- elimination of one building and conversion of two buildings from townhouse to one- and two-bedroom units.

Mr. Ryan Geddes Jr., Premiere Properties stated you are familiar with the 243 Echo Lake Road original site plan. I have been getting a lot of contact from different people saying you have all 3 bedrooms up there, is there any way you could do some 2 bedroom 1 bedrooms, I started looking into doing some diversions of the units. As you know when you first come into the property there is that building of 5 on the right that is going in there. The big thing going on long before I bought the property. There was a lot of concern about that material coming off the property and the safety. My proposal is to keep the two of the buildings pretty much to the same footprint just increase the unit mix within them and eliminate completely the building on the right and let the ledge would stay. What I would end up with is the building of six in the front right now you go up to the end of the road and at the end of the cul-de-sac which is units 18 through 23 those would be the same as the building in the front and then I would just do two buildings. In the packet it would have the new building of what we do. It would have 12 two-bedroom units and 12 one-bedroom units spread out in those two buildings. Roughly keeping the same footprint of what was originally approved. The other thing is we were talking about the impervious surface, by eliminating that roof in that building and adding the parking, the only thing we are really adding is a little bit of additional parking to accommodate. We have 87 bedrooms if we did the project the way it is now, with the proposed we have 72 bedrooms. The bedrooms line up with the bathrooms so we would have 72 bathrooms in the new proposal and would not have 87 bathrooms. Talking with the water district that was great for them. I just wanted to talk to the commission and get the feel is this something that would be a relatively easy thing to swap out before I went and simply had the engineer make the change to get input.

Dan Divito asked why did we have to add so much parking?

Ryan Geddes answered because we had no handicap requirements for that project with the proposal, I would be giving handicap that is why the parking is more to meet the regulations.

Dan DiVito asked the four spaces here meet the standards it shows four handicaps.

Ryan Geddes answered yes it does.

Chairman Raymond Antonacci asked are you creating more units?

Ryan Geddes answered yes, we'll be adding a total of seven within the same footprint of two of the buildings and eliminating one building completely.

Chairman Raymond Antonacci asked the parking requirements have increased a little bit.

Ryan Geddes answered yes.

Mark Massoud, Administrator for Land Use, Building Services stated Mr. Geddes is here to ask on an informal basis whether the commission would entertain such a revision if he receives a positive response he would go ahead and revise his plans and make a formal site plan modification to the commission so that we could review in more detail.

Lou Cavallo asked your whole site plan by eliminating that one building are you still keeping the same amount of impervious surface or are you taking away from impervious surface.

Ryan Geddes answered it is going to be about the same when we eliminate the roof line that whole building it'll just be transferred over to the extra parking.

Dan DiVito asked what's the square footage compared like a three bedroom to a two bedroom to a one bedroom?

Ryan Geddes answered 3 bedrooms are like 14 to 1500 square feet, the two bedrooms would be probably 1000 and change and then the one bedroom are going to be in the seven range. I can get you the exact numbers.

Dan Divito asked are these rentals or purchased?

Ryan Geddes answered for sale, they will be condos and town houses.

Richard Antonetti stated one of the issues that has always been and Mark you are very familiar with this is affordable housing and at one time when this development was in process, there were a number of affordable housings with levels of income are you aware of that.

Ryan Geddes answered yes nine units, even at the new mix that it is still at that end.

Richard Antonetti asked about the dollar figure for the people that would be applying for the affordable.

Ryan Geddes answered it is not low-income housing it's set as affordable they're totally two different animals. That is set by the federal government in the state so whatever the guidelines are is what we will meet. Per our approval on the original project.

Richard Antonetti wanted to praise him for having handicap units added, how many will that be?

Ryan Geddes answered there will be four.

Richard Antonetti asked Mark how does this go with our growing numbers that we had to meet for affordable housing.

Mark Massoud, Administrator for Land Use/Building Services answered the short answer is yes it does increase the number of units just by simple math, but no it does not help the town to achieve its 10 percent commonly set states target for affordable units.

Richard Antonetti asked about meeting the standard.

Mark Massoud, Administrator for Land Use/Building Services we are at about 4 percent right now.

No motion made Mr. Geddes will come back to the Commission with new plans for one- and two-bedroom units.

Ken Demirs recused himself from this application and returned at the end of the conversation

The Commission took a break at 7:20PM and returned at 7:30PM

8. OLD BUSINESS

- a. Proposed Sealy Oakville Center Planned Development District: submitted by Attorney Franklin Pilicy:
 - 1) Petition to amend the zoning regulations
 - 2) section 2 Definitions to add "Planned Development District (PDD)" and to amend section 34.14 Drive – Through Facilities,
 - 3) establish the Sealy Oakville Center Planned Development District (SOCPDD).

Chairman Raymond Antonacci stated the public hearing closed on April 5th the commission decision within 65 days, the hearing on or before May 5th 2023 which means we should be making a decision tonight and it's the commissioners vote and discussion. We are going to open the floor to commissioners and their comments and their thoughts on this. I would hope that commissioners if you have a position on this that you would speak your position and give the reasons for your position. So, we can all talk about it and use these comments by each other to help us make a decision. Richard, I will have you start.

Richard Antonetti stated I do have some comments for this important development, not only for the Oakville area but the whole Town of Watertown and the 23,000

residents. Not only those people with the feeling and I do understand their feelings and sympathize and emphasize with their feelings which is not in my backyard. That generally goes anytime there's a change or transition taking place. But we have to look out for the total good for the community of over 23,000 residences of Watertown and Oakville. My feeling is we have developers who have come before us, we have also the public who has come before us with their viewpoints and the developers early in 2021 which at that time and yourself Mr. Chairman as Vice Chairman had a lot of talk in favor. In fact, you did receive a letter from the head Director of Public Policy and Economic Development for Watertown and Oakville that they favored this development. Also, at that time and persistently there have been those people that over exaggerate the conditions that are going to happen with the developers. At first it was the building is going to go sky high and block the view of everybody in that area but today we have found that is not the case. Also, the developers came before us with renderings of what the buildings were to look like and I am sure that you are all very familiar with those renderings because they look like very nice renderings of buildings. We find if you look at that particular map of the area, there is still the residents that abut the property basically on Hillside, if you note on the map there is also a property that is there for Watertown. I assume when we have an opportunity to hear the developers what that particular exit would mean as far as traffic going down Hillside. The only other exit at the top of the property is on Henry Street and there would be an exit up there and going over to Riverside. There's been much discussion about the possibility of traffic. That as we all know as commissioners that traffic is a major problem and being Chairman myself of the Police Commission we are faced with major highways. We are currently dealing with a road safety audit which will try to provide greater safety on Main Street and state roads. We have to deal with very heavy traffic but we are trying to control it. They fear there may be a huge amount of traffic coming out of there. People feared that there would be a problem with Starbucks but it appears people enjoy Starbucks. It appears that there is no problem with traffic with Starbucks and traffic can be controlled with proper devices that would be installed. We have a group of long-term developers in the Town of Watertown and they have brought some very good developments to our town. I look at both sides and I look out as a commissioner what is best for the town. Development of this particular site may bring more tax revenue. There is no question about it and that is something seriously needed for a town especially in the budget time where we are looking at increased costs to every resident in town as far as property. Don't forget next year is re-evaluation which means more taxes for residents. I at this time seem to lean in the direction of what is best for Watertown as a total and Oakville as a total, not for a few who over exaggerate the problems that may exist. Maybe they have a better crystal ball and they can see all these problems for the residents of Oakville because they don't want it in their area. But we as a town and as residents of Oakville not those that live closely on Riverside or on Hillside but for the whole town there may be very good things if this thing moves forward, thank you Mr. Chairman.

Ken Demirs asked Ray, I know you are going to be last on the list I would like to be right behind you, the senior on this commission, I want to save my comments for the end.

Dan DiVito asked I have more than several questions on the proposal. With number 12 under qualifying standards, it speaks of the drive throughs and I know that has been a contentious point for the developers who want it, residents who have spoken against it. They don't want it in their backyard which is understandable. I think one of the biggest points that hit me the hardest was our Veterans who came in and spoke against it they didn't want that behind their memorial. I am sure they look at it as a desecration of their memorial which I can understand. I think we have several veterans in the crowd and I ask them to raise their hands, thank you all for your service it is greatly appreciated. For that I can't stand behind a drive through not in that location not where it's shown in the drawings. Our parades end there, it's where we gather, it's where services are held and it shouldn't be close to that area. That is how I feel on it. Moving down to item d which is under qualifying standards it says there doesn't need to be an overall plan with the phase development. I would disagree with that; I don't think it should be piecemealed maybe it could be built and piecemealed but there should be an overall plan going in so we know what is going to be there or what they are hoping to be there and then it can always be changed. I think going in there should be a plan. Stepping forward to for PDD on page 4 it says creative and flexible architecture design, it does go on later to state the type of architecture. I wanted to clear that up because that seems to give them leeway as far as what the architecture should be and later on, we state a particular style, so that is something that should be discussed. Under permitted uses letter i it says regional warehouses storage and distribution facilities. I for one don't believe that we have a distribution facility in that area, I would like to see that removed. Under permitted uses and outdoor displays, it says it's an accessory to any permitted use, Mark this is a question for you is that typical or would it typically be a special permit.

Mark Massoud, Administrator for Land Use/Building Services answered part of that was to allow for retail stores to have outside displays of seasonal merchandise or to have group sales, things of that nature. To me that would not rise to the level of a special permit but could be conditioned in the subsequent site plan approval.

Dan DiVito added the reason I bring that up is later on it goes on to say 5 percent of the floor plan, I think it said or something similar to that, if we had a 60 thousand square foot building, they could potentially have 12 thousand square feet of outdoor display. It maybe something we would want to cap or do something above a square footage, maybe as a special permit or something like that.

Mark Massoud, Administrator for Land Use/Building Services answered we can take a look at that number if that number is too high for the commission.

Dan DiVito stated vehicle and pedestrian circulation, because it's just a site plan approval and because the initial site plan doesn't show pedestrian circulation, it is not quantified. I get concerned that if it's not shown on the initial approval for the site plan, it's not quantified we are kind of left guessing where it is going to be and how much of it. We don't have a good understanding of what the intention is. That is a concern of mine. Again, under vehicle and pedestrian circulation number 1 open space there's not a quantification of benches again with the initial drawing the site plan if it's not shown on that and there is not a number for benches, it just means plural so it's interpretation and because we are not doing a special permit, I would like to see a little bit more detail or a quantifying factor so we know what we are getting or what will be there at least. Vehicle and pedestrian circulation number 2, the pedestrian connections it doesn't speak of anything to Hillside was there a reason for that Mark, it just says Route 73.

Mark Massoud, Administrator for Land Use/Building Services answered I believe the way we looked at that was the main point of contact in terms of a pedestrian access would be as you mentioned through the Veterans Park onto the Main Street, Oakville pedestrian sidewalk. The pedestrian focus wasn't the focus of Hillside, it looked like it was more vehicular oriented.

Dan DiVito added maybe we could add that I would like to make sure it is safer for residents. Under number 3 vehicle and pedestrian circulation it calls out residential in there but they are not able to do residential is that correct Mark.

Mark Massoud, Administrator for Land Use/Building Services answered it's not contemplated at this point there had been environmental restrictions on the use of the site. I am not sure they completely prohibited those uses but it seemed the makeup of the commission prior and I think input from the developers it was decided that jointly there was no favor for residential development on the site. I don't think it is prohibited specifically but that is how the application proceeded.

Dan DiVito stated again under vehicle and pedestrian circulation number 4 kind of like the benches and, such there is no quantifier for, it says adequate for the bike racks, it's left up to interpretation. Additional standards d, it says max height of the building shall be 40 feet from the ground level to peak of roof line not including non-habitable space such as attic, pitched roof or ornamental features such as a cupola. I am not understanding because it says 40 feet to the peak but then it says not including pitched roof. Is it 40 feet to the peak of the pitched roof or is it 40 feet to the base of the roof and the pitch is extra.

Dan DiVito asked the additional standards if the setback is 35 feet all the way around is that typical for separating residential and commercial, it just doesn't seem like that much.

Mark Massoud, Administrator for Land Use/Building Services answered I believe that came from the zoning regs themselves for that district.

Dan DiVito asked under building design, there is no mention of masonry or brick which is typical of Oakville in design was there a reason that was not on there or was it on oversight or assumed because of the renderings.

Mark Massoud, Administrator for Land Use/Building Services answered in a general sense like herein lies the tension between the previous application which lacked even more detail and this application where we attempted to remedy some of the lack of detail. I guess the question you seem to be posing in a general sense is how much detail is included in this PDD application. Since this is the first one and since they were somewhat breaking ground, we are trying to find our way and this is certainly by in large what the applicant had proposed. Modified by staff and the commission to attempt to add in some that detail. My general answer to your questions is that during the site plan even though it's a site plan process and even though typically site plan is more of a ministerial the regs are bit more robust than they might ordinarily be. The site plan standards are fairly akin to special permit standards in a lot of respects. Up to the point where they even allow the commission to hold a public hearing on aspects of the application if this is approved and they go on to the next step and put the site plan applications in. The commission has more latitude than it might ordinarily again very much akin to special permits. I think the rationale in moving forward with this is that the commission has some more inherent power when it comes to that review process and you would be able to ask for those details rather than having them in this particular application. Yes, according to the model regs which we subsequently model PPD regs which we subsequently approved and which this is not falling under all of that or a significant portion of that detail would be provided up front. In this application it is almost a hybrid and we are relying on the commission being able to ask and receive those kinds of details during subsequent site plan approval.

Dan DiVito asked there is a lot of stipulations with site plan, it is not as strong as a special permit. If they meet the requirements here and we are saying there needs to be more, they don't have to do necessarily have to do more, is that correct.

Mark Massoud, Administrator for Land Use/Building Services answered I believe the commission has a lot of latitude to ask and receive those kinds of details.

Dan DiVito asked I didn't see a limitation for building or unit size in here?

Mark Massoud, Administrator for Land Use/Building Services answered the applicant did provide those at least for conceptual plans. I believe they show one building of 60,000 square feet, they show 2 buildings one of 40,000, one of 20,000 and then the 3rd and 4th are broken up a little bit more. Again, part of the commissions job is to look at those conceptual plans and having the latitude to pick if you are happy with the theoretical proposed as outlined by any of those 4 proposals, they would at least govern the overall conceptual look of the site.

Dan DiVito asked in speaking on the 60,000 that is about 2/3rds the size of Stop and Shop, if we went with that design that is what would be getting put in downtown Oakville.

Dan DiVito asked the coverage for impervious, is there a limit on that.

Mark Massoud, Administrator for Land Use/Building Services answered this is a unique site so they are in essence making the coverages unless otherwise specified. They do specify in some standards that are meeting current zoning regulations but that might be one because of the relatively intensive development of the site. I think in essence they are setting their own standards for the site. I don't think it necessarily has to meet any of the current zoning standards for impervious coverage on the sites right at this point.

Dan DiVito added I do want to say thank you to Mark, you put in an immense amount of time over months and months putting together submittal after submittal and going through his and talking it all out and your help is greatly appreciated. I think everybody wants to see this area developed, we all want tax dollars coming in. But I think we all want it done right and as I sit here; I am not confident that is going to happen. Its downtown Oakville we have thousands of cars that go by there. This is something that could make Oakville great or it is something that could not make it great. Sitting here I don't feel like you have a definite answer on the way that is going to go. Something else to factor in I know you developers have done a lot and done great things what if it is sold. If we have faith in them that is great but the economy turns somebody else comes and they are to the same standards. I don't have 100 percent confidence and I think it is so important to be confident.

Lou Esposito stated I firmly believe that looking at the crowd I can see you are concerned and I would be too. I would want to see concrete evidence, exactly what is going on. None of this oh we will get it for you, we will let you know. For someone to come in and give us the right information is needed for us to decide what to do with

that property. We have to work together on it and we got to remember there is two sides to every story. I think your story is very legitimate because you are all here. I also think that the commission on our part, Mark and Carol on their part are also concerned that things should be done properly. I would like to see it move forward with the exact wording of what actually is going to be put up and the right way, nothing to hide. I can't see anything bad about it except the fact that you are going to be living near it possibly but if it is done correctly, it will be done properly. I kind of like the idea of more retail, I would like the possibility of a drive through, a tax base increase like Mr. Antonetti said something about the re-evaluation next year people are going to get very concerned in this town. Let's not complicate matters by giving other people the work to do. It is not necessary and listen to the true facts. Thank you for giving me the opportunity to speak to you, I appreciate it.

David Marinaro stated I know everybody is against this drive through and it doesn't seem like this project is going forward without one. If there is going to be one, it is got to be for one restaurant. It has got to be more inside the property nowhere near the perimeter. I think the architectural style it will be good the village concept. The way Mark is talking now we are going have something to say about that. All in all, I think it is a plus for the town.

Lou Cavallo stated I need to clarify a couple of things, Mark on there was a maximum building height in the regulations, does it not apply on this PPD.

Mark Massoud, Administrator for Land Use/Building Services answered they are suggesting that it would be forty feet.

Lou Cavallo asked is it the regulation or is it 35, do they have to adhere to the regulation or are they making their own regulation in the PPD for height,

Mark Massoud, Administrator for Land Use/Building Services answered they are making their own regulation in the PPD. I think in the industrial areas, it upwards to 40 feet, not in this particular zone as it would stand.

Lou Cavallo asked to verify a couple of things, what we are voting on tonight is the primarily the text amendment to allow something like this to happen in that area correct.

Mark Massoud, Administrator for Land Use/Building Services answered correct.

Lou Cavallo asked and then under the site plan review we have an option of reviewing the plan where they can get more detail, more specific with square footage up in that area and the architectural design, how much leeway do we really have in that is the

board like if they came in with just a cement building, could we say we don't accept that site plan or are we kind of stuck with them just putting up a cement building.

Mark Massoud, Administrator for Land Use/Building Services answered I would wind up saying again what I said to answer Dan, the tension is here is between the levels of specificity but the regulations in my opinion, the Town Attorneys opinion has a greater leeway then normally might be afforded by site plan approval in this particular case the Watertown zoning regulations seem to allow the commission to examine those details and to make its decision based on a lot of what would be submitted by the applicant. If you are not happy with the steel building or it's a cement building, I think the commission has latitude to say no. I don't like that and wish them to add those details to the site and it could work both ways. If you were happy with the changes that you received as an application or have received a modification certainly you can approve it. On the flip side if you're not happy with the level of detail or the standards that you have set forth that you have ability to deny.

Lou Cavallo stated a lot of the questions were about the drive through and maybe the Veterans Park, do we have latitude to say if there is going to be a restaurant or a drive through up there to put some kind of a buffer, do we have that kind of latitude for the site plan.

Mark Massoud, Administrator for Land Use/Building Services answered yes, if you are speaking of landscaping.

Lou Cavallo asked variety of trees or fence or something to not make it so obvious. From what I am understanding you do we have the ability to make this right at some point through the site plan review if things are not looking great here where we don't have a lot of detail. We could ask for more detail in a site plan review and make it more specific.

Mark Massoud, Administrator for Land Use/Building Services answered even though this is a unique, the applicant tied themselves to certain aspects of the current regulations. It says at the time of site plan application approval, one of them the development must comply with Section 31 Landscaping screening and buffering. At the least you have that ability to ensure that they meet those standards and I would think again the tension between how much specificity and how far beyond the regulations one can go. If Section 31 didn't provide adequate landscaping I think the commission could go a bit further you can't go really crazy and ask for something that's not tied to the regulations, but that could be part of your due diligence, does that make sense?

Lou Cavallo answered it does make sense and it's good to know that we have more control than we thought we would have and that is good information, thank you Mark.

Ken Demirs stated I just want to go back a few months and say we have been through a process and the applicant submitted an application for what they felt they needed for this property that they are going to invest millions and millions of dollars in. We have been given two motions of approval here. One of them is an alternate, I'm assuming the only difference in this and what I think everybody's spent a lot of time working on Town Attorney yourself Mark, the commission, the applicant, I think the one that's not marked alternate was the one that everybody expected to see two days ago. To me I was surprised by this. I can't support it I won't support this motion for approval. I think the applicants based on the fact that they agreed to I believe everything in this and I could be wrong but I am pretty sure I am right that I would be in favor of the original motion that I think we have spent countless hours as a group, applicant, Town Attorney, commission, staff everybody I think had some good points were brought up tonight. I don't expect the developers are going to put up a cement building, I am thinking through my head I don't see too many cement buildings around. I think it would pretty hard to rent. The biggest question is I want to make sure we don't get in any trouble are we at the last minutes, the last hour actually able to add and tracks things from a motion of approval.

Mark Massoud, Administrator for Land Use/Building Services answered if they were brought up and discussed during the public hearing process, I believe it's in the commission's power to make modifications based on information that had already been discussed to go at this point to bring in items that were not discussed at the public hearing would be troublesome.

Ken Demirs added so what you are saying is it's okay from day one from going back to the application that was approved years ago a year and a half ago whatever it was seems like 3 years, 4 years for me but it's not and we have been talking about a drive through restaurant the whole time every meeting that we've had. It would be okay with eliminating it tonight.

Mark Massoud, Administrator for Land Use/Building Services answered with both applications because the first application was approved and then subsequently withdrawn. It would be limited to the public hearing discussion on the current application. You have heard testimony and had discussion with regards to drive throughs, the number of drive-throughs or the lack of drive-throughs.

Ken Demirs asked let me go back to this one there was meetings with the Town Attorney with yourself with the applicant I am not sure with everybody on this commission and this was the motion that I think everybody talked about a drive-through but I didn't find about this until two days ago and I am a little upset about it because it seems to me like coming in the last inning and I don't think that is right. I won't support this I'll support what was originally put in front of us.

Mark Massoud, Administrator for Land Use/Building Services stated if I may so the commission has the latitude to discuss and debate you any of these paragraphs that are in the motion that's your purpose tonight. It was provided to you in that format at the request of the Chairman but it would have easily been provided to you as or if commissioners so wanted to have that discussion on paragraph 12, let's take that as the example since we are talking about it as an alternate or alternate paragraph within the main text of the motion. I guess the way to look at it is that you are just taking that particular alternative idea and discussing it whether it's a separate motion or whether it's part of the main motion and you are just having discussion about that particular item.

Ken Demirs: answered I understand. I have been around for probably 17 or 18 years at this commission and we have had much larger applications in front of us than this. I can't remember the last time that I saw this.

Mark Massoud, Administrator for Land Use/Building Services answered I think it's just an alternate form of presenting the information.

Ken Demirs stated I cannot support the alternate.

Bob Marinaro asked I agree with most of my members here and I wanted to say a couple of things. Let's not get ahead of ourselves, the site plan it is up to these guys to ask what they want and it's up to us to do our job. We are going to say we wanted colonial, well we're going to have peaks, we got to let them do some doodads up there to make it look cute. You know the setbacks, we go through Mark, he gives us all the regulations. We are talking about the pedestrians; I am sure we are going to make them put berms in with this. I don't think we are getting a supermarket, there is no supermarket that would ever go into that, it's just not going to happen. We brought up the Veterans, there is more people here tonight than there's every been, My family has a lot of veterans, I support them and I have talked with applicants and I said we got that little corner I would like to see it be a little nicer out of respect for everyone and that it.

Jack McHugh stated I am looking at the audience here and I have seen more smiles at a wake, I understand that we've been doing this for two years and this is a commercial property it's going to be developed its going to be a matter of when. There are some things that the commissioners are for, and some things commissioners are against. I know the neighbors are nervous about what's going in because that's their backyard. I have been here as an applicant before, I developed Hawk Ridge Winery, I had a lot more neighbors bordering 60 acres than this small property did. I listened to all the neighbors and they talked and they spoke and they had their concerns. Some of their concerns were legit, some were a little crazy to be honest with you but I listened to them because these are your neighbors these are the people that are going to be supporting this project and you go to work with your neighbors. You want them to have an area right by their house that's a beautiful area that's going to make Oakville look beautiful. You need to have this

done as part of your legacy because your grandkids are going to say my grandfather built this, we are very proud of it. So, you need to be proud of what we're going to be putting in here but this commercial area is going to be developed one way or another, thank you.

Chairman Raymond Antonacci stated I am very conflicted here because I see the parts I want to see these parcels developed into an asset for the town. It's understandable why the developers want to avoid future public hearings which represent delays, occasional abusive commentary and which fail to add to a discussion. Never the less we are experienced multiple public hearings already on this Sealy proposal. The first application which has been withdrawn and the second application which we are dealing with right now. In light of the objections presented at the public hearing regarding a drive through restaurant for a project of this size with an issue of this importance. The developers who I know personally and have done good work in the past have not presented data nor any experts supporting a claim that the project would not be commercially feasible without a drive-through restaurant. We have several restaurants in town that are sit down and successful Roma, Uncommon Grill. I think there is room for a sit down restaurant which could make this project successful also, this is the only chance we have to do it right. It is central to the Oakville downtown and we will have a huge influence on the direction of the Oakville downtown takes in the future. One point that the public raised is that there's no drive through restaurants located off the main thoroughfare in any other town that could be named. I haven't heard of any drive throughs that are not on the main thoroughfare. We do have the drive-throughs I believe in town right now. We have the three restaurants, Taco Bell, McDonalds and Burger King and then we have two drive-throughs Dunkin Doughnuts and the Starbucks. Again, we have not seen any details of the project and Mark I have a question to ask you on this, when they come in for site plan approval, they can come in for a small section at a time right, not the whole thing or do we have to have a complete concept to approve anything. Could they come in for one building without give us the entire specs.

Mark Massoud, Administrator for Land Use/Building Services answered Planned Development District phase development shall be permitted in such as case a site plan for one or more phases may be submitted without the requirement for a site plan for the entire development.

Chairman Raymond Antonacci stated so we would potentially never get a full picture.

Mark Massoud, Administrator for Land Use/Building Services answered just to add the last sentence is a phased development site plan may include a conceptual site plan for the entire development. You have again kind of counter; you do have those four conceptual sites.

Chairman Raymond Antonacci added that's true they are more building structures rather than site plans they don't show pedestrian walkways, they don't show setbacks, there is a lot of things they don't show, no details. We still have not seen any details of the project, being asked to delay these until site plans are presented. There was an opportunity to present this plan as part of our new PDD regulation but the developer has chosen to proceed with this application. They also disregarded or dismissed our Land Use Consultant's opinion that we could use a PDD regulation. A PDD regulation that we have could bring the entire site in front of us. I would be very open to another application if this thing does not pass which applies to our PDD regulations showing the site conceptual in its full and would also be open to a drive through if we had some kind of evidence or some kind of data showing that a drive through would make this necessary to make this project successful. It may not be possible to do that but I would like to hear something to that because all we hear is opinions. Telling us that legal council has approved this application is fine however the application is different than what we previously approved and the commission has a function. If it was only up to legal counsel, we wouldn't need a Planning & Zoning Commission. We are asked to exercise our own best judgment we are not perfect. We can only base our decisions on what is presented to us. What's in the best interest of the stakeholders in this town, the town, the downtown Oakville, the neighbors and the developers. Does it align with the town's Plan of Conservation and Development, does it present a hardship to any of these stakeholders that I just mentioned. Both building size and traffic have been concerns, the developers have not presented a traffic study, have presented us with proposal with buildings as large as 60,000 square feet. In these proposed building plans again without either data or experts to justify a position in these areas especially meant to be retail. Sixty thousand square feet again is one and a half times the size of LaBonne's Market. I am in favor of approval but now that we've talked all these out, I think there is other things that need to be discussed like the size of buildings, there is no limit except we have these plans we could take them one at a time and say we are going to allow a 60,000 square foot or are we going to reduce it to 40,000 square feet or 20,000 square feet or that is something we need to concern ourselves with. PDD's have existed in other towns and they have been successful and I don't see why have to be an exception that we can't do it like everybody else does it and have a PDD. I would be open totally to approval under our regulation PDD and also to the developer's desire to have a drive through but I would like to hear some substance to why this project would fail if it didn't have a drive through why it wouldn't be commercially feasible. The economy is not that great and we need this. There has been plenty of opportunity, we have had plenty of public hearings, many bites of the apple to present data to us. Some kind of expert opinion, a project like this located at this location absolutely needs a drive-through restaurant to be successful, nothing was presented. This may not be the biggest project that's coming in front but certainly the most difficult things I have ever sat on. It's been very stressful and that is my feeling about this right now at this point. That is what we have in front of us. I am concerned if we take it the way it is, it's kind of a card blanche

and we don't have that much of control and they could come in piece meal because there is no obligation to give us a full site approval and a site plan on a piecemeal basis.

Richard Antonetti stated I think it is time to call for a vote.

Chairman Raymond Antonacci stated the developer's proposal is in front of us I am going to do this by polling Carol. Carol, would you poll each member of the commission. We should address it as the resolution to approve the proposal of the Sealy Oakville planned village development district, then have each commissioner make a vote accordingly.

Text of Motion: Approve the original resolution which includes one restaurant with drive through facility dated April 27, 2023 prepared by Mark Massoud.

Motion made by: R. Antonetti

Second by: K. Demirs

Aye: R. Antonetti, K. Demirs, D. Pope, L. Cavallo

Nay: R. Antonacci, D. DeVito, L. Esposito

On a vote of 4 in favor and 3 opposed, the motion failed to pass as a minimum 2/3rds of the voting members (5 ayes) required.

Chairman Raymond Antonacci stated we have the second resolution; the commission is free to make amendment to this. Does anyone want to make amendment to this second resolution.

Dan DiVito stated I would like to delete the regional warehouse distribution center option.

Text of Motion: Delete the regional warehouse distribution center from the alternate resolution dated April 21, 2023 by Mark Massoud

Motion made by: D. Divito

Second by: R. Antonacci

All in Favor

Motion passed

Dan DiVito stated I would like to make a motion limit the unit size to 30,000 square feet per unit not per building but just per unit.

Text of Motion: Limit the size of each unit to 30,000 Sq. Ft. from the alternate resolution dated April 21, 2023 by Mark Massoud.

Motion made by: D. DiVito

Second by: R. Antonacci
Aye: K. Demirs, D. DiVito, R. Antonacci
Abstain: R. Antonetti, L. Cavallo, D. Pope, L. Esposito,
Motion failed

Text of Motion: Approve the resolution with amendments as voted.
Motion made by: R. Antonacci
Second by: D. Divito

Aye: D. DeVito, R. Antonacci
Nay: K. Demirs, L. Esposito, R. Antonetti
Abstain: D. Pope, L. Cavallo

On a vote of 2 in favor, 3 opposed and 2 abstentions, the motion failed to pass

The application failed to pass

NEXT MEETING DATE: June 7, 2023

9. ADJOURNMENT

Text of Motion: Adjourn at 8:45PM
Motion made by: L. Cavallo
Second by D. DeVito
All in Favor

Ken Demirs
Secretary

