January 26, 2022

RE: Petition to Amend Zoning Regulations Section 2 Definitions to add “Planned Development District (PDD)” and establish the Sealy Oakville Center Planned Development District (SOC-PDD) “Sealy Applications.”

Planning and Zoning Commission ("Commission")

Enclosed please find the following:

1. Summary Report of Sealy First Application and Second Application
2. Amendment to Sealy Second Application to remove any reference to Regulations Section 34.14
3. Order of Transcripts for Public Hearing Sessions

if you have any questions or concerns, please contact the undersigned at your convenience.

RESPECTFULLY,

THE APPLICANT,

Franklin G. Pilicy, Esq.
January 26, 2022

Town of Watertown
Planning and Zoning Commission
61 Echo Lake Road
Watertown, CT 06794

RE: Petition to Amend Zoning Regulations Section 2 Definitions to add “Planned Development District (PDD)” and establish the Sealy Oakville Center Planned Development District (SOCPPD) “Sealy Applications.”

Planning and Zoning Commission ("Commission")

Summary and Status Report of First Application and Second Application – Additional Comment Following Public Hearing Session on January 25, 2023 ("Summary Report")

The First Sealy Application was filed in early 2021. During extended proceedings including multiple (4) public hearing sessions the Applicant made a number of changes. The changes were made with Commission, Staff and Opposition comments taken into account; all the changes were to give the Commission more discretion at Site Plan review.

On August 04, 2021, the Commission unanimously approved the First Sealy Application.

Four Individuals appealed the First Sealy Application approved on August 09, 2022. The Opposition filed a Brief. The Brief included a claim that the First Sealy Regulations are too vague and give the Commission too much discretion at site plan review. There is one Appellate Court Case that deemed a zoning regulation improper on grounds that a regulation gave too much discretion to a Zoning Agency. (Mackenzie v. Zoning Comm. Of Monroe, 146 CONN. APP. 406 (2013)). In Mackenzie, the pertinent regulation provided the Commission discretion on the applicability of a buffer on a case-by-case basis. Mackenzie is sometimes referred to as “case by case” zoning which violates the uniformity requirement
of regulations (C.G.S. Sec. 8-2). It is noted that some towns use a PDZ as a response to Mackenzie to zone for a single site and eliminate the uniformity in zoning district issue.

Upon receipt of the opposition Brief, the Town Attorney contacted the Sealy Applicant. It was discussed that there was a possibility that the Opposition would succeed. In other words, a possibility existed that a superior court could decide Mackenzie applicable to a PDZ regulation on grounds that the regulation gave too much discretion to the Commission at site plan review. It was suggested by the Town Attorney that the Town not spend the money and time to defend the Appeal. It was suggested that the Sealy Approval be deemed withdrawn and a second application we drafted to eliminate the Mackenzie issue. In other words, a new regulation would be tied to objective standards in the Site Plan Regulations.

This matter was discussed at a meeting at the Zoning Office with Zoning Staff the Town Attorney and the Applicant. It was proposed that the Applicant draft a Second Sealy Regulation to be reviewed and revised by two Town Attorneys. The Applicant agreed. This matter was presented to the Commission. The Commission following an Executive session discussion on the pending litigation requested that the Sealy Applicant consent to vacate the first Sealy Approval. The Sealy Application consented. The Commission voted to terminate said approval.

Second Sealy Application

The Applicant drafted a new regulation and circulated same to two Town Attorneys. Revisions were received from two Town Attorneys and accepted. This Second Sealy Regulation includes all Town Attorney revisions. This Second Sealy Regulation is expressly tied to objective standards in the existing site plan regulations. This removes a Mackenzie concern.

The Commission received the Second Sealy Regulation and scheduled a public hearing to begin on December 07, 2022. The Agenda included referral to a land use Consultant.

CONSULTANT MEETING REPORT
SUMMARY OF CONSULTANT PROCEEDINGS

1. CONSULTANT MEETING – REPORT
(A.) CONCEPTUAL SITE PLANS ARCHITECTURAL RENDERINGS. The Consultant stated the biggest problem was that there was no conceptual site plan and no architectural renderings. The Applicant stated that a number of conceptual site plans and architectural renderings were provided to the Commission and would be forwarded to the Consultant. The conceptual site plans and architectural renderings were immediately provided to the Consultant. The consultant promptly acknowledged receipt and stated “these will be very helpful to my report.”

The Consultant did not include the conceptual site plans of architectural renderings in his formal Report. The Consultant did not mention the conceptual site plan or architectural renderings in his oral presentation on January 25, 2023. The Consultant only mentioned the receipt of the conceptual site plans and architectural renderings when asked by the Chairman. It was later correctly commented that the conceptual site plans could serve as a preliminary “Development Plan” or “Master Plan.”
(B.) CONSULTANT RESPONSE TO SEALLY REGULATION. At the Consultant meeting the Applicant asked the Consultant for any specific recommendations to the Sealy Second Regulation in order to address Mackenzie. There has been no response.

(C.) CONSULTANT RECOMMENDATION APPENDIX E. The Consultant recommended an extreme application process including a series of three separate applications before a site plan could be submitted.

(D.) WATERTOWN PLAN OF CONSERVATION AND DEVELOPMENT ("POCD"). The POCD expressly calls out Sealy Redevelopment as a priority and directs that flexible zoning will be needed. The Consultant ignored the POCD and recommended an extreme alternative adding hundreds of thousands of dollars of costs and years of delay to get the same point as approval of the Second Sealy Application. Following approval, the Sealy Applicant can begin preparing a formal Site Plan, subject to obtaining Tenants.

(E.) ROLE OF CONSULTANT. The Consultant became involved at the two-year mark of Sealy proceedings. Presumably, the Consultant was to comment on the Sealy Second Regulation taking into account the background of this matter. Again, the purpose of the second regulation is to address the possible Mackenzie issue. The Consultant did not offer any recommendations to the specific provisions of this Second Regulation to address Mackenzie.

(F.) CONSULTANT FINAL REMARKS. The Consultant’s final comments seemed to soften the recommended approach. The Consultant then agreed that the PDD approach is appropriate for Sealy. However, the Consultant stated that this Second Application does not give the commission sufficient discretion at the time of Site Plan review. It is significant that the First Application was changed a number of times to give the Commission broader discretion at the time of Site Plan review. The Commission approval was appealed on grounds that the Regulation was too broad and gave the Commission too much discretion at the time of Site Plan review. The Applicant and two Town Attorneys specifically drafted this Second Regulation to eliminate any claim that the Commission’s discretion was too broad.

OPPOSITION COMMENT

It is significant that the Opposition appealed the first Sealy approval on grounds that the Regulation was too broad and gave the Commission too much discretion in violation of Mackenzie. At the January 25, 2023 Public Hearing, the Opposition argued that the Second Regulation does not give the Commission sufficient discretion at the time of Site Plan review. Said Opposition comment seemed to follow the Consultant’s comment in this regard. The Opposition has changed its argument 100%. Again, the Opposition argument was that the First Application was too broad with too much Commission discretion. The Opposition argument to the Second Application is that the Commission does not have sufficient discretion. When someone argues against an issue, and then argues the exact opposite on the same issue, it can only mean that the Opposition is to the entire matter. This complete change of
position is conclusive proof that the Opposition will never be satisfied with any proposal to redevelop Sealy.

GENERAL COMMENTS

The Sealy Applicant reinforces the argument that all nearby towns have always sought economic development. Each town has a somewhat different approach, but all recognize a need to do what it takes to succeed. The different approaches have been discussed in this Record. An older example is Southbury. When Heritage Village was proposed in the 1960s the Zoning Regulations were a problem. Southbury repealed all Zoning Regulations for a period of approximately four years to allow the development of Heritage Village. Southbury did "what it takes" to get Heritage Village. Southbury reinstated Zoning when Heritage Village was fully planned and recorded. To this day there are occasional zoning issues in Southbury with maps that were recorded and properties that were developed during the time period of the zoning regulations repeal. I have dealt with such issues in the past. I am presently dealing with one such issue. The constant certain fact is that nearby towns have succeeded with significant economic development. The best recent example is Straits Turnpike in Middlebury which we all travel on a regular basis. It is also a certain fact that Watertown has missed every major economic development opportunity either because proposals were denied, or approvals did not match market conditions.

There is no debate that Watertown desperately needs economic development. Watertown is scheduled for a revaluation as of October 01, 2023. Typically, such revaluation results in a significant shift in the percentage of real estate taxes from Industrial and commercial to residential. The towns that are conducting revaluation effective October 01, 2022, are finding major increases in residential real estate values with essentially no increases or slight decreases in industrial and commercial values. Accordingly, it is likely that Watertown will experience a no increase in industrial and commercial values. This will further burden the residential tax face.

Referendum Zoning is not an option in Connecticut. Hypothetically, a Sealy redevelopment referendum would likely result in a vote of about 99% in favor and 1% opposed.

CONCLUSION

The Applicant urges that this Second Sealy Application must be approved based upon all testimony and submittals in this Record. Such approval is a stated priority of the PCOD. Such approval requires the flexible zoning directed by the PCOD. Such approval is Watertown doing "what it takes" to get economic development. Such approval is in the best interest of Watertown.

RESPECTFULLY
THE APPLICANT,

BY
Franklin G. Ficly, Esq.
Town of Watertown
Planning and Zoning Commission
61 Echo Lake Road
Watertown, CT 06794

January 26, 2022

RE: Petition to Amend Zoning Regulations Section 2 Definitions to add “Planned Development District (PDD)” and establish the Sealy Oakville Center Planned Development District (SOCPDD) “Sealy Applications.”

Amendment to Sealy Applications to Remove Reference to Zoning Regulations Section 34.14: Drive-Through Facilities

Planning and Zoning Commission (“Commission”)

The Sealy Applicant hereby amends this Second Sealy Application to delete any reference to Section 34.14, Drive-Through Facilities. This written Application change follows the verbal Amendment presented at the January 25, 2023, Public Hearing Session. It remains the position of the Sealy Applicant that the drive-through facilities provision in the Second Sealy Application are standalone within the proposed PDD. In such case Section 34.14 is not applicable to any drive-through facilities located within the proposed PDD.

If you have any questions or concerns, please contact the undersigned at your convenience.

RESPECTFULLY,

THE APPLICANT,

Franklin G. Pilicy, Esq.
January 26, 2022

Town of Watertown
Planning and Zoning Commission
61 Echo Lake Road
Watertown, CT 06794

RE: Petition to Amend Zoning Regulations Section 2 Definitions to add “Planned Development District (PDD)” and establish the Sealy Oasisville Center Planned Development District (SOCPDD) “Sealy Applications.”

Order of Transcript of Public Hearing Session for
December 07, 2022 and January 25, 2023

Planning and Zoning Commission (“Commission”)

This letter shall serve as an Order for a copy of a Transcript of the Public Hearing Session on December 07, 2022, and January 25, 2023.

The Sealy Applicant is prepared to pay any costs for the Transcripts. The Sealy Applicant respectfully requests the Transcripts be prepared at the earliest possible date to be available to all Commission members.

If you have any questions or concerns, please contact the undersigned at your convenience.

RESPECTFULLY
THE APPLICANT,

[Signature]

Franklin G. Pilicy, Esq.
Planning and Zoning Commission
Town of Watertown
Watertown Municipal Center
61 Echo Lake Road
Watertown, CT 06795

Re: 56 Echo Lake Road
LP + MR, LLC ("Owner")
Request for Interpretation of Zoning Regulations

Planning and Zoning Commission ("Commission"):  

This Office represents the Owner of 56 Echo Lake Road ("Property"). The Property is located in the IG District. The Property consists of 1.31 acres with five (5) buildings. Four (4) buildings are pertinent.

The Commission during August 2020 adopted the following Resolution to Amend the Zoning Regulations to authorize residential use of up to 25% of the square footage of existing buildings.

RESOLUTION

*July 30, 2020, RE: Proposed text amendments to amend IG-20 District uses-limited residential use.

Summary: The applicant proposes amendments to the Zoning Regulations to create a planned development district that allows limited residential use of existing buildings in the IG 20 Zone. Such residential use shall be limited to twenty-five (25%) percent of the total square footage of the building. Upon review, staff concludes that limited residential use of historic manufacturing
buildings within this district may be desirable, in that the district is centrally located to the core
downtown business district affording residents access to downtown business services.

RESOLUTION:

WHEREAS: The Watertown Planning and Zoning Commission (herein "Commission") received an
application for text amendment from Attorney Franklin Policy;

WHEREAS: Currently, the zoning regulations do not permit residential occupancy in the IG-20
zoning district;

WHEREAS: The applicant proposes to allow a maximum of 25% occupancy of the total square
footage of the building for residential use;

WHEREAS: The IG-20 district represents the historic manufacturing district of Watertown,
comprised of notable structures that house a variety of business and light industrial uses;

WHEREAS: The district is conveniently located to the central business district, which contains a
variety of services, dining and entertainment opportunities;

WHEREAS: The Commission finds that allowing a limited amount of residential use in the district
may attract those residents to use nearby services and entertainment afforded by the
downtown business district;

IT IS THEREFORE RESOLVED: with due consideration, the Planning and Zoning Commission
approves revised text amendments as follows:

Amend Section 25.1 to read "The IG-20 zoning district represents the core of past historic
manufacturing activities in Watertown. The current range of uses include light manufacturing
but also professional office, wholesale distribution, contractor facilities and personal services
among others. Because of its proximity to the Main Street core downtown area, the district is
advantageous to mixed uses which could include limited residential use.

Amend Section 25.2.1: IG-20 District Uses and Structures Permitted by Site Plan Approval
v-Residential use limited to twenty-five (25%) percent of the total square footage of the
building.

Approved by Planning and Zoning Commission August 05, 2020."

56 ECHO LAKE ROAD

The Property consists of 57,100 +/- Square feet, or 1.33 +/- acres. There are four buildings as
follows:

**Building 1:**
- 1st Floor 6,465 sq. ft.
- 2nd Floor 6,480 sq. ft.
- Lower Level 4,775 sq. ft.
January 20, 2023

Planning and Zoning Commission
Town of Watertown
61 Echo Lake Road
Watertown, CT 06795

Re: 56 Echo Lake Road
LP + MR, LLC ("Owner")
Request for Interpretation of Zoning Regulations
Site Plan Application

Planning and Zoning Commission ("Commission"):  
1. Enclosed please find request for interpretation for Zoning Regulations.  
2. Enclosed please find Site Plan Application.  
   a. Site Plan Application Form  
   b. Site Plan  
   c. Building #1 Proposed Apartment Units  
   d. Architectural Drawing – Apartment Units  
   e. Check made payable to Town of Watertown $560.00

If you have any other questions please contact the undersigned at your convenience.

LP + MR, LLC

BY: ______________
Franklin G. Pilicy, Esq.
Its Attorney

LP + MR, LLC

BY: ______________
Peter Lupachino
Owner
**SITE PLAN APPROVAL/SPECIAL PERMIT**

**Name and mailing address of Applicant**
- Franklin G. Piligian, Esq.
  - 335 Main Street
  - Waterbury, CT 06705
- Phone: (860) 574-6013

**Location of Property**
- 563 Lake Road
  - Watertown, CT 06795

**Name and address of Owner**
- LP & MR LLC
  - 563 Lake Road
  - Watertown, CT 06795

**Zone & Non-Conforming**
- Zone K1:20F
- Non-conforming?

**Map**
- Lot 190, Block 78A, Lot 36

### Description of Existing Use/Property

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Light, Industrial</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of Property</td>
<td>1.31 +/- acres</td>
</tr>
</tbody>
</table>

**Buildings**
- 5 Buildings - See Site Plan

**Parking**
- See Site Plan

### Description of Proposed Use

**Uses**
- Building #1, Convert to ESAs & Residential

**Buildings**
- See Site Plan

**Parking**
- See Site Plan

**Where applicable, number of:**

<table>
<thead>
<tr>
<th>Hotel/Motel Rooms</th>
<th>Convalescent Home</th>
<th>Occupants of Assembly Hall</th>
</tr>
</thead>
</table>

**Professional Engineer/Surveyor name and address**
- Rose Ten & Co., LLC
  - 35 Benwood Avenue
  - Fairfield, CT 06824
- Phone: (203) 410-6110

**Date Submitted**
- [Date]

**Fee**
- [Amount]

**Project Number**
- [Number]

**Signature of Applicant**
- [Signature] [Date]
- 03/30/2023

**Signature of Owner**
- [Signature] [Date]
- 03/30/2023

**Revised 3/05**
• 1st Floor Shed  2,420 sq. ft.
• 2nd Floor Shed  1,450 sq. ft.

Building 2:
• Total  8,780 sq. ft.

Building 3:
• Total  4,670 sq. ft.

Building 4:
• Total  3,485 sq. ft.

TOTAL SQUARE FOOTAGE  FIVE BUILDINGS
38,525 S.F. x .25
PROPOSED RESIDENTIAL  9,631 S.F.

INTERPRETATION OF REGULATION
The Owner is seeking interpretation of the residential use in the IG-20 District Regulation to mean that 25% of the total building S. F. of the four (4) buildings (38,525 S.F. or 9,631 S.F.) can be used for residential, and the 25% can be in one building.

This interpretation is reasonable and in accordance with the stated purpose of the Regulations: (25% of buildings to be residential). This interpretation allows for a safer and more orderly development plan.

If you have any other questions please contact the undersigned at your convenience.

RESPECTFULLY,
LP + MR, LLC

By:       
Franklin G. Pilicy, Esq.