



# Town of Watertown Connecticut

51 Depot Square Business Center

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Planning and Zoning, Zoning Board of Appeals, Conservation Commission/Inland  
Wetland Agency

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## Town of Watertown Planning and Zoning Commission Regular Meeting Minutes

**Time:** 6:30PM  
**Date:** Wednesday, May 5, 2010  
**Place:** Watertown High School  
Lecture Hall  
324 French Street  
Watertown, CT

### 1. Call meeting to order

Chairman, Minnich called the meeting to order at 6:30.

### 2. Roll Call

Ms. Allen executed the roll call.

**Present:** Chairman, Mr. David Minnich  
Vice Chairman, Mr. Gary Martin  
Mr. Ronald Russ  
Mr. Carl R. Mancini  
Mr. Jim Blais  
Alternate, Mr. Ken DeMirs  
Ms. Marie Genovese  
Mr. Richard Rossi

**Absent:** Duane George

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

**Mr. Minnich:** Welcomed Marie Genovese as a regular member of the Commission.

**3. Public Participation - none**

**4. Communications and Bills**

- a. Letter dated April 12, 2010 to Charles Frigon, Town Manager, from Diane Duva, DEP Re: Notice of Tentative Determination, Watertown Landfill Located on Old Baird Road, Watertown, CT.
- b. Attorney Paul Jessell invoices for legal services in the amount of \$8,160.00
- c. Memo from Carolyn Nadeau, Assessor dated April 9, 2010 to Ruth Mulcahy Re: Zone change for 18 Falls Avenue
- d. Council of Government Minutes March 12, 2010
- e. Letter from Paul Stacey, DEP, to David Radka, CT. Water Company Re: Level A Mapping for the Reynolds Bridge Well Field, Thomaston, CT; Dated February, 2010.
- f. COG Referral Re: Zoning text amendment Section 42, Restricted Industrial IR-80 and IR-200, zoning map amendment (B-MG) in the vicinity of 777 Echo Lake Road, Watertown and Zoning text amendment (B-MG).

Mr. Minnich asked Ms. Mulcahy about item e.

Ms. Mulcahy replied it is a GIS mapping project we had communication from and they are letting us know that this will be available.

Mr. Minnich said for legal expenses for various items of defense the total bill was \$103,000.00 since 2007.

By unanimous consent place 4-a – f on file.

**5. Meeting Minutes**

- a. Special Meeting April 21, 2010

By unanimous consent approve 5-a

**6. Staff Report**

**a. Status of incentive housing**

1. Ms. Mulcahy stated the consultant from Boston has sent a contract to the Town for review and contacted OPM to see how the grant payment works and will be working with the consultant. Ms. Mulcahy said the first step is site selection and asked if the Commission would like to have a sub-committee.
2. Permits were issued for replacement antennas on both of the water tanks.
3. There is a new sign for the Marshall store it is smaller in square footage.

**Board Member Concerns**

**Mr. Minnich:** Asked about Portland Street, the status on the enforcement issue.

**Ms. Mulcahy:** replied it is in the courts, the Attorney for the home owner failed to enter a plea, the Town Attorney has asked for a motion and is under consideration now to move forward with the enforcement.

**Mr. Minnich:** asked on the status of the drive in site for DEP enforcement for the demolition project.

**Ms. Mulcahy:** replied I contacted DEP and they have had a meeting and will then contact her.

**7. Chairman's Report**

**a. Economic Development Strategy**

**Mr. Minnich:** said the Economic Development Strategy Committee is working on getting the process on a flow chart.

The fees have also been reviewed and will be given to the Ordinance Subcommittee for review.

Looked at our description for site plan regulations for zoning Section 51 there is a draft. Wanted to make clearer the process with the mid to larger size developments and start some language and will come back to Planning and Zoning for revisions.

**8. Old Business**

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

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

**Mr. Martin:** said he spoke with Attorney Hess and will have a draft for the June 2, 2010 meeting.

**2. Zoning and Subdivision Regulations – 2004 CT DEP Storm Water Quality: Chuck Berger, Town Engineer**

**Mr. Berger:** stated it is still on the agenda but did not have an update for this evening.

**b. Planning and Zoning Operations Committee**

Mr. Martin is the new Chairman since Mr. Duplissie is no longer on the Commission and will continue working to complete the project.

**9. New Business**

- a. Discussion on holding two monthly Planning and Zoning Commission meetings. Special meetings would be on the third Wednesday of every month and wanted to get some feedback if we wanted to do that.**

**Board Member Concerns**

**Mr. Minnich:** said people are waiting until the first month rather than coming in at the middle of the month and that the process would move along quicker.

**Mr. Demirs:** commented we accommodated people, if somebody is running out of time, we have had that second meeting.

**Mr. Martin:** said we have always have accommodated and to set that in stone.

**Mr. Mancini:** said back in December during the holiday season we had three meetings, we have always accommodated when needed.

**Mr. Blais:** asked Mr. Mulcahy are we accommodating with one meeting a month.

**Ms. Mulcahy:** replied you have always scheduled another meeting if you cannot accommodate it and if someone is in a hurry you have always scheduled the second meeting.

The consensus of the Commission was to not have a scheduled second monthly meeting but would continue to have a second meeting in a month if necessary.

- b. Watertown High School bond reduction**  
**c. Polk Elementary School bond reduction**  
**d. Judson School bond reduction**

No bond reduction requests for 9 b, c, d

## 10. Public Hearings

### Mr. Mancini read the statement for public hearings:

The Planning and Zoning Commission has established rules for the conduct of public hearings, copies of these rules at the doorway to this room and on the town website. All decisions are pending communication with Commission members on the merits of application should only be at this public hearing. Speak with Commission staff at other times. The Chairman has the authority to limit presentations when comments and questions are derogatory, repetitive, not on the subject matter of the public hearing or are not helpful to the Commission understanding the application. As of now there are no speaking time limits. It is usually not helpful to the Commission to hear statements more than once. Opinions polls are also usually not helpful and not accurate. Land use decisions run with the land and effects current owners and future owners, but not possible to identify and invite future land owners to participate in the opinion poll. These hearings are not a debate between the parties of interest they are forum to advise and assist the Commission with its decisions. When recognized by the Chairman, come to the podiums at the front of the room and speak directly into the microphone so that everyone at this meeting and the laptop computer recording at the meeting can hear you, beginning by stating your name and address. Direct your comments and questions through the Chairman and not to any other person. Thank you for attending this public hearing.

- a. **Site Plan/Special Permit #292 for a freestanding sign located at Gateway Bible Church 500 Buckingham Street, Oakville, CT in an R-12.5 District.**

Mr. Mancini read the notice of public hearing:

The Planning and Zoning Commission Town of Watertown, CT Legal Notice  
Public Hearing:

The Planning and Zoning Commission for the Town of Watertown, Ct. will hold public hearings on Wednesday, May 5, 2010 at 6:30PM at the Watertown High School, Lecture Room, 324 French Street, Watertown, Ct. on the following:

**Site Plan/Special Permit #292 for a freestanding sign located at Gateway Bible Church, 500 Buckingham Street, Oakville, CT in an R-12.5 District.**

At these hearings interested persons will be heard and written communications will be received. Copies of the map and text amendments are available for review in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT between the hours of 8AM and 5PM or by appointment or by calling 860-945-5266 to schedule an appointment. A copy of the map and text amendments are also available for review in the office of the Town Clerk, 37 DeForest Street, Watertown, Ct between the hours of 9AM and 5PM. Dated at Watertown, Ct. this 22<sup>nd</sup> and 29<sup>th</sup> day of April 2010. Carl R. Mancini, Secretary.

**Mr. Minnich:** said there are extra copies of the notices of the public hearing as well as other paperwork in the front of the room or in the doorway.

**Ms. Mulcahy:** said she received the green cards.

**Ed Russo – Harwinton, Ct.**

Mr. Russo is looking for a permit for a new grade mounted sign for the church and will it be professionally built. It is a little over 27 square foot and less than 6 feet high. The regulations called for the lighting to be grade mounted and we will put that in. Mr. Russo went to ZBA to get a variance on a additional 9.72 square feet and 9 foot setback which has been approved. The usage for the sign is going to be for building identification and also a community board listing services, items that provide a positive service to the community.

**Board Member Concerns**

**Mr. Minnich:** asked the intended use for the sign is for posting what was occurring inside of your building or property.

**Mr. Russo:** replied that is correct.

Text of Motion: Close public hearing  
Motion made by: C. Mancini  
Second by: R. Russ  
All in favor

**b. Site Plan/Special Permit #293 of the Town of Watertown's Department of Public Works for Section 66 - Development in a Flood Prone Area located on Sunnyside Avenue, Oakville, CT in an R-12.5/R-30 District**

Mr. Mancini read the notice of public hearing:

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**Mr. Berger - Town Engineer – Public Works**

Mr. Berger had the green cards and gave them to Ms. Mulcahy and posted the sign on the property indicating the pending application. Mr. Berger this is to replace the culverts that carry Turkey Brook under Sunnyside Avenue. This culvert replacement project is part of a larger Sunnyside Avenue reconstruction project which begins at Falls Avenue and goes up the hill 3/4 towards Waterbury; it consisted of roadway reconstruction and drainage improvements. which the town did five years ago. Mr. Berger explained the packet fold-outs, showing flood insurance rate map, FEMA study, flood profiles, site plan replacing the twin culverts with a box culverts, burying one of the culverts and plantings plans. We have submitted the final plans for the entire Sunnyside reconstruction project to the DOT we are waiting for final comments back from them. We anticipate beginning construction next Spring. We acquired the Inland and Wetlands permits and will be eligible for category 1 Army Core of Engineer's permit.

**Board Member Concerns**

**Mr. Minnich:** asked if this was a town project.

**Mr. Berger:** replied it is a town project in conjunction with the State of Ct of DOT, the overall Sunnyside Avenue project is 80% federally funded, 20% state funded and the town is responsible for the design efforts. Due to the complexity of this replacement project we have hired engineers to do that design for us.

**Mr. Minnich:** asked who is monitoring this project ?

**Mr. Berger:** replied there will be full time DOT inspectors on the job. This is a congested area and in order to construct these culverts we have done a number of borings, drilling into the ground to see where the bedrock is and it is very shallow so that limits ability to drive sheet piles to assist us in the construction activities. Our intentions all along have been to try to maintain Sunnyside Avenue open during the construction at the request of DOT we investigated the possibility of closing Sunnyside Avenue for a limited period of time to expedite the construction of these culvert crossings. It our intention to close Sunnyside Avenue for two months in the summer and open prior to when school opens. There is a large maintenance traffic plan that will be put forward to make the traveling public aware of that. We have been coordinating with the Chief of Police and the Fire Chief.

**Mr. Minnich:** asked if the town will be monitoring this as well as doing the requirements necessary for the construction regarding traffic, if the town and DOT are not going to be the ones and my intent will be to put a condition of approval on this.

**Mr. Berger:** replied it will be overseen by one DOT inspector whenever the contractor is there and the town will be at weekly job meetings.

**Mr. Rossi:** asked how does the culvert proposed here compare with Skipper Avenue, is that an earlier phase.

**Mr. Berger:** replied this is the last increment of the Turkey Brook drainage improvement project. As that project was being designed and constructed the increasing of hydraulic capacity of the Sunnyside side Avenue was always part of the plan. We are reducing flood levels behind Sunnyside Avenue during the design process we looked at what the impact downstream for doing this and the only measurable impact at Skipper Avenue the culvert has already been upgraded to accommodate any increases that are generated by the work we are contemplating here.

**Mr. Blais:** asked when you plan on starting it and when it will be finished.

**Mr. Berger:** replied next spring and a year and a half of construction two full summers of construction.

Text of Motion: Close public hearing  
Motion made by: C. Mancini  
Second by: R. Russ  
All in favor

- c. **A proposed zoning text amendment by the Town of Watertown's Planning and Zoning Commission for Article VI, Section 64, "Earth Materials Removal and Moving/Grading/Excavating and Filling of Land"; Section 65 "Filling of Land" – delete and combine with Section 64; Section 5 "Language and Definitions" – definitions for Clean Fill, Filling, Sediment, Soil, Unacceptable Fill, Unacceptable Soil and ZEO; and Section 1 "Intent and Purpose"**

Mr. Mancini read the notice of public hearing:

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**Mr. Minnich:** explained the purpose and intent: Since last done in the 90's to this section the state statues has added some responsibilities for the zoning commission which we have been carried out but here it is placing it in the purpose and intent for us to do.

**Joe Masi 33 – Pleasantview**

In ran into a problem when I worked in West Hartford, in terms of the classification of clean fill. We all think of clean fill as nice pure soil. DEP has its own classification of it. We cannot be violation of that I just wanted to bring up the fact that I ran into a situation and I thought I was doing the right thing, but I was not. Because I was being a lot tougher than DEP required and I had to back down.

**Mr. Minnich:** This second section is highly technical about what polluted soil is. This draft has been through staff review, the building inspector, the zoning enforcement officer, Inland & Wetlands officer, Mr. Berger the Town Engineer, Roy Cavanaugh, and Paul Jessell the Town Attorney. We combined sections 64 and, 65 which is both what you can remove from the property and what you can bring to the property with a uniform process by which the amount of fill that you can take and put in is the same in both categories. The purpose of this is to clear up some of the issues when you have to get a permit. You need to get you a permit when you have 100 cubic yards or more and if it is less then, you do not get a permit. From 100 cubic yards to 500 cubic yards, Ms. Mulcahy will handle through an application process and standards to which they must meet. Anything from 500 cubic yards or more would be done by the Commission. The definition of clean fill is the DEP statement of what that is and we made a few changes of what we wanted. One is we are excluding from clean fill all aspects of asphalt paving and asbestos. We have some areas in town with polluted land and by this statement this policy lets the Commission determine that unacceptable soil may adversely affect the property values, the public health and safety, and affect the general welfare of the Town and therefore reason for the Commission to regulate earth materials activities with unacceptable soil. There are exemptions for farming and the processing what is needed is intent to work directly DEP in moving some of these projects along to the extent if they stay vacant, there is no value to economic development. Changes were needed in the language of Section 5 regarding definition of clean fill and acceptable soil.

Text of motion: Close public hearing  
Motion made by: G. Martin  
Second by: R. Russ  
All in favor

- d. A proposed zoning text amendment by the Town of Watertown's Planning and Zoning Commission in Article III – Business Districts - for a new Section 37 - "Medical and General Business District (B-MG) and Article I, Section 3, "Establishment of Zoning Districts" to add B-MG District located adjacent to and across from and at 777 Echo Lake Road, Watertown, CT.**

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**Mr. Minnich:** asked Ms. Mulcahy if this language was placed in the town clerk's office within the requirements of state law.

**Ms. Mulcahy;** replied yes.

**Mr. Minnich:** said what you have before you is some suggested changes that were made in relationship to the comments made by COG. The changes are listed in terms of what is crossed off or put in bold.

One of the comments made was in regards as to what we had in accessory uses and it was confusing using that definition and what was done you see in section 37.26 and 37.27 was to bring those from the accessory section we had advertised and published in the Town Clerk to this section 37.27 it is the same intent.

Crossed off was a photographic service those would be considered by the Commission at the time whether they were related to medical needs so they are not an off right that needs to be specified.

The other significant change in several sections all the conditions we had for both the permitted use, the special uses were within sections and instead we moved them all to a common section called conditions. There are no changes to that excepting one that is of some significant 37.5.10 which adds as a condition more than one principle use or more than one principle building to be permitted. Those are essentially the changes in response to that letter.

**Ms. Mulcahy:** read the referral letter from COG dated 4-22-2010.

**Mr. Minnich:** the purpose of this zone is to accommodate the outpatient medical offices, general offices, professional offices, financial intuitions, restaurants and retail stores and services, establishments for predominantly medical purposes.

- Restaurant restricted for indoor seating and without drive through facilities
- Stores of retail nature are required for the conduct of retail businesses for predominantly medical purposes as determined by the commission.
- Special uses – which applied for are of right
  1. Medical transportation
  2. Veterinarian hospital without general boarding of animals
  3. Child daycare center

The commission has reviewed the traffic issue and is required under section 81 of the regulations to give an analysis of the traffic issues as it sees it. This is on major streets Rt. 262 and Buckingham the streets are of the highest grade of street internal to the town that are not highways. Designed and designated for planning purposes as the highest traffic volumes that we have in our community. Rt. 262 that road is further restricted by DOT to now allow curb cuts in that area of traffic. Part of the requirements for an application this commission has jurisdiction over the internal traffic flow of these businesses; we do have authority to approve it and change it. There no intention for curbs cuts on Buckingham Street and the access to this property from Callender Road and Echo Lake Road. Portion of the property that does have a piece of property that goes between the two houses our intent when an application they do not use that access. The Commission does not see any traffic issues different than what that area has been designed for. This project is near housing authority and age restricted housing authority within 500 feet directly assisting them as well as others in the community and for the entire town and neighboring communities.

The proposed amendment is consistent with the objectives of the Town Plan of Development and Section 10.1, 6.1, and 5.3. It does have some issues with Inlands and Wetlands we will have to address and done during site plan application in terms of drainage and wetlands. There are adequate water and sewer lines to these properties. Pedestrian traffic would be done at the site application would probably want to include pedestrian sidewalks. We do not see impact on any of the town services. We have not seen adverse impacts on this property. We saw this as a need for additional area of town having medical facilities and saw this as a one stop place for services.

### **Board Member Concerns**

**Mr. Martin** said at the EDC meeting traffic congestion was raised the comment was made the existing facility in Middlebury on Straits Turnpike is similar that is requested here. That facility is dramatically larger and never witnessed any congestion or traffic issues.

Mr. Minnich read what has been submitted in writing as part of the record:

Letter from **Chairman Ron Russo**, Chairman, Watertown Housing Authority encouraging the commission to proceed with a medical center.

Letter from **Chairman Joseph McGrail**, Watertown Economic Development Commission voted unanimously to support the concept put forth by McHugh. The Commission did vote to endorse any particular version of the text amendments deciding to leave those to the appropriate land use boards.

Letter from **Christine Patlis**, 41 Cutler Street, Watertown concerned with traffic issues and the project is not needed.

Letter from **Tom Raven**- 365 Main Street, **Mary Raven** - 26 Carmel Hill Road, **Donna Raven** - 115 Mount Fair Farm, **Kaitlynn Raven** - 115 Mount Fair Drive , as a property and registered voter I am against the proposed change to rezone the land on Buckingham Street, I urge to not vote to rezone this area and maintain the current zone. Same wording in the four letters.

### **Public Concerns**

**Joe Masi** asked how the hearings will be conducted.

**Mr. Minnich:** said let's start who is in favor of this.

### **Dennis O'Sullivan -238 North Street**

I understood from the beginning it was rushed through it was prior reading of the letter from COG. Is there a change in the regulation as a result of the COG letter?

**Mr. Minnich:** replied yes. It is at the door, what is crossed off and what is in bold are the changes.

**Mr. O'Sullivan:** asked who put those together Mr. Chairman?

**Mr. Minnich:** replied I did in reference to COG they are now what the Commission is presenting as its application.

**Mr. O'Sullivan:** said the Commission is concurring with that.

**Mr. Minnich:** replied we do not vote until the end.

**Mr. O'Sullivan:** So the comments are yours alone at the end if the commission approves it they will be collectively all of the members of the commission.

**Mr. Minnich:** replied that is correct. With one exception this is the commission members when I reviewed what was changed there were no comments different from what the presentation was, we wanted to make clear to you that what is the application of the commission is what the changes are that we talked about.

## **Pros**

### **Tom Hill – 166 Ice House Road, Watertown**

Listing real estate broker for Fred Marcone who has 4 acres on RT. 262 and Buckingham that would be effected by this plan. Mr. Marcone send me over to tell you that he is positive on this change and would appreciate to participate in this new development and see the opportunity to service the industrial park. We like the idea Mr. McHugh's medical plaza and we feel if this happened this would give us the opportunity to develop a daycare center, bank, restaurant and also serve doctors and like to see it go forward.

### **Ray Primini – 410 Cherry Ave – Chairman of the Town Council**

I am in favor of this project. My parents lived in Waterbury their doctor was located on Grandview Avenue and moved up to Straits Turnpike it was difficult for my father. The senior bus will not go over the Waterbury line to Middlebury and it will be very good for our seniors. Good for the manufacturing section requiring patient health centers for industrial parks if someone was hurt. Routine type injuries not to have to go to emergency room services this could enhance it. Medical complex and restaurants would compliment manufacturing that is there already.

**Mr. Minnich:** The Town of Watertown owns the property for the two housing buildings which are close by, are your comments speaking as a property

owner for the Town of Watertown for those two housing faculties

**Mr. Primini:** I would just say for my parents who died the past couple years they lacked things there were nearby. We are in the middle of 3 good size hospitals Waterbury, St. Mary's and Charlotte Hungerford and it would be a lot more convenient to bring doctors.

**Mark Wrenko - 1115 Main Street**

I am in favor of Dr. McHugh's project but not in favor of retail up in that area. I own a home on Buckingham Street and I do not know if all the other ideas are beneficial to our town. I am businesses man on Main Street I do not believe it benefits any of us you have set up our retail businesses in the retail area to start having here and there and several areas. I am worried this enormous change is being made great people who are trying very hard, but such a small group of people making such a big decision for our town and it scares me. Do all of the people listen with mind on the board or has the decision been made already?

**Mr. Russ:** replied I have an open mind.

**Mr. Martin:** the comments from COG came to us and we thought they were good comments and added them to our proposal, we are always open to anybody's suggestion on improving the end product that was put before us.

**Tom Winn – 39 Bell Meadow Drive – Council Member**

I am here to represent me as voter and a resident. I am in favor of this facility. I have been in medicine past 40 years and worked in a lot of hospitals this building as it is will bring in some significant tax relief which we need in this town and on top of that the personal property in those buildings could be significant, describing the various equipment and costs. Most medical faculties in Waterbury you can go downstairs and get your prescription filled. People are worried about retail and a restaurant, mentioned was Chubbas and pizza in Middlebury is convenient for patients and staff. Retail if this approved is going to go long way to getting some economic development in this town. Our infrastructure has been ignored for many years and people complain about taxes and if we do not get economic development in this town it is going to get worse.

**Rosalie Loughran - 319 Thomaston Road**

I am in favor of this project. I travel to Grandview Avenue in Waterbury and Middlebury Complex and West Main Street to see my doctors. All of those areas have developed nicely having a pharmacy and a coffee shop if we do not take our chance right now to be in front of doing something like this all of our surrounding towns will have medical buildings and there will not be enough doctors to fill ours, so let's not wait. Those elderly people on Buckingham

Street it will be delight to walk across the street and feel so much more independent.

**Heather Keidel-Irwin – 103 Cutler Street Watertown**

I am the current Chair of the Oakville Watertown Democratic Town Committee on behalf of the committee I would like to express our support for this proposed medical office building. We feel having access to expanded network of medical care providers will benefit all of our citizens, particularly senior citizens. We also look forward to the tax revenue from the development of this property and we feel that the development of the medical office building has a potential to attract associated businesses. If I may as a citizen and property owner I also wanted as a person in the health care sector I would welcome the opportunity to have a job closer to home.

**Mr. Martin:** asked if the Democratic Town Committee was in unanimous support of this.

**Ms. Keidel-Irwin:** replied yes we had our regular monthly meeting and we talked through the points concerning this development.

**Mr. Martin:** asked how members on that committee?

**Ms. Keidel-Irwin:** replied 41

**Bohden Wasnytinski – 514 Sylvan Lake Road**

Think it is a great idea to build medical facilities in this area. What concerns me is the adding on. A request by Planning and Zoning for the town to pay for a study we do not need. Yes a medical facility is a good idea and they cannot put in a strip mall.

**Brian Goden - 73 Lovely Drive**

I am a commercial agent for Matthews Commercial and we do a lot of work in town and instrumental in filling the Middlebury edge space. I definitely support of the project and good for the town on tax revenue.

**Richard Wick – Northfield Road**

I sense there may be a bit of confusion what we are dealing with this evening. There are 3 different public hearings on the agenda pertaining to the same situation. I think if we took a vote we probably find a pleasant surprise that most are in favor of the project. I think the comments coming shortly with respect to the cons will be focused on the mechanism of the procedure on the proposal itself, the how part of it not on the what part of it. We want to make we do it right.

**Kurt Jones – Civil One, 43 Sherman Hill Road, Woodbury**

We also believe that this will serve the needs of the community and we have a lot of support here tonight. I impressed by the civic support from the various organizations within your community. I believe this is a well place zone and serve as a transition between the industrial IR80 zone, right across the residential RT which is a residential transition zone and a number of zones. In the big picture of the things I believe this zone is well situated and well thought out. You did bring out the traffic issues a little bit. I would like to know for the record, we all know about doctor's hours it is off peak, the traffic that is generated off the peak hour, we have peak morning commute, the evening commute. Most of the medical traffic is going to occur off peak hours, so we would not consider that to be an additional burden to the highway system. We also note that any significant development does need to be approved by DOT since it is on the state highway and if it is significant they will refer along STC and off site improvement may required. I would like to ask your consideration in increasing the floor area ratio in your ordinance, currently you are suggesting 40% building coverage which we agree with, but a floor area ratio of 0.5. If you have 40% building coverage and you envision a two story building that would be floor area ratio of 0.8, if you have a two story situation if you could consider that please. We support the ancillary support services as outlined in your regulations. We do think these uses are important to make a successful project.

**Mike Garassino – 66 Flintlock Road**

I support this tax revenue and employment. As a resident 1970 when I live on Northfield Rd. and went to Watertown high there was no elderly housing, there was no Mount Fair farm and no Crystal Rock. The traffic was nil back then. If I come through Nova Scotia Hill road and come down Buckingham Street today you still do not have a lot of traffic. I wife Denise also supports it.

**Nick Perugini – Buckingham Street**

I want to congratulate this commission for doing the traffic study. I am in favor of Mr. McHugh's building an office but I am not in favor of restaurants and other stuff that definitely needs a study. I encourage the commission to approve the medical building there is no need to change the zone just for that.

**John Chipko – 56 Mount Fair Drive**

I am very much in support medical building going in there. The concerns I have is with the restaurant and the pharmacy. The pharmacy I think it is a great idea to have that in medical complex, I think you should have limitations on it, so you do not end up with 24 hour Walgreens with flashing lights all night long for the residents you live across the street. The restaurants should have limitations on it for sizes. Expressed concerns with traffic Buckingham

Street and Nova Scotia Hill Road with children at the park. Ask about a left turn signal as you coming up Echo Lake Road to turn on Buckingham Street.

**Anthony Fusco – 192 Bunker Hill Road**

I am in favor of the project that you will vote on with Mr. McHugh. I am a veteran and I have been in a hospital many times and I hope we can have the VA to come up in that building from Waterbury. It is difficult with parking and might attract some people that are handicapped who can easily access this building. I am in favor of the building, I do not know about the restaurant that is a question for you to answer how bit how small could be.

**Margaret Durkee - 417 Hamilton Avenue**

I believe the medical facility at that location would be a positive thing for our community. The potential for jobs, the potential increase and improve our tax base, these are the most important issues at hand. We all wish more industry move in but the likely hood of that happening is not great and I think it is important that we make adjustments and make changes necessary.

**Jack McHugh**

I have been a practicing podiatrist for over 25 years, my practice has grown tremendously. I love it here in Watertown I would like to see the patients in Watertown stay in Watertown. I ran out of room in Depot Square and I was looking for bigger office space and nothing was available for a medical building that I could move into so. I started looking for land and found a great piece of property centrally located, great proximity to Thomaston, Oakville, Bethlehem and the other communities. I saw Middlebury Edge go up and I said what a great opportunity for Watertown to build a medical building so my patients do not have to Waterbury for a MRI, ultrasound, mammograms. To bring some doctors here that are vascular surgeons, dermatologists, it's a great opportunity for the tax base in this town, more jobs. I was pessimistic everybody seem to accept it with open arms, I applaud everybody that has spoken so far for this. I am a very caring doctor for an appealing building in town. I listened very closely to every comment whether it is pro or con and I will take everything into consideration from everybody's comments tonight.

**Joe Masi – 33 Pleasantview Street**

Support the medical use 100%, we have from the very beginning and quite frankly when Mr. McHugh came in February and asked to be added to the zoning regulations under the IG zone and given the approval at that point in time Mr. McHugh would have his building already. I am going to read this to the board for the record.

Mr. Masi read his letter stating as a signed a petitioner being opposed to the BMG zone and to consider the comments and questions of our public hearing as part of this public hearing. The proposal to create a BMG and not complete and fails to address the section 81 of our zoning regulations. There has been no traffic study done and is already considered a busy intersection and considered a C/D intersection by the state of Ct with A being the best and F being the worse.

Mr. Masi referenced the letters from DOT and Chief Cavalis for Route 262 and Buckingham St. and submitted them to the Commission along with maps.

**Vincent Gianetto – 38 Region Hill Drive**

To answer some of the responses here tonight as far as I know the restaurants were already included in the existing zone. In terms of the retail aspects for accessory uses several tonight have mentioned Middlebury Edge, Middlebury Edge have been successful it is ramped and there is not more space there due to retail aspects of that facility. It is important once you bring medical there and to keep it some things that attract medical offices are restaurants like Chubbas. Middlebury Edge has a school of literature and arts, Chubbas, Chinese restaurant, pizza restaurant, Alliance Medical Group, the regional sleep lab, blood drawing and imagining businesses, rehab, fitness center, bank with drive through, salon and day spa, attorneys and much more. Yet we know there is not a lot of traffic there attested by people here today. I go there frequently because I am one of the business partners for people that own that I am very aware of what happen there. I do not feel you do not have as many uses as we want here on the application to do something like Middlebury Edge. I see no lines for the drive through with the bank and would like the Commission to reconsider.

**Kurt Jones - Civil One**

Two areas of correction with Mr. Masi statement as you may recall a year and half ago we brought an application to Wetlands commission for a multi family complex across the street and we never brought that to your commission. We did receive wetlands approval while we were preparing that application we did prepare a preliminary traffic study it is not finalized but I can tell with the addition of those 60 units across the street, the projection was an A/C not C/D, in the morning it is operating a level service – which is free flowing traffic and the evening level c which is slightly more congested but still acceptable. I think everybody in town know s that is a free flowing intersection. As far as the responsibility of the community to pay for traffic improvements, we would disagree with

that statement we have state highways DOT is going to look at that if there is an impact there are going to refer to SCC for a certificate and mandate mitigation measures of safety.

**John Salerno– 37 Booth Avenue**

Watertown Crossings it's an adult community with an average age of 68. We are in favor of the medical buildings; we are concerned about the general businesses. The noise right now is great and will increase with more buildings. We are worried about how late you will let the business stay open and if that will continue with noise. If we could have a noise barrier developed by the state or somebody else. Were for the medical but not for all the noise we are going to get.

**George Valaitis**

What is the main purpose of that medical building?

**Mr. Minnich** replied outpatient medical services, the intent doctor office, laboratories, testing facilities that are the main intent. We would those facilities available to the residents to the town, it would improve employment, improve economic development to the town with regards with the tax base.

**Mr. Valaitis:** asked how about industry where they make money. Plus the traffic, most banks people want to go through drive through. With 62 more new homes coming up on Buckingham and with that building plus the school it bounds to have accidents with children.

**Lorraine Chapin – Ann Avenue**

What the medical wants to do doesn't require the zone change, it could go through as is, could you clarify of this application what is causing it to be a zone change and what would be allowed if the zone stayed as it is.

**Mr. Minnich:** replied it is zoned industrial now. Office, medical facilities in terms of what they are looking for is not in that category. They wanted medical facilities to the use that exists currently in the IR80. Medical facilities are not permitted there now. The proposal that is come here in the next one is to add it the IR80 zone. This one crates a new zone.

**Ms. Chapin:** what about the retail that everyone is talking about that would require the change or could it go in if no changes occur.

**Mr. Minnich:** replied that was a significant topic of our discussion. We have some folks not wanting retail in that whole general area of town. We limited the use of retail in must be predominantly for medical use as a permitted use. Our concept was to be one stop shopping if it was to all

work out. That is why we requested the study because of the size of the area and it would tell us what we need and we present what we have today.

**Ms. Chapin:** If it is currently zones industrial and a lot of talking about increasing the tax base. Other businesses could go into that spot and they could increase the tax base and increase tax revenue are just not this type of entity. A different type of business that meets current zoning could occupy that space, could bring jobs, and could increase the tax base.

**Mr. Minnich:** replied that is correct.

**Mike Rinaldi – 1009 Buckingham Street**

I think a doctor facility is great, part of this information people are receiving really scares them. We are going to turn this into Lakewood Road. I am on Buckingham Street and I am not going to tell you there is not a traffic issue. The normal speed on Buckingham is 66 mph and the state police are notified. Talking about restaurant like Subways, Chubbas and stores I don't think you want that type of entity creeping in. One town you have not been talking about is Waterbury; you will get Waterbury in here if you decide to lower your standards. I grew up in Waterbury and saw something great and then it added on and it became a catastrophe. Positive note the medical facility is great; it will help a lot of people. There are things that need to be looked at and should be looked at as one entity.

**Cons**

**Collin Adams – 18 Hadley Street**

I am in very much favor of the medical facilities. Some of the things I am questioning how we are going about it. How did we arrive at half acre lots?

**Mr. Minnich:** replied we assumed we took another zone in town and used that as one of the basis for that. We also saw that this could be smaller pieces of development, it did not have to be one large, several large buildings, it could be a very well be a large building and some smaller buildings, we did not see a need to restrict this by having a larger sized buildings. That may be in some areas of this particular property but not possible.

**Mr. Adams:** said I am trying to envision what you had in mind. I know the commission generated this zone change itself and I am looking at half acre lots and most of the houses in Watertown are on more than half acre lot. What did you envision on a half acre lot?

**Mr. Minnich:** replied I envisioned medical offices, professional offices, accounting office,. currently in the RT zone on Bunker Hill.

**Mr. Adams:** asked what would be the build out on a half acre lot. How many half acre lots would you be able to get into the current zone that you are creating?

**Mr. Minnich:** replied about 30. The imitative for this that came to us, we did focus and spend much time on the fact that all this is going to be broken out into 30 lots. We are aware that is probably going to be one larger lot and that buildings or 2 or 3 buildings on that larger lot. Going through the exercise of taking a particular piece of land and we did not think that was going to be the outcome of this initiative.

**Mr. Adams:** is it true pass zoning with half acre lots then the zoning becomes approved then Dr. McHugh decides not to put in his large buildings but to sub divide and sell off all his half acre lots, then you could have a massive strip malls of individual buildings.

**Mr. Minnich:** replied we did not see that happening here.

**Mr. Adams:** what you zoned is what you can get. If it is allowed in the zoning regulations and I do not think that Dr. McHugh will, if he did decide to sell his property this could happen.

**Mr. Minnich:** replied in that calculation would lots interior to a street, so there is a whole another issue of access but practically that is not the case.

**Mr. Adams:** said would you agree that small lots with different retail create different traffic generation. I am trying to envision what you planned for all of these different lots. What would be the maximum buildings size for an accessory use?

**Mr. Minnich:** replied we did not discuss the accessory use, it was presented in your application and was state to be confusing by COG in that it differs from the accessory use as defined under our definitions. We addressed COG's responses by taking out what they had indicated was confusion. Those are no longer in our commission proposal accessory use, they are permitted uses.

**Mr. Adams:** asked all of the additional uses are permitted uses with your application.

**Mr. Minnich:** we are saying that the wording that we had before which you saw crossed off in the accessory use was addressing COG comments because there is confusion with regards the definition of accessory use and the definitions what we had put into as our initial draft of April 2<sup>nd</sup> for accessory use. You are concerned about retail stores that has been taken out of the accessory use definition in our proposal and put into the permitted use with the limitation it must be predominantly medical use retail.

**Mr. Adams:** how do you define predominantly medical use.

**Mr. Minnich:** replied more than 51% for medical kinds of things such as wheelchairs, and pharmacy.

**Mr. Adams:** would you add into the regulations those specific uses that you state.

**Mr. Minnich:** replied we were not confident in our discussion that we had all the medical uses, so ended as the draft before you is that it would be the Commissions determination at the time of application as it being predominantly medical use.

**Mr. Adams:** asked could you put that in the regulations.

**Mr. Minnich:** are you asking us to clarify what is predominantly is in terms of being greater than 50%.

**Mr. Adams:** replied that is a small part of it. I think you are going about it the wrong way. When we come before to put forward our application I will have a lot more detail as to why I feel our application a much better.

**Donna Masi – 33 Pleasantview Street**

I am the president of concerned citizens for the Preservation of Watertown, former member and Chair person of the Watertown Water and Sewer authority. I attended many hours of Planning and Zoning meeting during the creation of 2007 Plan of Development. To my recollection there never was any talk about changing the zone on the property that is the subject of the public hearing this evening. I do support having medical facilities in the Town of Watertown. I support the entire IR80 zone. I do not support this application. It will not give us the type of economic growth that is described in the Plan of Development for 2007 or the type of development we are looking for. The proposal undermines our current industrial uses. By changing the zone on this 15 acres of industrial business property it eliminates the uses currently allowed and will substitute for accessory uses including retail instead. This is not expanding

the uses in the IR zone and it eliminates them. Put the medical and professional into the existing IR zones. The key is the diversification of the uses within the existing zoning district. The plan adding uses to the existing zone not changing zones as your proposal does. The area on Buckingham from the corner of Rt. 262 as industrial as further proof that the plan does not support a commission zone change request. P & Z proposal needs to be studied in depth before changing to any of the uses being proposed. Mr. Gianneto in the September's meeting all he wanted to do is just medical and professional uses in the IR zone. That is something that I certainly agree with and the next public hearing will agree You talk about traffic from this development would be coming out on Callender Road and Echo Lake Road those are town roads so anything that has to be done to those roads to facilitate that traffic the cost will have to come from the taxpayers. Development less than 10,000 sq ft does not have to be reviewed by DOT. If they develop these half acres lots for small buildings the state is never going to look at the traffic issue. Deny this proposal and approve the proposal to add medical facilities to IR80 and IR200.

**Judy Wick – 151 Northfield Road**

I serve on the Planning and Zoning in town for 23 years. I would like to speak about item 4 on the Regional Planning Agencies report concerning spot zoning. This report is written by their professional planner who is an expert planning resource that we as a town go to and looks at the proposal in relation to what is permitted by state statues, what is in our regulations and what is considered good planning practice. The area that this Commission is looking to rezone is 15 acres for half acres lots. The current zoning permits lots of 2 to 5 acres in that zone. A single owner now controls approximately 70% of this 15 acre property. I read from Attorney Michaels book called What's legally required "zoning regulations must be made in accordance with both the comprehensive plan and the local plan of Conservation and Development. The comprehensive plan focuses on the overall pattern of zoning and municipality. It is not usually reflected by a separate document but rather it is being to be embodied in the zoning regulations and maps themselves. The comprehensive plan requirements was intended to assure that regulator would not hap hazardously zone or rezone smaller isolated pieces of land without giving though to impact on community as a whole. Such random or arbitrary zoning decisions often impended to benefit specific land owners are called spot zoning and maybe invalidated by the courts. I attended a meeting for Planning and Zoning on March 24<sup>th</sup> at which the developer , Mr. McHugh, and Mr. Gianetto was asked to participate with their laundry list of what they would like to see in the zone. By limiting the area for medical facilities Dr. McHugh is looking for an advantage from the town to get proposed buildings filled before allowing other similar facilities to be considered. This was specifically discussed at the

April meeting with Mr. Gianetto he expressed concern that other building owners might be able to lease at rates and therefore and hurt their ability to borrow to put up building that they need. Should that be concern for Watertown? The regional planning agency said this might be spot zoning, and questioned the proposal as written. One requirement of zoning is to be specific so that applicant can know what he can and cannot do on their property; this proposal is vague and leaves too much to the discretion of the commission.

**Susan McClenna - 922 Buckingham Street**

I am against text amendment because it causes a change in the zoning map when there is zoning in place in the IR80 business area. My mother has lived in her non conforming home for 60 years and she concurs with non text change for the business area.

**Dennis O'Sullivan**

I am a professional engineer for the state of Ct, I am here tonight as a resident and a taxpayer. I thank you for the changes you made in the regulations however I heard other things. Did you say they are changing regulations to include sidewalks?

**Mr. Minnich:** replied at the time of application we probably need a traffic study, sidewalks, all the things familiar for a review. The sidewalks where they are to be located to the property would be before the commission in the future.

**Mr. O'Sullivan:** asked those would be added to the regulations.

**Mr. Minnich:** said no.

**Mr. O'Sullivan:** you said you are going to require sidewalks, but you do not list them, you are going to need a traffic study but you do not list. Asked about impervious area of the 15 acres 80 percent about 13 acres would be paved or roofed where would that water would go on the existing. Why would they not be included in the regulations, if you can consider that? It was said there is no traffic problem in the area, I went to DOT I have a traffic study for that intersection dated 2009 these are morning performance standards and they list the level of service. D means you are getting into potential problem areas. This is in conflict with the developer the conditions were. It reemphasizes a need for a traffic study. We may need some changes because of what being proposed here. The state does not respond to any question unless you have a building 100,000 square foot in size it has 200 parking spots it will not respond putting traffic directly from the driveway onto a state road. It my understanding proposing that all of the traffic would not come on Buckingham Street, it

would go onto Callender Road and Echo Lake Road. If you do that we may not get the state to look at this and then if the state is not going to look at it we are stuck with it. Questioned a veterinary hospital in there it does not seem compatible take a careful look at that. Could medical offices be accommodated within existing business district.

**Mr. Minnich:** as it stands now it needs zone change.

**Mr. O'Sullivan:** this application is taking Dr. McHugh's needs and meets them and the rest would disappear all the other negatives. Would the establishment of the BMG district create a precedent for customized zoning for future projects? To create new zoning district should originate in the planning process and based on the recommendation of the town plan for some other area or district plan, this does not exist in any plan where did it come from. Are we going to get in trouble and challenged in the courts. We have potential problem with the environment and traffic.

**Mr. Minnich:** you mentioned the sidewalks you don't find in the regulations for other districts all of those things you just mentioned and why not. The reason is because this zone proposed is an integral document of the zoning regulations they must comply what is in all of the regulations as part of that review they have to have a traffic study. You mentioned differences of opinion as to what a traffic study shows, this is one of the frustrations we see here, we get different professional that tell us what is they want to have. That is why we have a third party of a traffic study that is submitted by the applicant so those differences can be addressed. Those issues that are relating to the environment those are handled by us in our regulations and required to comply. The short answer to this is three things that you mentioned do not and are not put into every single zone because it is not lift able document. Everything that you were concerned is in the documents of the zoning regulations and they must comply.

**Mr. O'Sullivan:** said I have frequently seen in regulations that there I am concerned that 30 guys coming in here and buy an half acre lot, do they know they have to comply. How are you doing this on 15 acre, who does an environmental who does it is it the first guy in. You do not allow 30 people to come in comprehensive plan to meet all of the smaller lots.

**Mr. Minnich:** the first one is going to have to give report in terms all of land which is impacted and their property impacts in terms of the water and other environmental issues. So if they are going to do individually, the first guy has a lot of expense and a lot of the issues.

**Mr. Martin:** said that is what will prohibit that type of development that you are trying to bring upon these 15 acres.

**Mr. O'Sullivan:** you change the regulations and he could flip it and you are stuck. If we would put together a comprehensive plan that will handle all of those things..

**Mr. Minnich:** in your response to what you just said this document does not require one piece of paper in terms of a site plan, the words and the text refers to what the site plan requirements are. They must do what is in the entire zoning regulations that apply to that location on site.

**Mr. O'Sullivan:** if you are putting together a set of zoning regulations and it is possible you can have 30 half acre zones whatever condition might exist some of the these things like a traffic study and environmental study they must be done comprehensively on the entire site in order to make sure that is works and to do it piece meal. Drainage does go through John Trumbull property to Echo Lake Road we certainly are sending in that direction that is not depredated. Section 37.4.2.5 talks about outdoor lighting, What is the character of the district?

**Mr. Minnich:** replied whatever the first application has. We are hopeful who ever develops property would consider this whole district what they would be designing the building for. Our jurisdiction over that particular matter is limited.

**Mr. O'Sullivan:** asked about why would the commission require appropriate screening.

**Mr. Minnich:** replied if they want to put their dumpster and recycles behind the building from our perspective it is screened from the street and therefore e that is why that may is there.

**Nancy Rahubba - 921 Buckingham Street**

I do not have a traffic study because I live there and I see very day. The month we lived there we lost 4 mailboxes because of traffic and that was 1985. Since then there have been multiple accidents, we have pets killed, people injured from accidents. The elderly take their chance everyday pulling out of Buckingham Terrace. The traffic will get worse, I think it is a nice idea they need to look a little further and make it safer.

**Mark McClenna - 92 Buckinham Street**

I have lived there e 20 years. I take my life in my hands when I come down Buckingham Street to put my blinker on to get into my driveway. April 13<sup>th</sup> 5 between 5 and 6 pm there were 879 vehicles, April 20<sup>th</sup>

between 5 and 6 pm there were 911 vehicles, and April 22<sup>nd</sup> 7 to 8 there was 1024. If you go out at 3:00 to 5:00 in the afternoon the traffic is backed up from Echo Lake and Buckingham back to my house. School buses come down and the fun begins it is a nightmare. I am for the medical building. Did Dr. McHugh put in for in for this zoning change. Who put in the application for the change?

**Mr. Minnich:** replied the language you see before is the Commission, I will assure it was very much watered down.

**Mr. McClenna:** asked wouldn't the person who bought the land make the application for the change.

**Mr. Minnich:** replied anyone in town can make application, the owner of the land could make, and the commission.

**Mr. McClenna:** so somebody came to you and said we want to put 30 lots can you make a change to get that there.

**Mr. Minnich:** we took the regulations from thr text elsewhere and that was one of the means of starting the discussions and starting the basis here for what you have before you. This is not unique in terms of size or these sorts of things the town elsewhere.

**Mr. McClenna:** this development would not have any impact on town services.

**Mr. Minnich:** it is our judgment it is not for those additional services.

**Mr. McClenna:** Mr. McHugh has a great idea with the medical building I think we should look to future and look for high tech, industry is leaving we got to find something to take its place and retail is not it.

**Rick Sarandrea**

15 acres could not support 31 half acre buildings you would have to consider parking islands, lights, handicap parking and how many square feet are you building. This is the third time we have come here and we don't know what exactly anybody is building. They should come to the table and say what buildings they are putting up.

**Nancy Rahubba - 99 Oak Farms Road**

Couple of times you mentioned you have patterned this half acre lot of some area in town. What area in town is that?

**Mr. Minnich:** said it is one of the business zones on Main Street and the BG district.

**Nancy Rahubba:** What is the advantage to Watertown of just allowing medical buildings in the 15 acres.

**Mr. Minnich:** replied we had indicated the need of medical facilities, we did not know how much of a need that was. We are confident there is a medical need from everybody that has talked to us. That was the intent and purpose was for this zone. We are well aware of your position and others with regards to retail in this area and we tried to narrow what could be retail here by being predominately medical. We see the concept of medical as medical offices, labs for testing, restaurant, bank which is internal to the building. We see this as one stop shopping for medical.

**Nancy Rahubba:** What is the benefit of just allowing out of the 300 acres there just allowing it in these 15 acres

**Mr. Minnich:** replied the need is greater than 15 acres. Designed in the property the boundary which is next we cannot intrude on any existing building structures that are in that area with the exception of the two houses which are already are non conforming. So the boundaries of the property were designed in part to be the least amount of controversy in regards to making more properties non conforming.

**Nancy Rahubba:** I think the big issue with the restaurants with the half acres lots we could get a much denser development; What if he decides to finance this building by selling off half acre lots all those what ifs you need to consider and what might in the future. This change of density impacts the neighbors with their property values.

**Vincent Giannetto**

I would like to clarify the half acres lots as shown on the drawing that it does not make sense to buy this at half acre lots. The topography and the wetlands does not allow us to do that. I just want alleviate that it cannot be done on this parcel of property. We are not 30 half acre on 8.2 acres on the high side maybe 8. I cannot speak for the owners, as a developer it would be impractical to take a nice 2 acre we can put a larger building more parking on it than to divide it up into half acre lots and I would not do it. If we did sell it, impracticality of anyone else is doing that. We do not care if it is half acre or acre lots we do not plan on doing that.

**Ann Adam - Oakville**

When the majority of the people are concerned about the half acres, are you open to changing the half acres. You also said you would not be opposed to clarifying what predominately is if the main sticking point had to do with acreage would you considering changing half acre lots.

**Mr. Minnich:** replied we would be considering what we are hearing.

**Vincent Gianneto**

That access could be from Echo Lake Road to the bottom portion of the property and from Callender to the upper portion of the property you would have two entrance and exits.

**Mr. McHugh:** I am not opposed to increasing the lots sizes.

Text of Motion: Close public hearing  
Motion made by: C. Mancini  
Second by: R. Russ  
All in favor

The Commission recessed at 10:07PM  
The Commission came back from recess at 10:15PM

- e. A proposed zoning map amendment by the Town of Watertown's Planning and Zoning Commission for a Zone Boundary Line Amendment from an IR-80 to a B-MG District, General Business Medical Zone for properties fronting the north side of Buckingham Street from Route 262 to Calendar Road, Watertown, CT.**

The Planning and Zoning Commission Town of Watertown, CT Legal Notice Public Hearing:

The Planning and Zoning Commission for the Town of Watertown, Ct. will hold public hearings on Wednesday, May 5, 2010 at 6:30PM at the Watertown High School, Lecture Room, 324 French Street, Watertown, Ct. on the following:

**A proposed zoning map amendment by the Town of Watertown's Planning and Zoning Commission for a Zone Boundary Line Amendment from an IR-80 to a B-MG District, General Business Medical Zone for properties fronting the north side of Buckingham Street from Route 262 to Calendar Road, Watertown, CT.**

At these hearings interested persons will be heard and written communications will be received. Copies of the map and text amendments are available for review in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT between the hours of 8AM and 5PM or by calling the office at 860-945-5266 to schedule an appointment. A copy of the map and text amendments are also available for review in the office of the Town Clerk, 37 DeForest Street, Watertown, Ct between the hours of 9AM and 5PM. Dated at Watertown, Ct. this 22<sup>nd</sup> and 29<sup>th</sup> day of April 2010. Carl R. Mancini, Secretary.

**Mr. Minnich:** we talked about the agenda for the rest of this evening, several members wish to exercise the right under the Planning and Zoning Commission By-Law that is 11:00 that is the time meeting ends and if any one member wishes to end the meeting at 11:00 that is what we will do. We will continue this meeting Wednesday, May 19<sup>th</sup> here in this room.

**Mr. Minnich:** asked Ms. Mulcahy about the boundary line adjustment do you have the notices of notification to the area land owners by the green cards.

**Ms. Mulcahy:** replied yes, we did receive the green cards and Ms. Allen filed in the file for me today.

**Mr. Minnich:** asked has the legal notice published as the legal descriptions of meets and the property lines been filed with the town clerk on or before the day of the notice of public hearing.

**Ms. Mulcahy:** replied yes they were filed at the town clerk office the day before the notice.

**Mr. Minnich:** asked does this application require signage that we required to have the signs been posted on the property in accordance with the zoning regulations.

**Ms. Mulcahy:** replied our town engineer who is posting his, he has posted ours as well.

For purposes of unanimous consent there is no objection to the minutes of the public hearing just heard to be incorporated into this public hearing.

**Mr. Minnich:** said the zone change is for the purposes of the medical facilities and all the other purposes we talked about in the previous zone the boundary lines contiguous to approximately 15 acres land and all have frontage on Buckingham Street. The issues of the traffic and all the other sections for requirements for the zone change under section 81 of the regulations are also repeated as well in the minutes of this meeting.

**Public Member concerns**

**Susan McClenna:** Section E I have not heard anything to change my mind of why BMG would be a better zoning situation than already existing I Rr80. I am against the zone change for the BMG.

**Ann Chapin:** I have a question, by going ahead and doing this map amendment does that mean the part that we just about for the text amendment we close the public hearing but now this is for the map amendment so if this gets approved, does that translate the text gets approved

**Mr. Minnich:** every piece of property in town has text and every property in town for zones have boundaries until both are done it does not mean anything and has no effect.

**Ms. Chapin:** asked about laying the boundary lines.

**Mr. Minnich:** we have to publish as we have in the Town Clerks office the boundary lines of meet and bounds description and a map showing where that is then have this public hearing and discussion as we have just had.

Ms. Chapin: The costs for this any changes, public notices, because it is the commission application the town is absorbing that.

**Mr. Minnich:** said the only costs to the town is the cost of the newspaper to publish the hearing. There is no cost to the town clerk office.

Text of Motion: Close public hearing  
Motion made by: C. Mancini  
Second by: R. Russ  
All in favor

**f. An application to amend the Text of the Town of Watertown Zoning Regulations, Article IV as follows:  
Section 42.3 Permitted Site Plan Uses:**

Section 42.3.2 Research or Development Facilities **Add: including medical**

**Add: 42.3.9 General, Medical or Professional Offices**

Section 42.4 Special Permit Uses:

42.4.2 Health or fitness clubs, tennis or racquet clubs Delete :\*(Remove: only as part of a unified complex)

**Add: 42.4.7 Hospitals, convalescent or nursing homes**  
**Add: 42.4.8 Rehabilitation facilities**

The Planning and Zoning Commission Town of Watertown, CT Legal Notice  
Public Hearing:

The Planning and Zoning Commission for the Town of Watertown, Ct. will hold public hearings on Wednesday, May 5, 2010 at 6:30PM at the Watertown High School, Lecture Room, 324 French Street, Watertown, Ct. on the following:

An application to amend the Text of the Town of Watertown Zoning Regulations, Article IV as follows:  
Section 42.3 Permitted Site Plan Uses:

Section 42.3.2 Research or Development Facilities **Add: including medical**

**Add: 42.3.9 General, Medical or Professional Offices**

Section 42.4 Special Permit Uses:

42.4.2 Health or fitness clubs, tennis or racquet clubs Delete :\*(Remove: only as part of a unified complex)

**Add: 42.4.7 Hospitals, convalescent or nursing homes**  
**Add: 42.4.8 Rehabilitation facilities**

At these hearings interested persons will be heard and written communications will be received. Copies of the map and text amendments are available for review in the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT between the hours of 8AM and 5PM or by calling the office at 860-945-5266 to schedule an appointment A copy of the map and text amendments are also available for review in the office of the Town Clerk, 37 DeForest Street, Watertown, Ct between the hours of 9AM and 5PM. Dated at Watertown, Ct. this 22<sup>nd</sup> and 29<sup>th</sup> day of April 2010. Carl R. Mancini, Secretary.

**Judy Wick**

We request the record of the previous be included in the record at this hearing. Ms. Wick noted there is a typo on the application under Section 42.3; the second item should be listed as 42.3.11 since there is already a Section 42.3.9 and 42.3.10 in the regulations.

**Ms. Wick** stated that in response to the comment from Regional Planning Agency – we would like to remove nursing homes from Section 42.4.7.

**Ms. Wick** felt they were minor changes and should not affect the Commission's approval of the application.

**Ms. Wick** commented on section 42.5 we believe that pharmacies, medical supply facilities would be permitted as accessory uses as defined in the regulations at this time and would open to some retail uses that would support the newly permitted uses.

**Ms. Wick** said good zoning practices for larger areas with uniform zoning code and not what we consider spot zoning.

**Ms. Wick** no need to revise the parking requirement in section 63.5.

**Ms. Wick** listed the names of the people who signed the application – Joseph Masi, Judy Wick, Michael Masayda, Stanley Masayda and Colin Adams.

**Ms. Wick** gave her concerns about section 81.

**Ms. Wick** questioned why there was opposition to adding medical and professional offices to the industrial zone and what other new uses would be more appropriate to add to this zone.

Larger lots size encourages larger buildings that can house various specialties rather than small individual buildings with less efficient use of space.

**Ms. Wick** made a request to lower the application fee of \$500.00 and requested an itemization of costs incurred by the town.

For purposes of unanimous consent there is no disagreement to grant the request of Ms. Wick to have the minutes of the public hearings 10 d and 10 e be included in the minutes of this public hearing 10f.

**Ms. Wick** made a request to lower the application fee of \$500.00 and requested an itemization of costs incurred by the town.

**Joe Masi:** asked for an accounting on the time spent on the application.

**Lorraine Chapin:** The proposed amendment that the commission put forth did they pay same fee. If Mr. McHugh put it forth we would he have to pay the \$500.00 fee.

**Mr. Minnich:** replied I am doing this the best interests of the town.

Text of Motion: The fee for this application will be \$250.00

Motion made by: D. Minnich

Second by: R. Russ

Aye: D. Minnich, R. Russ

Nay: G. Martin, C. Mancini, J. Blais, R. Rossi, M. Genovese

On a vote of 5 in favor and 2 opposed, the motion is not approved.

**Collin Adams**

I have 12 years of experience with Watertown Planning and Zoning and served as past Chairman. We need to open the entire industrial park to business offices. Industrial parks in Cheshire and Torrington they all have these uses included to have both business and medical and office retail. By not passing this regulation change Watertown is in jeopardy with the surrounding towns that have these regulation in these industrial parks. We need to pass the regulations that were proposed and it will benefit the town for taxes purposes and to be competitive and attractive to business that are available to Watertown. This is not one specific 15 acre parcel but is whole business park to open the opportunity so we can be competitive with the surrounding towns.

**Lorraine Chapin**

I support this application and it could achieve a lot of the objectives.

**Joe Masi**

I asked the board to approve our application which allows medical and the likes uses as the amendment to the IR zones in order to take advantage of the current business trends in our country

**Susan McClenna**

I am in favor of this proposal change. Mr. McHugh wanted to expand his growing business and wanted to add a building and turned into a bigger ordeal than he ever thought it would be.

**Donna Masi**

Remarked on a rehab facility in the middle of the industrial park and this could be done here in our industrial area in Watertown. I support to add general and medical or professional offices to section 42 of the current IR zone not changing the zone in your proposal. If we want to look into the future of this community we have to think of uses that are compatible with what we have and that will give us the best type of development. I am asking commission to approve the petition it represents planning at its best.

**Vincent Gianneto**

One concern was finance which is tremendously different than two years ago. Financing is critical, banks will not lend money and see certain and specific issues when you ask for a loan which include established tenants signed on, market place of rentals in area, the personals for loan, financial statements, square footage in building and costs. Retail is essential to development and maintenance of this facility.

**Jack Traver**

Everybody is for the same thing except for the half acres lots and if the commission can get past that hopefully this proposal can move forward. I am speaking in favor of his construction of this medical building.

**Mr. Blais** said Dr. McHugh said whatever the zoning board's wants as far as the size of the lots he would agree.

**Mr. Martin:** said you are missing a part that is being brought here, it not for the half acre zoning it is for the entire site.

**Mr. Traver:** replied you do not want spot zoning.

**Mr. Minnich:** we will take a look at the half acre, the amount of land between Buckingham and Rt. 262.

**Michael Masayda**

I think this proposal does not create spot zoning like the previous proposals. Their engineer indicated smaller lots are not possible.

**Joe Masi**

This is for the betterment of the community. It is not right for the town to limit the 15 acres and having other uses attached that our detrimental to the community. Let open it up under the specific guidelines for IR 80 and 200 zones.

**Vincent Giannetto**

If we end making this global throughout industrial it jeopardizes our ability to get financing and jeopardizes our project on that with multi and accessory business. Banks will look at that financing we may not get it which means we would scale back the project and working with less money.

**Lorraine Chapin**

As you pointed out numerous times your motion is not for his benefit this amendment hurts his financing that should not be the zoning's concern.

Text of Motion: Close public hearing  
Motion made by: J. Blais  
Second by: R. Russ  
All in favor

11. Articles on Agenda

- a. Applicant: Crystal Rock Bottled Water  
Agent: Tim Descoteaux  
Re Site Plan – Deck 12'x21  
At: 1050 Buckingham Street, Watertown  
Zone: IR-200  
Action: Decision by July 9, 2010

**Sergio Longo – Crystal Rock Company**

We want to put a deck off our employee kitchen it is 12 by 21 feet for employees to take breaks and enjoy lunches.

**Board Member Concerns**

Mr. Minnich asked if the deck has railings and no cover.

Mr. Longo replied yes.

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Site Plan application for Crystal Rock Bottled Water Co., 1050 Buckingham Street, Watertown, CT for a 21' x 12' deck in an IR-200 Restricted Industrial District which includes Parking Lot Modifications Prepared for Crystal Rock dated 1/31/06 prepared by Robert Green Associates LLC, 6 Old Waterbury Road, Terryville, CT 06786 CT;

**WHEREAS**, the Commission heard the application on May 5, 2010;  
**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a 21' x 12' deck in an IR-200 Restricted Industrial District subject to the following conditions:

1. Prior to Town officials signing a final Mylar map and two paper copies with a signature block for the Chairman and the conditions of approval listed on the filing map, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on May 27, 2015.

Motion made by: R. Russ  
Second by: R. Rossi  
All in favor

Text of Motion: Table remainder of agenda to May 19, 2010 at 6:30PM.  
Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

- |    |            |   |
|----|------------|---|
| b. | Applicant: | Tony & Sons Seafood, LLC  |
|    | Re:        | Site Plan, building addition 18'X30' to an existing retail building |
|    | At:        | 639-629 Main Street, Oakville                                       |
|    | Zone:      | B-G   |
|    | Action:    | Decision by July 9, 2010  |

Text of Motion: Table 11-b to May 19, 2010 at 6:30PM.  
Motion made by: G. Martin

Second by: C. Mancini  
All in favor

- c. Applicant: Gateway Bible Church  
Agent: Edward Rousseau  
Re: Site Plan/Special Permit #292  
Freestanding Sign  
At: Gateway Bible Church  
500 Buckingham Street, Oakville  
Zone: R-12.5  
Action: Decision by July 9, 2010 if the Public  
Hearing is closed May 5, 2010

Mr. Minnich asked if anyone had comments or questions on it.

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Site Plan application for Crystal Rock Bottled Water Co., 1050 Buckingham Street, Watertown, CT for a 21' x 12' deck in an IR-200 Restricted Industrial District which includes Parking Lot Modifications Prepared for Crystal Rock dated 1/31/06 prepared by Robert Green Associates LLC, 6 Old Waterbury Road, Terryville, CT 06786T;

**WHEREAS**, the Commission heard the application on May 5, 2010;

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** the Site Plan application for a 21' x 12' deck in an IR-200 Restricted Industrial District subject to the following conditions:

1. Prior to Town officials signing a final Mylar map and two paper copies with a signature block for the Chairman and the conditions of approval listed on the filing map, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on May 27, 2015.

Motion made by: R. Russ  
Second by: G. Martin  
All in favor

d. Applicant: Town of Watertown  
Agent: Chuck Berger  
Re: Site Plan/Special Permit 293  
Section 66 – Development in Flood Prone Area  
  
At: Sunnyside Avenue, Oakville  
Zone: R12.5/R.30  
Action: Decision by July 9, 2010 if the public  
Hearing is closed May 5, 2010.

Mr. Minnich asked if there was any discussion.

**WHEREAS**, the Town of Watertown Planning and Zoning Commission received a Special Permit/Site Plan application #293 from Town of Watertown Engineer Berger for Turkey Brook drainage improvements for the installation of culverts at Sunnyside Avenue in a flood prone area located in an R-12.5 Residence District which includes Town of Watertown Replacement of Sunnyside Avenue Culvert Over Turkey Brook Site Plan dated 01/14/08 with a final revision date of 2/11/10, Town of Watertown Replacement of Sunnyside Avenue Culvert Over Turkey Brook General Plan dated 8/20/08 with a final revision date of 2/11/10, Town of Watertown Replacement of Sunnyside Avenue Culvert Over Turkey Brook Profile dated 8/20/08 with a final revision date of 12/30/09, Town of Watertown Replacement of Sunnyside Avenue Culvert Over Turkey Brook Planting Plan dated 1/14/08 with a final revision date of 02/11/10, prepared by Lenard Engineering, Inc., 1066 Storrs Road, Storrs, CT 06288; and

**WHEREAS**, the Commission held a public hearing on May 5, 2010;

**IT IS THEREFORE RESOLVED** the Watertown Planning and Zoning Commission **APPROVES** the Special Permit/Site Plan application #293 for culverts in a flood prone area from Town Engineer Berger located in an R-12.5 Residence District subject to the following conditions:

1. Prior to Town officials signing a final Mylar map and two paper copies with a signature block for the Chairman and the conditions of approval listed on the filing map, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be

completed within five years after approval of the plan. Said five year period shall expire on May 27, 2015.

Motion made by: C. Mancini  
Second by: G. Martin  
All in favor

- e. Applicant: Planning and Zoning Commission  
Re: Zoning Text Amendments
- (1) Section 64, "Earth Materials Removal and Moving / Grading / Excavating, and Filling of Land"
  - (2) Section 65, "Filling of Land" – delete and combine with Section 64
  - (3) Section 5, "Language and Definitions" - definitions for Clean Fill, Filling, Sediment, Soil, Unacceptable Fill, Unacceptable Soil, and ZEO.
  - (4) Section 1, "Intent and Purpose"
- Action: Decision at Commission's Discretion

Text of Motion: Table 11-b to May 19, 2010 at 6:30PM.

Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

- f. Applicant: Planning and Zoning Commission  
Re: Zone Text Amendments:
- (1) New Section 37 "Medical and General Business District (B-MG)" – Permitted Site Plan Uses
  - (2) Section 3 "Establishment of Zones" (add B-MG District)
- Action: Decision at Commission's Discretion

Text of Motion: Table 11-f to May 19, 2010 at 6:30PM.

Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

- g. Applicant: Planning and Zoning Commission  
Re: Zone Boundary Line Amendment IR-80 to  
B-MG District  
At: Properties fronting north side of  
Buckingham Street from Route 262 to  
Calendar Road, Watertown  
Action: Decision at Commission's Discretion

Text of Motion: Table 11-g to May 19, 2010 at 6:30PM.

Motion made by: G. Martin

Second by: C. Mancini

All in favor

- h. Applicant: J. Masi, C. Adams, M. Masayda  
S. Masayda, J. Wick  
Re: Zone Text Amendment to Section 42  
Permitted Site Plan Uses  
Action: Decision by July 9, 2010 if Public Hearing  
is closed by May 5, 2010

Text of Motion: Table 11-h to May 19, 2010 at 6:30PM.

Motion made by: G. Martin

Second by: C. Mancini

All in favor

- i. Applicant: Taft North, LLC/Baldwin School  
Agent: Attorney Franklin Pilicy  
Re: Zoning Regulation/Text Change  
(new) for Baldwin School reuse  
Proposed Amendment to Article DC –  
Watertown Fire District, Section 83.22  
Residence R-10F  
At: North Street, Watertown  
Zone: R-10F  
Action: Public Hearing required by July 9, 2010

Text of Motion: Table 11-i to May 19, 2010 at 6:30PM.

Motion made by: G. Martin

Second by: C. Mancini

All in favor

- j. Applicant: Wishbone Realty  
Agent: Attorney Franklin Pilicy  
Re: Preliminary Discussion Site Development Plan  
At: 1128 and 1142-1156 Main Street, Watertown  
Zone: B-G  
Action: Discussion only

Text of Motion: Table 11-j to May 19, 2010 at 6:30PM.  
Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

- k. Applicant: Honda of Watertown  
Agent: Attorney Franklin Pilicy  
Re: Preliminary Discussion Site Plan Modification  
At: 774 Straits Turnpike Watertown  
Zone: B-SC  
Action: Discussion only

Text of Motion: Table 11-k to May 19, 2010 at 6:30PM.  
Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

- l. Applicant: Taft School  
Agent: Carmody & Torrance LLP  
Re: Site Plan/Special Permit #294 For Non-profit School Use  
At: 25, 37 & 51 The Green (Formerly Christ Church Parish)  
Zone: R-10F  
Action: Public Hearing required by July 9, 2010.

Text of Motion: Table 11-l to May 19, 2010 at 6:30PM.  
Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

m. Applicant: Taft School  
Agent: Carmody & Torrance LLP  
Re: Site Plan/Special Permit #295  
Modification of Standards (Shared Parking)  
At: 25 ,37 & 51 The Green (Formerly Christ  
Church Parish)  
Zone: R-10F  
Action: Public Hearing required by July 9, 2010.

Text of Motion: Table 11m to May 19, 2010 at 6:30PM.  
Motion made by: G. Martin  
Second by: C. Mancini  
All in favor

12. Adjournment

Text of Motion: Adjourn at 11:30PM  
Motion made by: C. Mancini  
Second by: R. Russ  
All in favor

Carl R. Mancini \_\_\_\_\_  
Secretary