



Town of Watertown Connecticut

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

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Town of Watertown Planning and Zoning Commission SPECIAL MEETING

Minutes

Time: 6:30PM
Date: Wednesday, July 21 2010
Place: **Swift Middle School**
250 Colonial Street
Oakville, CT

Eric Markiewicz was sworn in as a new member of the Planning and Zoning Commission by Lisa Dalton, Town Clerk

1. **Call Meeting to Order at 6:35PM**

Mr. Minnich, Chairman called the meeting to order at 6:35 PM.

2. **Roll Call**

Ms. Allen, Secretary executed the roll call.

Members Present: Chairman David Minnich, Ron Russ, Carl Mancini, Ken DeMirs, Duane George, Marie Genovese, Denise Benemerito, Erik Markiewicz

Members Absent: Vice-Chairman Gary Martin
Richard Rossi

Others Present: Ruth Mulcahy, Administrator of Land Use
Carol Allen, Administrative Assistant

D. George sat in for G. Martin
K. DeMirs sat in for R. Rossi

3. Old Business

a. Patrick Graziano, Highview Estates Subdivision, Loop Road, Watertown – Phase I and Phase II at Kimberly Lane and Lovely Drive, R-30 Zone

Mr. Minnich: you received a memo from Mr. Berger do you have anything to review.

Ms. Mulcahy: Mr. Berger and I reviewed this memo and summarized the sequence of events and at the end of the letter is a summary of the items that we have not received yet.

Mr. Graziano: I will set up a meeting with the Town Engineer, John Milone and the Contractor. I spoke to Mark Daly and we loomed all the curb sides and next week we will be power raking and seeding to stabilize the back. Mr. Lovely will remove the brush and do more tree work on lot 20. Mr. Graziano would like some relief on the sidewalks and would like to put trees in the first section all at once.

Mr. Minnich: are there other things you need to do in the first phase?

Mr. Graziano: we are going to address it and I am giving out the contracts tomorrow.

Mr. Minnich: when was the first phase of the road to be completed?

Mr. Graziano: I want to see what is on the report and might have to repair those soft areas and pave.

Mr. Minnich: if you are only asking at the moment the issue of the sidewalks, when would you be completing that?

Mr. Graziano: I hope by the end of the year, if not early spring.

Mr. Minnich: by the action of extending that sidewalk till the end of year that will then allow you to begin the second phase?

Mr. Graziano: correct, if you look at the minutes for the last meeting I requested the retaining wall and the sidewalks.

Mr. Mancini: The Mancini buying the lot up there is no relation to me. We have bonding for this sidewalk and he is just asking for extension of time.

Mr. George: on the retaining wall what is going to stop the erosion in all this time that is going to elapse that is why the wall was put in there and would be done in the first part?

Mr. Mancini: if Ms. Mulcahy could go over what was said about the retaining wall and why?

Ms. Mulcahy: every subdivision is required to have a pre construction meeting before they start. This large subdivision of 50 lots was proposed in Phases by the developer which was approved by the Commission. The staff was able to modify that if they felt it was appropriate and they came in with a different phasing plan because they had sold 8 lots to Mr. Lovely. They wanted to open up the road coming off the existing road at a different entrance which is called Loop Road. Mr. Berger and I reviewed it and felt this was appropriate. As you are entering off the existing road, there is an existing house that sits up the new road and at the entrance way, it is cut in there and that is part of their phasing plan to build a retaining wall at the beginning of that road. The retaining wall has not been built and I feel that this is a totally separate from the sidewalks or the street trees and should be part of the road construction.

Mr. Mancini: I did not have a problem with the sidewalk but the retaining wall bothers me.

Mr. Graziano: there are no erosion factors over there, it is not a high retaining wall and is a safety fence. It is an expense that I would rather put into the infrastructure.

Mr. Mancini: asked how much would it cost to put that retaining wall in?

Mr. Graziano: I cannot remember, but it is a substantial amount of money maybe \$40,000 to \$50,000.

Mr. George and Ms. Mulcahy: it would be less than that.

Mr. Minnich: instructed Ms. Mulcahy to get together with Mr. Berger to make sure that the items which need to be bonded are the right amount. If not let Mr. Graziano and the Commission know and we will have to do something.

Ms. Minnich: asked Commission members for a consensus. Mr. Graziano would like to have the time extension for both the wall and the sidewalk until the end of the calendar year with the understanding that the sidewalk may go into the spring.

Ms. Benemertio: if he promised to put up the wall and the sidewalks I do not have a problem with.

Mr. Mancini: I do not have a problem with the sidewalk and the wall is a concern until Mr. Berger tells us about the bond coverage.

Mr. George: the sidewalks I would go along with, that wall needs to be built with all the other things that are on that list.

Mr. Demirs: when you bonded are the prices higher or lower.

Mr. Graziano: much lower today.

Mr. DeMirs: the bonding money should not be an answer. I am alright with the sidewalks and if he could guarantee us that he is going to do the wall before winter I am alright with the wall.

Mr. Russ: I will go along with what Mr. Demirs just said.

Ms. Genovese: how big is this wall?

Mr. Graziano: I am guessing 150 feet long to 200 feet goes through low ground and up to 4 to 5 feet high. It is a unlock wall and you have to put drainage material behind it.

Mr. Mickiewicz: I would agree with Mr. Demirs.

Mr. Minnich: I would agree with Mr. Demirs. It is 4 to 4 and does not get us anywhere. We are all in favor of the sidewalk is there any change of vote having the wall extended to the end of the calendar year.

Mr. Genovese: I will agree with Mr. DeMirs but he has to put that wall in.

Text of Motion: The Commission granted approval to the developer to begin Phase II of the Highview Estates Subdivision once all of the items that are required to be completed in Phase I are completed with the exception of the sidewalk and retaining wall in Phase I of which both must be completed by December 31, 2010 with the understanding that the completion of the sidewalk may extend into the Spring of 2011.

Motion made by: R. Russ
Second by: K. DeMirs

Aye: D. Minnich, R. Russ, K. DeMirs, M. Genovese, E. Markiewicz

Nay: C. Mancini, D. George

On a vote of 5 in favor and 2 opposed, the motion is approved.

4. New Business

a. Watertown High School bond reduction in the amount of \$15,057.50

Text of Motion: Approve bond release in the amount of \$15,057.50
Motion made by: C. Mancini
Second by: K. DeMirs
All in Favor

b. Polk Elementary School bond reduction in the amount of \$5,035.00

Text of Motion: Approve bond release in the amount of \$5,035.00
Motion made by: C. Mancini
Second by: K. DeMirs
All in Favor

5. Staff Report

Ms. Mulcahy discussed a letter to Mark Lovely reviewing the outstanding items for **Hidden Oaks and Fox Crossings** written by Chuck Berger, Town Engineer.

Mr. Minnich: do you recall when this bond expires.

Ms. Mulcahy: the end of this year.

6. Chairman's Report

Chairman Minnich said he, Ms. Mulcahy and Attorney Hess met with staff of the Council of Governments regarding the standards for site plan review. All had a better understanding of the referral process and to work on improving the process.

7. Articles on Agenda

The Commission voted on 7-b before 7-a because of the issue with shared parking.

b.	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	Decision by August 20, 2010 Map was provided in May 5, 2010 packet.

Mr. Minnich: The issue here is they are sharing parking with several uses at Christ Church. Under the regulations for that district that sharing of parking is not permitted excepting by a special permit which the Commission by a majority decision will decide. Mr. Minnich reviewed conditions with the Commission.

Mr. George: asked about off street parking.

Mr. Minnich: we were not able to determine objectively whether or not they had adequate parking. This says go ahead we will approve it but we will as a Commission be coming back and asking Taft to consider what we have done with regards to the additional parking that they can do in the back. If we find there are 25 on street vehicles in the parking area that will be the trigger to make the decision to go back to Taft to ask them to consider constructing that additional parking.

Mr. Russ: has it been decided they are going to stripe the parking lot.

Mr. Minnich: we are requiring them to do that, it will then maximize the number of spaces that people can park.

Ms. Genovese: I would like to change the number of on street vehicles to 15 as a trigger.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit # 295 application for shared parking ratio for parking spaces to serve more than one use having substantially different hours for the school office use and religious use and the residence use at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District which includes a Site Plan prepared for The Taft School Corporation located at 25, 37 and 51 The Green, Watertown, Connecticut dated 4/15/10 with a final revision date of 5/3/10 and a Key Map dated 4/15/10 prepared by Meyers Associates P.C., 60 Linden Street, Waterbury, Connecticut 06702, a Traffic Impact Statement and a Parking and Traffic Impact Review dated May 4, 2010 prepared by Fuss & O'Neill, 146 Hartford Road, Manchester, CT 06040; and

WHEREAS, the Commission held a public hearing on June 16, 2010 and a meeting on July 21, 2010; and

WHEREAS, the Commission pursuant to Zoning Regulations Section 83.63.7 has reviewed the off-street parking requirements at the locations referenced above and determines that no fewer than seventy (70) parking are required; and

WHEREAS, the applicant has demonstrated the permanency of joint provided parking spaces to the satisfaction of the Commission; and

WHEREAS, the applicant has shown on a Site Plan where nine (9) additional parking spaces may be developed on the subject property.

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** Special Permit #295 application for shared parking ratio for parking spaces to serve more than one use having substantially different hours for the school office use and religious use and the residence use located at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District with 70 existing parking spaces subject to the following conditions:

1. The parking spaces and the handicapped parking spaces shown on the Site Plan titled "The Taft School Corporation" shall be marked and striped on the pavement. These markings will assist to maximize the number of vehicles parked in designated off-street parking areas on the subject property.
2. The Commission determines it is in the public interest and for purposes of public safety not to have parking on a public street. The Commission encourages the applicant to notice those using any Taft School property where it is anticipated there is not adequate off-street event parking, that there is parking permitted and potentially available in the parking lot to the rear of the former church, the subject of this application.

3. There shall be a sign conforming to Watertown Zoning Regulations Section 83.62, "Signs", at the subject property driveway access to The Green, noticing parking to the rear of the former church.
4. If the Commission determines in the future that additional parking spaces are required, the applicant shall upon the request of the Commission submit an application for the expansion of the number of parking spaces. The Commission determines additional parking spaces are not now required based on assumptions the applicant presented during Special Permit review. The exact use of the properties was not stated by the applicant when asked by the Commission. Only generalized statements about use of the facilities were made by the applicant. The Commission is not able to determine parking impact and therefore conditionally approves the joint use of a shared parking area and the shared parking ratio. If conditions warrant and with notice to the applicant, the Commission may require additional parking. This notice and parking review pursuant to Section 83.63.7 is triggered when there is at anytime on-street parking of more than fifteen (15) vehicles for any event using Taft School properties.

Motion made by: C. Mancini
Second by: R. Russ

D. George abstained from the vote
Eric Markiewicz recused himself
D. Benemerito sat in for Eric Markiewicz

Aye: D. Minnich, R. Russ, C. Mancini, K. DeMirs, M. Genovese,
D. Benemerito

Nay: 0

On a vote of 6 in favor, 0 opposed and 1 abstention, the motion is approved, Special Permit #295 is approved.

a. 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	Decision by August 20, 2010 Map was provided in May 5, 2010 packet.

Mr. Minnich: briefly reviewed the conditions.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit # 294/Site Plan application to change the church annex and academy building from church offices and church building into school offices, classrooms and meeting rooms located at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District which includes a Site Plan prepared for The Taft School Corporation 25, 37 and 51 The Green, Watertown, Connecticut dated 4/15/10 with a final revision date of 5/3/10 and a Key Map dated 4/15/10 prepared by Meyers Associates P.C., 60 Linden Street, Waterbury, Connecticut 06702, a Traffic Impact Statement and a Parking and Traffic Impact Review dated May 4, 2010 prepared by Fuss & O'Neill, 146 Hartford Road, Manchester, CT 06040; and

WHEREAS, the Commission held a public hearing on June 16, 2010 and meeting on July 21, 2010;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** Special Permit #294/Site Plan application to change the use of the church annex and academy building from church offices and church building into school offices, classrooms and meeting rooms for Taft School use located at 25, 37 and 51 The Green, Watertown, CT in an R-10F Residence District subject to the following conditions:

1. The former Academy Building shall be used for offices for The Taft School Corporation purposes only. The former Parsonage shall be a residential use for The Taft School Corporation purposes only. The former Sanctuary of the church shall be used for church purposes and the offices in the former church building shall be offices used for The Taft School Corporation purposes only.
2. The low hanging overhead utility wire behind the Parsonage and the Academy Building the Commission determines is a public safety hazard and shall be removed. Subject to utility company approval, the overhead utility wire may be rerouted from Academy Street to The Green. There shall be no utility easement in the rear yard of said buildings.
3. All exterior lighting shall be full cut-off fixtures in accordance with Article VI Section 61.4 of the Town of Watertown Zoning Regulations. The floodlights on the rear of the church and annex building shall be removed. The three 15-foot high pole lights proposed in the parking area shall be full cut off fixtures with no light trespass onto adjoining properties. More than three-quarters ($\frac{3}{4}$) of the lights on the parking lots poles shall be turned off after 11:00 p.m., or after the close of an event if after 11:00 p.m.

4. The applicant's light pole located on the subject property facing The Green between the Academy Building and the Parsonage shall be removed for purpose of public safety. The street light on the CL&P pole #839? located near the property line between the existing parsonage and the walkway to the church is not required. The Commission determines for purposes of public safety pursuant to Special Permit authority, the streetlight on the CL&P pole #27559 located near the subject property line and the driveway accessing The Green shall remain.
5. The dumpster location, if any, shall be indicated on the final Site Plan and shall be located in the rear yard of the building. The dumpster shall be covered and screened so that it is not visible from the street.
6. The parking areas shall be marked on the pavement with stripes as shown on the Site Plan to indicate the parking spaces and the required handicap spaces.
7. The traffic flow pattern shall be one way counterclockwise within the interior parking area and be clearly marked with arrows on the pavement and signage acceptable to the Administrator for Land Use / Zoning Enforcement Officer.
8. The driveway width shall be 18' from the Green to the point parallel to the rear of the former church building to accommodate two-way traffic flow. The Commission determines this condition by Special Permit and is for public safety.
9. The Commission determines by Special Permit and for public safety that there are significant safety hazard at portions of the sidewalk adjacent to the subject property that require replacement by sidewalk reconstruction. This work shall be completed by December 1, 2010 and the completed work be acceptable to the Town Engineer. The sidewalks to be reconstructed are located:
 - a. Adjacent to Academy Hill Road as measured from the stop sign at the intersection of Academy Hill Road and The Green from 55 feet to 64 feet. The portion of the plantings encroaching onto this sidewalk shall be removed along the entire subject property frontage.
 - b. Adjacent to The Green as measured from the fire hydrant located at the intersection of The Green and Academy Hill Road along frontage of The Green:
 - i. Sidewalk measured from the fire hydrant at 26.0 feet to 58 feet.
 - ii. Sidewalk measured from the fire hydrant at 111.0 feet to 127 feet.

- iii. Sidewalk measured from the fire hydrant at 147.0 feet to 156.0 feet.
 - iv. Sidewalk measured from the fire hydrant at 163.0 feet to 181.7 feet.
 - v. Sidewalk measured from the fire hydrant at 207.0 feet to 214.2 feet.
 - vi. Sidewalk measured from the fire hydrant at 250.0 feet to 262.2 feet.
10. Those sections of the street named “The Green” adjacent to sidewalks that are greater than six (6) inches in height measured from the top of the sidewalk to the top of the street surface shall be repaired so said height is six (6) inches.
11. There shall be a bond posted in conformance with Section 51.13 that is approved by the Commission prior to the issuance of a zoning permit. The bond shall be for sidewalks and street reconstruction.
12. There shall be a Certificate of Liability Insurance issued to the Administrator for Land Use / Zoning Enforcement Officer naming the Town of Watertown as an additional insured, in conformance with the Zoning Regulations Section 51.22.2.2.3
13. Prior to Town officials signing a final A-2 Survey mylar site map and the two paper site map copies, the final map with a signature block for the Chairman shall be submitted for review and approval by the Town Engineer and the Administrator for Land Use / Zoning Enforcement Officer, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
14. The signed Mylar copy shall be filed on the Town of Watertown Land Records prior to a zoning permit issued.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on July 29, 2015.

Motion made by: C. Mancini
Second by: R. Russ

E. Markiewicz abstained

D. Benemerito was seated for E. Markiewicz

Aye: D. Minnich, R. Russ, C. Mancini, K. DeMirs, M. Genovese,
D. Benemerito, D. George

On a vote of 7 in favor and 0 opposed, the motion is approved, Special Permit #294 is approved.

b. Applicant:	James Greenwood
Agent:	Curt Smith, Smith & Company
Re:	4 lot residential subdivision
At:	391 Echo Lake Road, Watertown
Zone:	R-30
Action:	Decision by September 10, 2010.

Mr. Minnich: there are two parts to this, as you know this has a common driveway. Our regulations have only one lot which may be served by a driveway excepting if the Commission approves it by 3/4 vote in favor of allowing as much as one additional lot to be served by that driveway.

Mr. George: would like a consensus.

WHEREAS the Watertown Planning and Zoning Commission received a subdivision application titled Greenwood Subdivision for a 4 Lot Residential Subdivision with a joint driveway for Lot 3 and Lot 4 located at 391 Echo Lake Road, Watertown, CT on 11.30 acres of land in an R-30 Residence District owned by the applicant James L. Greenwood et al, 120 Acme Drive, Middlebury, CT 06762. This application proposes a common driveway for Lot 3 and Lot 4 requiring a $\frac{3}{4}$ of approval to waive Section 5.2.5.16 of the Town of Watertown Subdivision Regulations which states "Each residential lot shall have its own driveway." This application includes a Record Subdivision Map titled Greenwood Subdivision dated 3/05/10 with a final revision date of 6/28/2010, a Site Development And Erosion Control Plan dated 3/16/09 with a final revision date of 6/3/2010, Site Development Plan, Grading Plan, and Erosion and Sediment Control Plan dated 3/5/2010 with a final revision date of 6/28/2010, Driveway Profiles dated 3/5/2010 with a final revision date of 4/28/2010 by Smith & Company surveyors and Engineers, Inc. , 247 Main Street South, Woodbury, CT 06798; and

WHEREAS the Commission held a public hearing on July 7, 2010 and meetings on June 2, 2010, July 7, 2010, and July 21, 2010;

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** a common driveway for Lot 3 and Lot 4 for the subdivision application titled Greenwood Subdivision located at 391 Echo Lake Road on 11.30 acres of land in an R-30 Residence District owned by the applicant James L. Greenwood et al, 120 Acme Drive, Middlebury, CT 06762; and

IT IS FURTHER RESOLVED that the Commission determines the common driveway shall be shared only with Lot 3 and Lot 4, the common driveway is safe, and the common driveway meets all other driveway regulations; and

IT IS FURTHER RESOLVED this approval is subject to the following modification:

1. A common driveway agreement acceptable to the Commission and approved by the Commission shall be recorded by the applicant on the Watertown Land Records for Lot 3 and Lot 4 having a common driveway. The recordings shall be executed no later than the time the Recording Subdivision Map mylars are signed by the Chairman and recorded by the applicant on the Watertown Land Records.

Motion made by: C. Mancini
Second by: R. Russ

Eric Markiewicz recused himself
D. Benemerito was seated for Eric Markiewicz

Aye: D. Minnich, R. Russ, C. Mancini, K. DeMirs, D. George, M. Genovese,
D. Benemerito

On a vote of 7 in favor and 0 opposed, the motion is approved by a $\frac{3}{4}$ required vote and the common driveway for lot 3 and 4 is approved.

Mr. Minnich: reviewed the conditions. Reviewed line #16, the 310 feet which becomes a number of approximately 30 MPH what the average speed would be. This will change the 258 feet site line proposed by the developer to 310 but will not make any necessity to site improvements off the property.

Mr. George: he may have to do more cutting.

Mr. Minnich: but only on their property that would give a better site line.

Mr. Mancini: 258 that is proposed by the developer.

Mr. Minnich: which is 25 MPH

Mr. Minnich: that site line is looking to the east. It was arrived as the maximum amount of cutting that could be done getting the maximum site line without encroaching on other properties.

Mr. Mancini: did we ever have a traffic study done in that area for any other developments what the proper speed limit is.

Mr. Minnich: I inquired there was nothing there.

Mr. Mancini: I do not know if 310 feet is enough there if that is 30 MPH. Who goes 30 MPH? You know everybody goes 40 MPH on that street.

Mr. Minnich: the brief review of getting to 445 feet was going to be difficult because of the structures on that adjoining property.

Mr. Demirs: they were not required to do a study.

Mr. Minnich: we did not require them to do a study. They were clear to staff that they gave us a number based on 25 MPH.

2nd motion

Whereas the Watertown Planning and Zoning Commission received a subdivision application titled Greenwood Subdivision for a 4 Lot Residential Subdivision located at 391 Echo Lake Road, Watertown, CT on 11.30 acres of land with a joint driveway for Lot 3 and Lot 4 in an R-30 Residence District owned by the applicant James L. Greenwood et al, 120 Acme Drive, Middlebury, CT 06762 which includes a Record Subdivision Map titled Greenwood Subdivision dated 3/05/10 with a final revision date of 6/28/2010, a Site Development And Erosion Control Plan dated 3/16/09 with a final revision date of 6/3/2010, Site Development Plan, Grading Plan, and Erosion and Sediment Control Plan dated 3/5/2010 with a final revision date of 6/28/2010, Driveway Profiles dated 3/5/2010 with a final revision date of 4/28/2010, Notes and Details 1 dated 3/5/2010 with a final revision date of 6/3/2010, Notes and Details 2 dated 3/5/2010 with a final revision date of 6/3/2010, Construction Plan, Sanitary Sewer Extension Plan, Profile, Notes and Details dated 3/5/2010 with a final revision date of 6/28/2010, Construction Plan Sanitary Sewer Laterals Profiles Lot 3 and Lot 4 dated 3/5/2010, Construction Plan Water Main Extension Plan, Profile, Notes and Details dated 3/5/2010 with a final revision date of 6/28/2010 prepared by Smith & Company surveyors and Engineers, Inc. , 247 Main Street South, Woodbury, CT 06798; and

WHEREAS the Commission held a public hearing on July 7, 2010 and meetings on June 2, 2010, July 7, 2010, and July 21, 2010;

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission APPROVES the subdivision application titled Greenwood Subdivision for a 4 Lot Residential Subdivision located on Echo Lake Road on 11.30 acres of land in an R-30 Residence District owned by the applicant James L. Greenwood et al, 120 Acme Drive, Middlebury, CT 06762 with the following modifications:

1. The Conservation Easement Areas shown on the Record Subdivision Map shall be in favor of the Town of Watertown and shall be marked with Conservation Easement tags at intervals satisfactory to the Watertown Wetlands Enforcement Officer before any site work has begun. A Conservation Easement document approved by the Commission shall be recorded on the Watertown Land Records in form acceptable to the Town Attorney at the time of or before the Record Subdivision Mylar map is filed. No structure, equipment or lawn furniture shall at anytime be within the Conservation Easement Area. The Administrator for Land Use / Zoning Enforcement Officer and the Wetlands Enforcement Officer shall enforce the Conservation Easement area. Owners of each subdivision lot shall have conservation easement restrictions on their lots, which are to be recorded on the Watertown Land Records by the applicant at the time of or before the Record Subdivision Mylar map is filed. These restrictions are applicable to owners filing the deeds and to all future owners of the lots.
2. The Open Space shall be the area of 2.2414 acres located west of Lot 3 as shown on the Record Subdivision Map. The Open Space shall be deeded fee simple by the applicant to the Town of Watertown in form acceptable to the Town Attorney and recorded on the Watertown Land Records at the time of or before the Record Subdivision Mylar Map is filed. Use of the Open Space shall conform to the Subdivision Regulations
3. The structure on the Open Space parcel near the eastern boundary of Lot #2 shall be removed before a zoning permit is issued.
4. The accessory structure on Lot#2 shall be removed before a zoning permit is issued.
5. All rear and side lot pins shall be placed before the issuance of a zoning permit.

6. All new utilities shall be underground and a waiver granted for above ground utilities for the existing house located on Lot #1.
7. There shall be no sidewalks.
8. The solar access area shall be shown on each lot.
9. All the recommendations of the Town Engineer in a memorandum dated 7/7/2010 shall be followed.
10. There shall be no top soil or other earth materials removed from the site.
11. All maps shall meet the requirements of Section 4 of the Town of Watertown Subdivision Regulations.
12. A joint driveway agreement for Lot #3 and Lot #4 is required to be approved by the Commission and filed by the applicant on the Watertown Land Records prior to the issuance of a zoning permit.
13. Trees shall be planted every fifty (50) feet on the north side of Echo Lake Road in front of Lot #1 and Lot #2 and the open space parcel and one tree on Lot #3 west of the common driveway. Street trees will not be required east of the common driveway due to the driveway sight line requirements. A list of proposed tree species shall be submitted and approved by the Administrator for Land Use / Zoning Enforcement Officer and the Town of Watertown Tree Warden. The trees shall be of a size specified in the Town of Watertown Subdivision Regulations. A tree bond must be posted prior to issuance of a zoning permit for a minimum of three years. A notice of street trees shall be filed by the applicant on the Town of Watertown Land Records for each lot in the subdivision prior to the issuance of a zoning permit. All street trees shall be planted prior to the issuance of the first certificate of occupancy.
14. Curb cuts for driveways shall be as shown on the Record Subdivision Map.
15. The lots shall be connected to a public water supply and a public sanitary sewer system. Lot #1 and Lot #2 shall be connected to water and sewer utilities of the Watertown Fire District. Lot #3 and Lot #4 shall be connected to water and sewer utilities of the Town of Watertown Water and Sewer Authority.
16. The sight line east of the common driveway shall be 310 feet.

17. A bond shall be posted for all public improvements in accordance with Section 3.4.5 of the Subdivision Regulations and prior to a zoning permit issued. The bond shall be for the construction, installation, and maintenance of soil erosion and sedimentation controls, street trees, paving curb cuts in the public right-of-way for driveways, monuments and pins, water supply extensions, sanitary sewer extensions, sight line work near Echo Lake Road, site stabilization, the common driveway, public improvements including stormwater drainage, and as-built drawings. The bond shall be approved by the Commission.
18. A Certificate of Liability Insurance in favor of the town shall be provided and approved by the staff pursuant to Section 3.4.6.b of the Town of Watertown Subdivision Regulations.
19. There shall be no sale and no offer for sale of lots or property in the Subdivision, in whole or in part until:
 - a) The Record Subdivision Mylar Map is approved when endorsed by signature thereon of the Commission Chairman or Secretary and is recorded by the applicant at the expense of the applicant in the Watertown Town Clerk's Office. The recording of the Record Subdivision Mylar Map in the Watertown Town Clerk's Office is null and void without said approval and endorsement, AND is null and void without satisfactory compliance to ALL of Subsection 3.4.5.
 - b) The Developer and the Commission Chairman or Secretary endorse a Subdivision Development Agreement by their signatures. Said agreement shall be filed and recorded in the Watertown Town Clerk's Office by the applicant at the expense of the applicant. The Subdivision Agreement is null and void without said approval, endorsement, and filing.
 - c) The applicant produces evidence to the Administrator of Land Use / Zoning Enforcement Officer that the property taxes, liens, encumbrances, and assessments not deferred with approval of the Town of Watertown, are paid for property the subject of the Subdivision.

- d) Easements, deeds, rights-of-way, and other instruments required by the approved Subdivision approval, the Subdivision Regulations, and or the Subdivision Development Agreement shall be recorded by the applicant on the Watertown Land Records at the expense of the applicant and as is acceptable to the Town Attorney as to form. The applicant shall provide a copy of each recorded instrument to the ZEO.
20. The conditions of approval shall be listed on the final filing Record Subdivision Map.
21. Prior to Town officials signing a final A-2 Survey mylar site map and the two paper site map copies, the final map with a signature block for the Chairman of Planning and Zoning shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission. The signed mylar copy shall be filed on the Town of Watertown Land Records before a zoning permit is issued.
22. A preconstruction meeting is required to be held with Town staff, the developer, the onsite contractor, and the site design engineer prior to any on-site activity.
23. In accordance with Section 8-26c of the Connecticut General Statutes this subdivision shall expire on August 12, 2015.
24. The applicant is required to place an appropriate blind driveway sign east of the common driveway for traffic going west on Echo Lake Road and that the sign be acceptable to the Town Engineer and the Administrator of Land Use.

The final approved Record Subdivision Map, Subdivision Development Plan and other required documents must be filed on the Town of Watertown Land Records, before November 12, 2010.

Motion Made by: D. George
Second by: R. Russ

Mr. Mancini: out of concern for safety I would rather be on the side of safety and I do not think 310 feet is enough. If you make it 375 for 35 MPH.

Ms. Genovese: I am concerned about the big rock there.

Mr. George: they are going to remove that rock.

Mr. Minnich: Before you is a motion of approval but it will need some discussion. This application is for an existing building that is adjacent to his property as a used car sales. The problem becomes that the lot is not yet part of the new car sales lot and the zoning regulations are clear that you cannot have a accessory use without a primary principle use and one item of condition would be that they would need to combine the three lots into one larger lot, the used car sales and behind the used car sales used for another purpose. This Commission would not be approving this application and would be denying this application if that merger was not done. As such the condition is that they complete this merger of lots within 90 days from the date of approval which is today, if they do not complete the merger of the lots, that this application is void and revoked. In addition to that it becomes further complicated in that you cannot have two free standing signs on a lot in a BSC district, by merging the lots there is one existing on the new car dealership and there is an existing free standing used car dealership which create a non conformity. We have authority interpreting our regulations. It seems unreasonable in our interpretation that we would not allow a merger of property simply because there is a free standing sign. This motion allows the existing sign on used car lot to exist in its existing location with its existing dimensions and size. Mr. Minnich reviews the other conditions.

WHEREAS, the Town of Watertown Planning and Zoning Commission received an application from Honda of Watertown, C/O: Lorensen Auto Group, One Flat Rock Place, Westbrook, CT Special Permit #297/Site Plan Application for a used car dealership to be located at 774 Straits Turnpike, Watertown, CT, in a B-SC Shopping Center Business District which includes an Overall Site Plan dated 5/26/ 2010 with a final revision date of 6/23/2010, Site Plan and Erosion Control Plan 5/26/2010 with a final revision date of 7/6/2010, Site Plan Photometric dated 5/26/2010, Erosion Control Specifications and Details and Site Details dated 5/26/2010, Site Details and Notes date 5/26/2010, Property /Topographic Survey prepared for Lorensen Enterprises Sheet No. 1 of 1 dated 4/29/2010, Illumination Survey Sheet No. 1 of 1 dated 9/14/07 prepared by Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410; and

WHEREAS, the Commission held a public hearing and a meeting on July 7, 2010 and a meeting on July 21, 2010

WHEREAS, Zoning Regulations Section 33.3.9, “Shopping Center Business B-SC District” provides that used cars sales are, subject to Special Permit, an accessory use to a new cars sales principal use. Section 7.11, “Application of Zoning Regulations” states an accessory building, structure and use are: “a. Except for bona-fide farm buildings, accessory buildings, structures and uses shall be located on the same lot as the principal building, structure or use to which they are accessory. b. Except for bona-fide farm buildings, accessory buildings, structures and uses shall not be located on a lot without the prior establishment of a permitted principal use, nor shall any new lot be created that has an accessory building, structure or use without a principal use.” The subject property does not have a new car sales principal use and no such principal use is proposed on the subject property. The applicant has stated to the Commission during application review that the applicant has an option to purchase the subject property and will exercise the option and purchase the subject property soon after application approval. The subject property is adjacent to the property which the applicant owns and has an approved new car sales principal use.

WHEREAS, Section 33.4.5 of the “Shopping Center Business B-SC District zoning regulations states signs are subject to Section 62, “Signs”. Section 62.4.3.d. states: “Except as otherwise provided herein, only one freestanding sign shall be permitted on a lot for each street from which the lot has vehicular access, even if there is more than one building or use on that lot.”

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** Special Permit #297 and Site Plan Application for a used car sales accessory use to a new car sales principal use located at 774 Straits Turnpike, Watertown, CT, in a B-SC Shopping Center Business District subject to the following conditions:

1. The applicant is required to merge into one lot by title and deed the property that is the subject of this Special Permit #297 and Site Plan application with the adjacent property to the south owned by the applicant that has an approved new car sales principal use. This adjacent property is also to be merged at the same time and by the same conditions with the adjacent property to its westerly and rear lot line. The Commission Chairman shall sign the final record site plan mylar map only after the property merger is completed. “Completed” is defined as when the Commission required land merger documents are filed with the Watertown Town Clerk and are satisfactory to the Town Attorney.

A zoning permit shall not be issued without recording the fore-stated required property mergers on the Watertown Land Records and proof of such filing is submitted by the applicant to the Administrator of Land Use / Zoning Enforcement Officer.

This condition of approval if not satisfactorily completed as foresaid within ninety (90) days from the date of Site Plan approval, which date may not be extended in period, shall on the 91st day from the date of Site Plan approval if not satisfactorily completed, automatically and without further action VOID and REVOKE Special Permit #297 and this approved Site Plan. In such circumstance, the Commission determines in interpreting its zoning regulations that used car sales is an accessory use in the B-SC district and must be on the same lot as a new car sales principal use. No such relationship existed at application review. The Commission would have at application review, denied this Special Permit #297 and the Site Plan for non-conformance to Section 7.11, if it were not for the assurance of the applicant that the fore stated lots would be merged into one lot soon after application approval.

2. The Commission determines in the circumstance of this application that the freestanding sign on the subject property of the used car sales is a non-conforming structure after merger of lots required by the previous condition of approval. Further, the Commission determines in its interpretation of its regulations as authorized by Section 5.1 “Language and Definitions” and by Section 72.1 “Administration – Interpretation”, that the existing freestanding sign in and of itself does not prohibit the merger of lots.

Section 6.7.1 “Non-Conformity” states: “Such non-conforming structure shall not be enlarged or altered in a manner which extends or increases the non-conformity but may be altered to decrease the non conformity....” Therefore, the freestanding sign on the subject property if not moved from its exact existing location may remain at its exact existing location as a freestanding sign with its existing non-conforming size dimensions.

All signs shall conform to the sign regulation in Section 62 “Signs” and Section 52.4B “Special Permit Involving New Car Sales for Existing Automobile Dealerships”.

3. All exterior lighting shall be full cut-off fixtures in accordance with Article VI Section 61.4 of the Town of Watertown Zoning Regulations and lighting requirements in Section 52.4B “Special Permit Involving New Car Sales for Existing Automobile Dealerships.” The light poles

shown on the July 6, 2010 Site Plan near the eastern property line adjacent to Straits Turnpike do not conform to Section 61.4. As a condition of approval, these light poles adjacent to Straits Turnpike shall be moved to a location to conform to the regulations for light trespass, or the fixtures on the light poles shall be screened to conform to the regulations or the lights on the poles shall be with lumens that do not cause light to trespass from the subject property in conformance to the regulations. The Administrator for Land Use / Zoning Enforcement Officer shall determine compliance.

4. All non-essential lighting shall be turned off after business hours leaving only the specified lights shown on the Site Plan for site security as approved by the Administrator for Land Use / Zoning Enforcement Officer, resulting in approximately one half of all lights turned off after business hours.
5. The parking shall be located at a minimum of six (6) feet from the building and a curb provided to separate the parking from the building.
6. The required landscaped islands buffer that are shown on the Site Plan fronting Straits Turnpike shall conform to Section 52.4B, "Special Permit Involving New Car Sales for Existing Automobile Dealerships." The Commission determines by Special Permit #297 that the landscaped islands buffer is for public safety. No vehicles, equipment, signs, and other may be in the landscaped islands buffer except for the driveway access as shown on the approved Site Plan
7. The traffic flow and traffic signage on the subject property shall be as is on the July 6, 2010 revision of the Site Plan and Erosion Control Plan. The traffic flow shall be marked by arrows on the pavement. Parking spaces shall be marked and striped on the property pavement. The Commission determines by Special Permit #297 that the approved traffic flow, pavement markings, and traffic signage is for public safety.
8. Connection to public water supply and public sanitary sewers are required.
9. All new utilities shall be underground.
10. A dumpster location shall be shown on the final Site Plan mylar filing map and not be in the front yard. The dumpster shall be covered and screened from public street view.

11. A six (6) foot high-anodized aluminum fence shall be installed along the entire western side of the property near the property line as shown on the Site Plan. The Commission determines by Special Permit #297 that the fencing is for public safety.
12. A two foot two inch (2'2") high wooden guide rail shall be installed along the entire northern side of the property near the property line as shown on the Site Plan. The Commission determines by Special Permit #297 that the guide rail is for public safety.
13. The driveway accesses to public streets shall be as shown on the approved Site Plan.
14. Bonding is not required.
15. The maps shall reference C.G.S. Section 8-3(i) as authority for the Site Plan expiration date.
16. 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, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator for Land Use / Zoning Enforcement Officer and is subject to review and approval by the Commission at the discretion of the Chairman or the 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 July 22, 2015.

E. Markiewicz recused himself
D. Benemerito was seated for E. Markiewicz

Motion made by: C. Mancini
Second by: D. George

Aye: D. Minnich, C. Mancini, D. George, M. Genovese,
D. Benemerito, K. DeMirs, R. Russ

On a vote of 7 in favor and 0 opposed, the motion is approved, the application is approved.

After the vote on Site Plan/Special Permit #297, Eric Markiewicz was again seated for the remainder of the agenda and Denise Benemerito was no longer seated for Eric Markiewicz

a. Applicant: Patrick Graziano
Agent: Attorney Franklin Pilicy
Re: Text Amendment to Zoning Regulations
Section 34 Add New Section 34.2.15
Residential Use on Upper Floors Above
Street Level
At: 9 Knight Street, Watertown
Zone: B-G
Action: Schedule a public hearing by September
10, 2010.

Franklin Pilicy

I require a public hearing be scheduled.

Chairman Minnich requested Ms. Mulcahy to provide in advance of the public hearing to the Commission and to the applicant a listing of properties in the B-G District that this text amendment would apply to.

Ms. Mulcahy: we will put together a packet to let everyone know how many buildings in that zone have a second story for apartments.

Mr. Minnich: what are the thoughts this residence would be?

Mr. Pilicy: there is no plan of change for what is there now. But in theory other buildings that don't have upper floors could add them.

Mr. Minnich: this will allow that second floor to be used for BG purposes and for residential purposes.

Text of Motion: Accept application for review and schedule a public hearing for September 1, 2010 at 6:30PM in the Watertown High School Lecture Hall.

Motion made by: C. Mancini

Second by: R. Russ

All in Favor

- b. Applicant:** ARS Associates, LLC(18 Falls Ave)
TGB Properties, LLC (25 Falls Ave)
Agent: Attorney Franklin Pilicy
Re: Zone Change Application RG back to IG-80
At: 18 Falls Avenue, Oakville
25 Falls Avenue, Oakville
Zone: RG
Action: Schedule a public hearing by September 10, 2010.

Franklin Pilicy

For the record I request a public hearing be scheduled.

Text of Motion: Accept application for review and schedule a public hearing for September 1, 2010 at 6:30PM in the Watertown High School Lecture Hall.

Motion made by: R. Russ

Second by: D. George

All in Favor

- c. Applicant:** Clearwire, LLC
Agent: Thomas Flynn, Maxton Technology Inc.
Re: Site Plan/Special Permit #298
Application for antenna on Town Water Tank
At: 192 Georgetown Drive, Watertown
Zone: B-SC
Action: Schedule a Public Hearing by September 10, 2010.

Ms. Mulcahy: for another antenna on the water tank. We could get their notice for August 4th because there is no referral on this.

Text of Motion: Accept application for review and schedule a public hearing for August 4, 2010 at 6:30PM in the Swift Middle School Library.

Motion made by: R. Russ

Second by: M. Genovese

All in Favor

- d. Applicant:** Planning and Zoning Commission
Re: District Boundary Line Amendment
Lift R-T Residential Transition Overlay
Zone to revert back to R -30 Residence
District
At: Buckingham Street, Portland Street, Echo
Lake Road, to the back properties of
Mount Fair Drive, Watertown, except for
the 17.29 acre parcel identified as Map
102 Block 42A Lot 84 located at 741 Echo
Lake Road, Watertown
Action: Schedule a Public Hearing

Text of Motion: Accept application for review and schedule a public hearing for September 1, 2010 at 6:30PM in the Watertown High School Lecture Hall

Motion made by: C. Mancini

Second by: K. DeMirs

All in Favor

- e. Applicant:** Watertown Farm Limited Partnership for
Davidson Farm Subdivision
Agent: Attorney Robert Fisher, Cramer &
Anderson
Re: Amend subdivision approval
Action: Revoke subdivision approval of December
6, 2006

Mr. Minnich: you have before a letter and I will read into the record:

Dated: June 21, 2010

Dear Chairman Mr. Minnich,

As you may recall I represent the principles of Watertown Farm Limited Partnership which owns property in Watertown known as Davidson Farm. The Commission approved an 18 lot subdivision of the property of December 6, 2006. John Palomba an abutting owner appealed the approval, which the appeal is still pending in the Waterbury Superior Court. On April 6, 2009 I wrote to your Commission requesting that the subdivision be rescinded. However on April 30, 2010 at my client's request I wrote a second letter requesting that it be tabled. After reconsidering the matter my client's now wish to surrender the subdivision approval. The purpose of this letter is to request that the Commission

amend the subdivision approval by rescinding it. I spoke with Paul Jessell who suggested that I submit this request to the Commission. If any further information is required please let me know.

Sincerely,
Robert L. Fisher

Mr. Minnich: the action before us tonight is to revoke the subdivision for David Farm Subdivision that was approved on December 6, 2010 upon their request.

Mr. Minnich asked Ms. Mulcahy to send a letter and inform Paul Jessell to do the appropriate things to get that court issue resolved.

Text of Motion: Revoke the Subdivision Approval for the Davidson Farm Subdivision that was approved on December 6, 2006, upon their request.
Motion made by: C. Mancini
Second by: D. George
All in Favor

- f. Applicant:** 1230 Main Street, LLC
Shaker's Inc./DBA Shaker's KIA
Re: Site Plan/Special Permit #299
New Kia Dealership
At: 1230 Main Street, Watertown
Zone: B-G
Action: Schedule a Public Hearing

Denise Benemerito: recused herself.

Corey Shaker – President of Shaker's Incorporated

Ford Motor Company is looking to consolidate and buy, so they approached the Benemerito Family to merge. We have been working together for 3 1/2 years on how to do this. The sense of urgency for the Shakers side is moving Family Ford and Lincoln Mercury into one dealership and to have the Crestwood building as a standalone Kia franchise. I need to have a stamped site plan to go to DMV and get the license. Our hope we can bring Kia down there as quickly as possible. We can carry these extra people if there is light at the end the tunnel. We are not changing anything and we want to move in there in its existing form. Ford does not want to have empty building with signs out front that say Ford because it says to the public not successful vs. the consolidation of the three dealerships into one does state success. Those signs would be removed very quickly. The Kia people would go through Planning & Zoning to get a sign approved separately and signs up were

approved. My hope when Ford goes up to the Middlebury side where the Kia sign is and the Kia significantly smaller goes where the Ford sign is now.

Mr. Minnich: I would suggest before you do anything with the signs that you speak with Ms. Mulcahy. The issue from your perspective is that you have variances on the Crestwood Ford property for the signs. If you remove the signs as you say, that revokes the variance you have to start over again.

Mr. Shaker: the Kia and the Ford people will talk to the Planning & Zoning before they do anything and they have to go through that process.

Mr. Minnich: we thank you for getting the site plan to us which shows existing.

Ronald Wolf – Professional Engineer

Total property acreage of 3.886 acres and it was recently surveyed. The existing building on the site is 13,900 square feet which is 8.2% coverage. The ground coverage is 109,660 square feet which is 64.8% coverage. Talking to Ms. Mulcahy the Commission was interested in the existing easements on the north and south for purposes of access and provided copies of easements. Mr. Wolf reviewed watercourses and drainage. There are three existing signs on the property and nine existing customer parking spaces located in front of the showroom, eleven existing lights downward facing. I would like to discuss a waiver for sections 51.6. if Mr. Shaker did want to expand or make changes to site the we would have to meet all the requirements of the site plan section 51.

Mr. Minnich: we want to move this along quickly from your side, for a special permit we have to hold a public hearing requiring notice which needs to go in the paper by Saturday in the Waterbury Republican American. The issue I have in scheduling this hearing is that if we have an opportunity to do a site plan review, I wanted to understand the issue of the drainage. At times when there is moderate to large rainstorms there is significant water and if the storm drainage is adequate. I understand that it is not the responsibility of the applicant to do anything outside their property line; the storm water management system of getting the water off the property can be improved to a more workable situation from your perspective.

Mr. Mancini: I think we all know there are water problems on that site. My other concern is the light trespass on this property.

Mr. Minnich: you can use existing pole but just shield the fixtures or straighten out looms with a timer.

Mr. Shaker: to what extent does the water flood?

Mr. Demirs: the Antonacci building to the far right for sure.

Mr. Wolf: there is a single catch basin that is half clogged with a trash. The rack is full of debris and if it does not get cleaned continuously that water it not going to make it into that basin. The storm water management is not ideal that is why we are going to get it cleaned and see what needs to be done. It would be impossible to bring this site up to today's storm water management standard for the scope of this application as far as water quality and other issues. It seems to be in good condition except for the one vertical drop and it is off site.

Mr. Minnich: the requirements of the regulations are that when you have a site plan review this is the time to do it. As you have mentioned the ideal may not be something that we want to do. We could come to some understanding as to what needs to be done as requirement of the Commission. The erosion and water I do not see an option we have to do it.

Mr. Shaker: what I understand there needs to be some engineering analysis and 95% of the water is generated behind the property, it has nothing to do with the Crestwood Ford. It comes on to our property for a very short time and exits onto somebody else's property and there needs to be some data that substantiates that.

Mr. Minnich: That is correct, when the water gets onto your property that where you have a responsibility. The responsibility is not something you caused but you have to appropriately discharge that water from your property.

Ms. Mulcahy: when that ditch was created to capture that water it was channeled onto the neighboring property and we are looking into that as well.

Mr. Mancini: didn't we approve something like that in the past two years with the new development on top of the hill, Mr. Berger said that the existing piping should be able to collect it and contain all that water. That it should not add to the problem.

Mr. George: You are talking about that Graziano subdivision.

Ms. Mulcahy: they have a storm water management system, and water shed coming straight down towards the property.

Mr. Russ: the one that dug the ditch and ran water onto someone's property has got to be responsible; you cannot just dump water on someone's property.

Ms. Mulcahy: we are not sure when the ditch was created.

Mr. Wolf: my guess is that it was there before Burger King. I looked at a 1991 photograph and it was there then and that is 20 years almost.

Mr. Demirs: that was part of the Ford dealership back in the 70's and that was where they put cars for sales and there was water issues there to.

Mr. Minnich: the question ultimately to answer tonight if you will have paperwork for our staff to review in time for August 4th and if that is not the case then we need to schedule public hearing for September 1st.

Ms. Mulcahy: Our packet goes out next week.

Mr. Minnich: you may want to speak with Dennis O' Sullivan he maybe helpful to you with a contact to find these old records.

Mr. Shaker: would the Commission be comfortable if we looked at the inlet to this is in the state right of way, can we focus on this site itself and the impervious area and how to collect the runoff and to prevent that from coming down to Main Street. Presently this does not get to Main Street through this site.

Mr. Minnich: that runs through your property part of that drainage ditch.

Mr. Shaker: that will probably help me give you an answer.

Mr. Minnich: the Burger King falls is probably the least that you are going to have control over except to figure out what the appropriate water flow is. I do not see how that cannot be evaluated, it runs through the property and goes on your property. I do not know what the solution to the problem is and I think it needs to be analyzed.

Ms. Mulcahy: showed on the map where the ditch flows through the property.

Mr. Minnich: you can have it by that Monday, August 2nd for staff to review.

Mr. Shaker: yes we will.

Mr. Minnich: we will schedule a meeting for August 4th if it needs to get canceled, if you do not have all the information we will then schedule it for September 1st.

Mr. Shaker: the information that you are looking for is how much water is flowing down that hill, are you looking for a scientific analysis that if the catch basin were cleaned on a regular basis that it should handle the water flow.

Mr. Minnich: all of that and anything you could possible think of with regards to the storm drainage and Mr. Wolf knows what you need.

Text of Motion: Accept application for review and schedule a public hearing for August 4, 2010 at 6:30PM in the Swift Middle School Library
Motion made by: D. George
Second by: C. Mancini
All in Favor

8. Adjournment

Text of Motion: Adjourn at 9:15PM
Motion made by: R. Russ
Second by: D. George
All in Favor

Carl R. Mancini _____
Secretary