



# 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

PLANNING AND ZONING COMMISSION  
REGULAR MEETING AGENDA  
MINUTES  
June 7, 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

PLEDGE OF ALLEGIANCE

2. ROLL CALL

Members Present: Raymond Antonacci, Chairman  
Richard Antonetti  
Ken Demirs, Secretary  
Dan DiVito, Vice-Chairman  
Dave Pope  
Lou Cavallo  
Jack McHugh seated for Lou Esposito

Members Absent: Lou Esposito  
Bob Marinaro  
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  
April 5, 2023 meeting not held lack of quorum  
Special Meeting April 12, 2023  
Regular Meeting May 3, 2023

Text of Motion: Table all minutes  
Motion made by: R. Antonetti Second by: D. DiVito  
All in Favor

#### STAFF REPORT

Mark Massoud reported:

1. Daycare, 795 Straits Turnpike – has completed all renovations. They are under a deadline of from the state to complete by July 1<sup>st</sup> in order to be eligible for significant grant money, they got their information to the state and are preparing to open.
2. There are three information presentations to the commission.
3. The Town is in the process of getting a new customer reporting software. Similar to a 311 that larger cities have with a complaint and issue of concern. Folks can have a way to record that with the town. On the town's end it tracks those complaints, concerns assign them to the appropriate departments and it prompts them for follow-up. It also has a pretty robust reporting feature keeping track of both external and internal complaints, issues and concerns.

CHAIRMAN'S REPORT – none.

OLD BUSINESS – none.

PUBLIC HEARING – none.

### 4. NEW BUSINESS

- a. Ryan Geddes Jr for Premiere Properties LLC- 243 Echo Lake Road, site plan modification, The Ledges @ Echo Lake - elimination of one building and conversion of two buildings from townhouses to one- and two-bedroom units.

Ryan Geddes Jr. stated we are here for the modification of our site plan on 240 Echo Lake Road. I submitted all the plans in a couple of supplement pages that I thought would help. Instead of going through the entire plan we just took the modification and the original plan overlaid the mod on the plan with red. We have 5 buildings that were previously approved and we are removing the first one on the right-hand side going in and we are taking that impervious surface area and move it over to that new pavement area and sidewalk area up on the left-hand side which is also in red. If you look at new building c and new building b, they are in the same footprint actually slightly smaller. We are increasing the units, doing a different unit mix. We are going 12 three bedrooms which is in the first building labeled a and the first building d. I previously approved. But by moving to the new buildings c and d we are going to have 12 two bedroom and 12 one bedrooms. Six in one and six in the other so it will split, 6 two bedroom and one six one bedroom and the same thing with the other building. It's like you have building a and d are identical. Building c and b will be identical and they would be like this, which I gave a copy of. The other part of it, it increases the affordable by 2 units from 9 to 11. We are going to have handicap units which is a huge plus for us and the community.

Lou Cavallo asked how many more units are you adding in addition to the original plan?

Ryan Geddes Jr. answered there was originally 29 now there is 36.

Dan Divito asked building a and d those have garages, correct?

Ryan Geddes Jr. answered correct.

Dan DiVito c and b will not have garages?

Ryan Geddes Jr. answered they will not.

Dan DiVito asked are you worried about the parking?

Ryan Geddes Jr. answered by keeping the parking on the building we eliminated the garages and added a parking lot on the left-hand side on the plan. We have also increased the handicap spaces because of the units we are going to be putting in.

Chairman Raymond Antonacci asked you have two levels, there is no townhouses here its all one level each apartment each apartment on each floor, right?

Ryan Geddes Jr. answered yes.

Dan DiVito asked do you have to sprinkle it with the 3 levels?

Ryan Geddes Jr. answered whatever the building code has us do.

Dan Divito asked what is the fit and finish compared to the bigger units?  
You got a one-bedroom vs a 3 bedroom.

Ryan Geddes Jr. answered if you look at the exterior plan the façade on that is going to be very similar to the façade that is on the new building. On the overhangs there is going to be shake and the little strips coming down is going to be shake and the wide parts in the front where it bumps out that is going to be vertical siding. The same color as the rest of the building. The rest of it is double four siding. You are going to have full stone in the front. We are doing a pretty classy setup on these units. It is very similar to the other ones you will have stone; you see the shakes on the building. I want them to be a little different the first big building whatever the colors you see on it will reverse on the second building in the back. The next building, we will do similar colors and will reverse it on the next one. They are going to match but they are going to be reversed it will be classy.

Dan DiVito asked how about the interiors?

Ryan Geddes Jr. answered all hardwood floors, stainless steel appliances, shaker style cabinets, customer choice. LED lighting, there is upgrade for smart homes and crown modeling on certain areas. There is different packages, very clean and very modern, central air and central heat. It is all-natural gas that is coming in from Eversource.

Dan Divito asked what is the price point?

Ryan Geddes Jr. answered we are going to be in the low to mid twos on the ones, high twos on the twos, 320,330 on the threes.

Chair Raymond Antonacci asked where are the affordable units?

Ryan Geddes Jr. answered they don't pick what bedroom you have to have. They just say 30 percent of the units need to be. I am going to tend to put them in the handicap unit because those are the people that are going to need them than just your standard buyer.

Chairman Raymond Antonacci asked the handicap units are going to be in building b.

Ryan Geddes Jr. answered building b and building c.

Chairman Raymond Antonucci asked is there going to be a size difference in the unit.

Ryan Geddes Jr. answered one bedroom will be a certain size the actual square footage is not picked yet. Its kind of ballpark yet because the handicap bathroom has to be laid out right so it may chop out some of the main living square footage. The one bedroom will be 120 square feet less than the others. We already know the three bedrooms are 14 to 15 hundred square feet, that does not count the garage area. They are doing all the mechanicals in building a right now.

Chair Raymond Antonacci asked if prices have leveled off a little bit?

Ryan Geddes Jr. answered lumber has come way down. The package for building a was \$89,000, the new building in the back that is identical is \$69,000.

Dan DiVito asked when do you think you will have the building done?

Ryan Geddes Jr. answered we will have the building done and ready to go in 90 days. What is hurting us is the switchgear, the electrical boxes. We are having a rough time with that now; we are not getting any answers so. That will be are only hang up them bringing it onto the property and the gas is a hangup. If you look at the plans, what Watertown Fire District had us put on we went back and forth day after day.

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 June 7, 2023.

Motion made by D. Divito Second by: L. Cavallo  
All in favor

Ken Demirs recused himself from this application and returned after the vote.

The Commission recessed at 7:35PM and returned at 7:40PM

#### INFORMAL DISCUSSION

- a. Mark Lovley for Lovley Development for preliminary discussion on a proposed residential development located at Lovely Drive/Kimberly Lane, Pondview Drive, AKA Highview Estates.

Andrew Cork, Kratzert & Jones, Professional Engineer gave an overview of Pondview Subdivision in the Highview Estates, Phase III. Shown the old proposal approved with grading plan. The update proposal is more of a cluster type low impact contact style sensitive design for age restricted housing. The proposal is for 34 single family detached homes with a home owners association, common interest community with age restrictions. Although there are 34 units the impact area is much less to wetlands. The development follows the grades a lot more closely than a conventional subdivision. A diagram was shown on the open space areas and wetland areas that would be preserved, with the 25 acres a third would be developed and two thirds would remain in its natural state. We are contemplating doing the development in phases, the first phase the grades are more manageable with no direct inland impact having access off of Pondview Drive. This phase would be for 23 units going around the wetlands. There would be a zone change required per Section 53 to allow the age restricted housing and a site plan for this portion of the development. The future phase having the wetland crossing with substantial grades taking a little longer with construction for the remaining 11 units for a total of 34.

Mark Lovley talked about the types of units. They finished developments in Southington and Plainville/Farmington. He described 3 models with different sizes 1444, 1537 and 1610. There is less impact of traffic with the units than a single-family home.

Andrew Quirk stated we did go through staff with the permitted regulations. In Section 54 and 55 dealing with age restricted housing, 54 is up to 10 acres and 55 is for 150 acres or more having a gap in the middle. We worked with staff on how to approach this. This is a single family detached style housing we are not proposing a clubhouse, it is not part of the style of this community. It is going to look like a subdivision but handled by a owner's association.

Mark Lovely added we looked at Reflections on Ice House Road, they don't have a club house having some units attached. Ours would be all detached. The homeowner's association would be minimal cost taking care of the plowing, the lawn mowing, the maintenance of the landscaping, garbage pickup and the street lights. Not having a clubhouse keeps that number down.

Chairman Raymond Antonacci asked are the homeowners responsible for the driveways?

Mark Lovley answered not for plowing the driveway but maintaining the driveways. The plowing and shoveling the association does that.

Chairman Raymond Antonacci asked about the decks?

Mark Lovley answered the decks are maintenance free

Chairman Raymond Antonacci asked about gutters?

Mark Lovley answered gutters are all the underground surface system. We do give the option to the homeowners to put gutter guards on but gutter cleaning is their responsibility. On the association documents we do the front for landscaping the property and we let the buyers do any landscaping on the side and rear of their units and they are responsible for those and they can't do anything intrusive to their neighbor like a tree that will grow over their neighbor's house. We usually put a gazebo in the round about.

Jack McHugh asked the width of the private roads?

Andrew Quirk answered it would be 24-foot-wide roads throughout.

Jack McHugh asked about visitor parking?

Andrew Quirk answered in the turnaround areas.

Mark Lovley added each home has a 2-car garage plus 2 cars in the spaces in the driveways plus we have the guest spaces as well.

Chairman Raymond Antonacci asked I don't see the guest spaces?

Andrew Quirk answered not at this point but we would add them to the turnaround areas where we typically add in.

Dan DiVito asked about the additional traffic leading out to Route 63?

Mark Lovley answered not really for this type of development.

Chairman Raymond Antonacci asked all garages are two car garages?

Mark Lovley answered all garages are two car garages.

Ken Demirs asked this was approved for single family houses for 20 or 21,

Mark Lovley answered 21, we are adding 14 units with less impact, less clearing with a conservation easement so it can't be cleared, staying natural.

Chairman Raymond Antonacci asked about the entrance landscaping.

Mark Lovley answered I would like to stone pillars with the name of the development with post and rail fencing. We leave some landscaping for the planting of flowers.

Dan Divito asked there won't be a community room?

Mark Lovley answered no, people like the lesser amount in the condo fee instead.

Paul Bunevich, Town Engineer asked about the drainage and water quality ponds?

Andrew Quirk answered we have not gotten into the details of the design at all yet. I know that Phase III had a very large detention basin where we are proposing Unit 31. We would meet with town staff to try to see if that could be minimized due to a lot of trees clearing. We still have to get the previous storm water management report to see how that one was addressing the impervious area this should be less impervious, then break it into smaller areas the initial phase and the second phase rather than one large massive.

Chairman Raymond Antonacci stated he lives at Reflections for 18 years we had a drainage problem that the developer did not complete, we had litigation. We used the fiduciary theory to go after the developer because they were board members and they had a fiduciary obligation to the association and they did not do the drainage properly. That is the only problem we had there and its turned out to be a great community and the demand is crazy. None of these ever go on the market.



- b. Attorney Stephane Cummings for ARS Associates for preliminary discussion regarding the possibility of adding indoor storage facilities as a permitted use in the IG-80 zone, (18 Falls Avenue, Oakville, CT.)

Attorney Stephane Cummings stated I am here about adding self-storage units to Watertown, IG 80 district. Attorney Cummings shared some slides with the commission showing the IG 80 districts having a small portion of the municipal limits, showing the permitted uses in the IG80 district which do not show any storage, she also showed districts with the permitted uses for storage for indoor and outdoor that they are surrounding the IG80 district. Attorney Cummings talked about the current definitions under Section 2.2 regarding self-storage. She also talked about Section 49 Self-Storage Facilities. She stated there are some inconsistencies here when applying for a regulation change. Referencing indoor storage facilities looking like it was to broaden the definition. There is some complicity between Section 49 and 49.6 relating to the Connecticut DEEP with inconsistencies with them on outdoor storage. Forty-nine-point five outdoor storage of motor vehicles is prohibited but 49.6 does indicate that it is limited to outdoor recreation vehicles on trailers, depending on the commission we might look to clean those up as well. Attorney Cummings looked at what surrounding towns permit. The primary abutter is Waterbury and those industrial areas are permitted having self-storage units. Attorney Cummings showed a diagram of 18 Falls Avenue. AR Associates have been approached to have a storage facility on this property if the commission is so inclined to storage facilities in the IG80 regulations. She showed the site as it existed in 2021, the property crosses in the borders into Waterbury which would permit a self-storage. Attorney Cummings showed a potential rendering of the what the facility could look like adding beauty to the area. They did a rough mockup of where the building could be located on the property. We have talked to town staff to have an initial conversation and then came to you for questions.

Mark Massoud stated when folks come to us with a proposal typically for the change of zone, there is a specific property in mind we would look at the impact on all, in this case the IG80 zones and it comes to light that the IG 80 zones are small and scattered throughout town. The commission has in the past approved outdoor and indoor storage facilities in both the IR80 and the IR 200 zones which were more restricted zones and it seemed to fit in nicely with the uses in that

zone. Based on Stephane's presentation and the impacts or the uses in the surrounding towns, it looks like those towns have approved those uses in the industrial and business zone. It seems to make sense if the commission is so inclined.

Chairman Raymond Antonacci asked this is Falls Avenue, how far does the IG80 zone extend on past on the Cocchiola property?

Mark Massoud answered it is a continuous zone I know it includes up to at 20 Falls Avenue

Ray Cocchiola added it encompasses 18 Falls Avenue which is at the Waterbury line. The current neighbor which is Spina paving and across the street which is now Eagle Security, it's not a huge area behind it is residential.

Attorney Stephane Cummings stated if you look at the uses that are in the IG zone already adding an indoor self-storage is far less impact than some of the uses that are currently permitted in an IG80.

Lou Cavallo asked the storage facilities on Echo Lake by the highway we approved are those in the IR80?

Mark Massoud answered they are in the IR80 zone.

Lou Cavallo asked it is different than this one.

Mark Massoud answered the IR zones are more associated with the corporate park setting, those are the restricted industrial zones.

Lou Cavallo stated this being said this is a great location for a self-storage unit and would be an asset to Watertown, that is my opinion on it.

David Pope stated I think that is a more industrial area, 140 Falls Avenue it is very industrial and all the way to Bismey Avenue. I don't know if it is zoned that way it is there. This rendering of the building I think is beautiful and these are low impact and quiet. The traffic is not going to be much at all. You are generally in an industrial area, this would be a big improvement down there.

Ken Demirs stated I think the location is great to because I think the only similar type self-storage is up on the hill, in our industrial park. There are lots of apartments, condos, people that would benefit from

this. I looked at the rendering, it looks just like a building I rented a bunch of times for my daughter when she was in college in North Carolina. There is lots of choices with the size and I think you picked a good spot.

John McHugh stated your presentation was very professional. Did you say part of this land is also in Waterbury?

Attorney Stephane Cummings answered a portion of the property does extend into Waterbury in the IG district. So, it would be permitted to have a self-storage facility.

John McHugh asked is this a franchise type of self-storage that would come in here.

Ray Cocchiola answered right now this is more preliminary to see if there is an appetite to have it. We have been approached by some people that say the regulations don't allow for it. This is just a conversation to see if this is something we may be able to have.

Dan DiVito asked how many square feet would you need on the building?

Attorney Stephane Cummings answered it depends we would go through the normal permitting process but didn't want to get too much in the details without understand whether or not the commission would have the appetite to make that change to allow us to explore it further.

Dan DiVito added I agree with the others I think this is a good location I would like to see it added as a special permit. For other locations to have that control not as of right, just be a special permit.

Attorney Stephane Cummings answered that would be consistent with what you approved in the IR 200 and the IR 80's I believe as well in the BD district.

Lou Cavallo asked do you know if there is any temperature control units?

Ray Cocchiola answered yes, I believe the whole building is climate controlled.

Attorney Stephane Cummings answered we want to stay out of the upland review area.

Ray Cocchiola sated I would say it is going to be bigger than 5000 thousand square feet.

Ken Demirs stated obviously it would be several levels also.

Ray Cocchiola answered I don't believe it would be more than 3 stories the regulations allow for a certain height.

Attorney Stephane Cummings answered whatever we proposed would be in line with your regulations are. We didn't want to get to into the details without knowing if it was even permissible.

Chairman Raymond Antonacci stated I think you can feel that this is going to be pretty much okay with us.

Ray Cocchiola added this would have to be access from the rear road per say that part of the property is probably not even going to be buildable.

Attorney Stephane Cummings answered it's by zoning permit as well, Waterbury would be okay.

- c. Attorney Jim Strub for Kelvin Cerkolli preliminary discussion of a potential zone change and text amendment related to property at 1490 Echo Lake Road, Watertown, CT.

Attorney Strub, Secor, Cassidy, McPartland stated I am here with the Cerkolli family and their business CNS Masonry Paving. They have been looking for a location in Watertown to consolidate their operation. They have been working with Moosa and Mark for some time. They have an amazing opportunity with the property at 1490 Echo Lake Road. He brought up a diagram for the commission to review. Just above it says Stony Brook Construction site you will see IG80. The current site is a one home on 10 acres with a big gate in front. When I consider their use and the way I currently read your regulations is not allowed as part of their paving and masonry business is to have a masonry supply component which would have the public right now if you are in Watertown right now and you need masonry supply for your home project, you are going to Bethlehem or

you are going over to Waterbury, up to Torrington, down to Naugatuck. Nothing in Watertown, nothing allowed as I read the regs in Watertown. This seems to me what I was worried about when they explained it to me. When I went to the site, I am not worried about it, it would be a great place for it. Both to serve Watertown residents, to serve an existing Watertown business, and other contractors that are in town to have an option to come to Watertown as well. What we are talking about has two components, the first piece I feel is natural the concept of changing this piece from IR80 to IG80 giving its surroundings both in terms of what the zoning maps shows. When you drive down there what is actually the properties around it switching this to an IG80 makes sense from a planning perspective for Mark. That concept as well closes that gap in this. The second piece would be to add a use to the IG80 zone I think it much better suited, which would be the masonry supply component. So that they could move their paving masonry business to this site. Looking similar to Stonybrook Construction next to them on one side. Fit in with the surrounding but add a component to the masonry supply business consistent with their business but be able to sell to the public. That would be added as a new use to the IG80 zone. I feel this spot works.

Dan DiVito asked a few years back we actually approved a masonry supply on this same road, several lots on the right. I don't know how we did that; I don't know if you recall it.

Mark Massoud answered certainly since the time that I had been here there has been many requests to be more permissive for the use of outdoor storage particularly in the IG zones and so we did wind up creating a new section of regulations that controls outdoor storage of materials and environmental standards to it. The trend has been for gradually loosening up some of those restrictions to allow some of those uses, this seems to be a natural continuation of that trend. Particularly as Jim mentions in this area which is distinctly different from the corporate park area. This is characterized by unfortunately some rather historic uncontrol sites that have been damaged from use of junk yards, asphalt materials any number of things. To allow the use in a more controlled fashion in this particular section in town seems to make sense. This particular site is a fairly old site because it is located in the IR zone. It has a single-family house, barn and an old pool. As they pointed out it is rather isolated from the road you hardly know what is going on there. The grand plan which was once envisioned the Route 262 of overlay zones this seems to mimic

current uses in the area and again gives the agency a chance to allow certain uses in a more controlled fashion.

Attorney Strub stated I have brought lots of applications that almost fit into the zoning regs. In all fairness the prior application maybe they came under wholesaling, distribution in an IG zone and it worked for these clients. I think clarity is really important they are looking to reestablish their family business in a place where they can hopefully can be forever. When I read through the regs they really wanted to clear what the uses are and be permitted with the approvals.

Chairman Raymond Antonacci asked you not only wanted to change the zone but the text. How would you do the text change work.

Attorney Strub answered the text change would add a sub piece or we would have it be a special permit if needed depending on where that use goes, have certain impacts. The text change it would list j. under Section 26.2 it may just say masonry and supply, sale of product to the public. It would have a part component with the outside storage to make sure it was clean and environmentally acceptable but would also acknowledge that the public is coming on to purchase. Leaving in those components would be considered by the commission. If more detailed standards need to be put in, we can look at some other regs in other towns to see what would best work.

Lou Cavallo asked are you proposing a building on the site as well?

Attorney Strub answered the site is over 10 acres so they would move their business there and essentially the shop would go up above. Below we think, we still have to talk to the land planners about what works. Below is where the public would come in and have their masonry supply, they would have their shop and equipment which would be on site now.

Chairman Raymond Antonacci asked how big do you envision the building to be?

Attorney Strub added even though Civil One prepared this zone map for us, if there is a positive reaction to the zone change, they are the next step because Civil One has to look at the property and see what it can accommodate.

Lou Cavallo stated I would be in favor of this project; I think it is a good area for it. I think they are operating off of Route 6 by Taft. Having a place where they could operate is a real benefit for them, that is my opinion.

Dan DiVito stated I would agree with Lou the only thing I would ask is do it as a special permit.

John McHugh asked you wanted to change your IR80 to IG 80, I am for that would give us some continuity on Echo Lake Road. The special permit I am a little confused with. When you do a special permit is that only for this one site or would that be for all of IR80.

Attorney Strub added just to correct, IG80. Any IG80 person who wanted to bring in a future masonry supply business instead of trying to shoehorn themselves somewhere they would have to follow any specific the standards that your commission adopted through our zone change. I could certainly look some up and propose some to Mark and see if we can craft something that would work and you might have some concerns that you certainly add in as well and any IG80 applicant would have to come before the commission.

John McHugh asked is their other places in town IG80 areas that we might want to have a masonry component? Once we change to RG 80 and we do the special permit and somebody is ...

Attorney Strub added if recall Attorney Cummings earlier, where she showed the IG80 and how little there was in town related to her showing of the IR80., IR200 zones there is not that much. I guess a fair question is the gentlemen that was here speaking about self-storage on Falls Avenue is that a portion of the IG80 where it might not work.

John McHugh added I saw that map, she initially put up it looked like it is in the Falls area that is very small but I am not aware of any other areas in town that would be this IG80. I think this is a good location for your business. My concern is if we allow it here is there other IG80's that the neighbors would not want to have it there.

Attorney Strub answered we can investigate that with Mark and if we have to put in standards that make it difficult in other locations then that is what we will have to do.

Lou Cavallo asked Mark with a special permit even though it's in an I80 that wanted to do the same they would have to acquire another special permit right and would have to be under review?

Mark Massoud answered yes, the special permit would apply across the board and it's an elevated level of review recognizing the use is allowed in that zone but that each site presents a unique challenge in terms of development so therefore you have elevated review process including a public hearing.

Lou Cavallo asked to give an example if we approve this one down at the bottom of Echo Lake and you know where the gas station on top, there is that vacant lot across the street and if someone wanted to put a masonry there the chances of us denying it would be slim right? Because a lot of them are special permit because it is allowed in the same zone.

Mark Massoud answered correct. This is where you have to craft standards to meet all potential uses in that zone. You would have the ability to deny an application but it would have to be fairly out of synch and out of compliance with the standards.

Lou Cavallo added we draft this correctly and so we are not allowing prime use of a masonry yard.

Attorney Strub stated what I am hearing we got to do is a buildout scenario, we look at all the IG80 zones. That is where Mark and I could work together to make sure we craft something with areas that are not so attractive. We can put standards in place that make it okay in this area of Echo Lake not just our lot but all lots in the area.

John McHugh stated that was my concern. Happy to do it and happy to accommodate that.

Ken Demirs stated I am in agreement with most the people that spoke tonight. I think the location is excellent for that type of business. You got route 8, you got 18 wheelers unloading pallets it's a nice spot.

Jack McHugh asked are you in operation now?

Attorney Strub answered not as a masonry supply but their paving and masonry business is in operation in lots of places around which is great. Based on their signs they seem to be doing well.



## 5. COMMUNICATIONS AND BILLS

- a. Letter dated May 31, 2023 from Attorney Franklin Pilicy Re: The Renaissance Galleria, LC (Owner) Sealy Property, Request for Zoning Permit as Nonconforming Use.

Chairman Raymond Antonacci stated the Renaissance Galleria is going to the ZBA.

Mark Massoud added when the letter first came in it was addressed to me the zoning officer and is asks for a zoning permit to make a ruling that a hundred thousand square foot building that was previously on the site would be okay to build on that site. There is no zoning permit, there is no detailed site plan. I referred it to the zoning commission but in hind sight it was probably with a little bit of haste it involves questions of non-conformity. It involves questions of the historical background approved that had taken part when the Sealy Company knocked down the building and sold it to the new owners. There is a lot of questions that still need to be answered and the Town Attorney and I will review that and come up with an appropriate kind of decision. If the decision is for me as the zoning official to deny the request, then the proper channel would be leading up to what you said would likely be to the Zoning Board of Appeals on an appeal of my decision. That would be the property place for that to go back to rather than the Planning & Zoning Commission.

Richard Antonetti stated your decision is very important in the matter as to where it goes, because you permitted the package right away, if so choose.

Mark Massoud answered correct and since the non-conforming uses particularly one like this is a large non-conforming use, there would have to some review of the process. What I mean by that is normally at least in my experience if somebody had a non-conforming use and they intended to remove a building and to knock down that building but yet preserve and memorialize that use and that structure where it occurred what I would do is I would ask for a survey, I would ask for a zoning permit, I would sign off on that permit again memorializing the fact that this is establishing this was non-conforming structure with a specific site plan and that we record it with a zoning permit. None of that has taken place and from what I understand the conversation at least verbally and

apparently in emails when Sealey had those discussions but they never took the steps to do that. They never filed a zoning permit; they never made that request to enhance that non-conforming use so all we have is part of a record. Non-conforming uses I've found it depends on who you talked to in terms of your interpretation of whether they are granted as of right or whether there's some issue, we will review that with the Town Attorney and make an appropriate decision.

Richard Antonetti stated that was my next question it would be a matter of as right in order to move forward after you have made your decision then you would go through the process of getting all the other paperwork. I think your decision and the question is as right do they have the right to continue forward.

Mark Massoud answered correct.

Chairman Raymond Antonacci stated it is a subsequent owner and the subsequent owner clearly has alternate intents for the property since they made applications for many multiple other uses than just this building.

Richard Antonetti stated as of right they can use the existing plan as building heights, building size etc. that existed primarily under Sealy. Because now the new owner is asking for the right to use the former site as it was before. In other words, they could build as high as 60 feet and get a hundred thousand square feet for putting in a building the same size as Sealy and the foundation and the materials that we have before us includes statutes that protect the right of the developer Renaissance and it also has statutes that would protect the right to this decision. Mark has the right not the commission has to first make that decision.

Chairman Raymond Antonacci and Richard Antonetti stated that is correct.

Jack McHugh stated from what I have read this letter from Attorney Pilicy some of this was kind of vague through emails about the fact that Sealy said can we still build the building up after we tear it down. I think before makes a decision this has to brought before the Town Attorney.

Chairman Raymond Antonacci stated I was going to suggest that we table, we bring it to the Town Attorney. I would like to have a motion.

Mark Massoud answered I would suggest you turn the matter back over to me and I am representing to you that I will consult with the Town Attorney and then let you know the outcome.

Text of Motion: The Commission requested the letter be handled by Mr. Massoud with the assistance of Town Attorney, Paul Jessell to determine a response.

Motion made by: D. Divito

Second by: J. McHugh

All in Favor

- b. Town of Middlebury, CT zoning Text Amendment, July 6, 2023 to create a now allowed use in the R-O Residential zone for bed and breakfast facilities.
- c. Certified letter dated May 23, 2023 from DEEP re: Notification of Non-Compliance Re: Watertown Zoning Regulations (Connecticut Forest Practices Act (FPA) CT General Statutes Section 23-65k with respect to Watertown Zoning Regulations Sections 12.5.1.c, 21.3.1. and 40.3.6.

Mark Massoud stated they found a flaw in the Watertown zoning regulations. They made a request to revise our forest regulations.

Chairman Raymond Antonacci stated tell them we are in the process of changing our regulations.

**NEXT MEETING DATE: August 2, 2023 (No meeting in July 2023)**

## 6. ADJOURNMENT

Text of Motion: Adjourn at 8:15PM

Motion made by: J. McHugh Second by: L. Cavallo

All in Favor

Ken Demirs

Secretary

