

Town of Watertown  
The Planning and Zoning Commission  
Public Hearing  
Swift School  
September 3, 2008

Time: 7:00PM

Date: September 3, 2008

Place: **John Trumbull Primary School Library**

779 Buckingham Street

Oakville, CT

Minnich: I am calling this meeting of the Planning and Zoning Commission to order.

Present: D. Minnich, R. Russ, M. Masayda, G. Martin, C. Mancini, J. Blais, K. Demirs

Absent: G. Dupliese, D. George, R. Rondeau

Others Present: Ruth Mulcahy, Land Use Administrator  
Chuck Berger, Town Engineer

K. Demirs sat in for G. Dupliese

R. Rondeau arrive at 7:20

Minnich: Next item on the agenda is a Site Plan/Special Permit #205 modification of conditions and additional structures located at Swift School, 250 Colonial Street, Oakville, Ct. in an R-12.5 zone. Mike would you please read the notice.

Masayda: The Planning and Zoning Commission of the Town of Watertown will hold a public hearing Wednesday, September 3, 2008 at 7PM in John Trumbull Primary School Library, 779 Buckingham Street on the following applications, Site Plan/Special Permit #250 modification of conditions and additional structures located at Swift School, 250 Colonial Street, Oakville, CT in an R-12.5 Residence Zoning District. Dated Watertown, Ct. this 21<sup>st</sup> and 28<sup>th</sup> day of August 2008.

**Karen Baldwin – Superintendent of Schools in Watertown**

Also this evening with me is Tom Lambert, Board of Education member, and Joe DiCarlo and Fred Kericha – Architects from Kaestle Boos and Associates. Thank you for the opportunity to address you this evening relative to the board's application for modification at Swift Middle School. The Board of Education throughout the construction project intended to be in compliance with the conditions and structures as submitted to the Planning and Zoning Commission. The architects are present tonight to explain in detail our application request. Let me take a moment to explain to you the circumstances around the three outstanding issues at Swift that lead to our application for modification. First the guardrail on Colonial Street is required to be timber rail with steel backing as listed on the conditions of approval. As you are aware the guardrail is metal, you may recall that the Swift project was originally 5,000,000 dollars over budget. Changing this guardrail was part value engineering on the project to reduce costs. This was not an intentional change of the approval condition but rather an oversight during the value engineering process. Second, the location of the emergency generator enclosure has been moved to a location closer to the residential property line within the 50 feet buffer zone. This was moved from the original location on the construction drawings simply because it did not fit in the original location. The Board of Education and the architects fully understand that we should have come to the Commission when this situation presented itself and we have learned our lesson. Third the condenser unit outside the cafeteria is also to the residential property line and operates continuously. This unit did not appear on the landscape drawing plans and Land Use office but it always appeared on the construction drawings. The Board of Education respectfully requests that you approve an application for modification and additional structures relative to these three items at Swift Middle School. And I now turn it over to Joe DiCarlo, from Kaestle Boos Associates to make a further presentation.

Minnich: Thank you very much and welcome to Watertown.

Baldwin: Thank you.

**Joseph DiCarlo – Landscape Architect – Kaestle Boos Associates**

Most of the wind got taken out of my sails here. As the superintendent mentioned the guardrail along Colonial Avenue which is along the bottom of the sheet there and see a small line if you can. Originally the condition of approval called for a merit parkway style, Ct Department of Transportation guard rail and again as part of the value engineering...

Masayda: The essence of time, don't reinter ate what she said...

DiCarlo: Okay well I can say that the rail that is there is Ct Department of Transportation approved W beamed steel rail it is identical to the rail the town installed across the street from it by Wabbles Book. Pretty much the other explanations as stated the generator got relocated and in the hast of construction in getting we failed to appear before this Commission and seek approval for its new location.

Rondeau: Can you show me where that is?

DiCarlo: The generator got moved from in front of the cafeteria to a spot behind the loading dock, which is closer to the property line and as stated a condenser unit it there for the refrigeration of the kitchen equipment it has to be located within 40 feet of the equipment it serves. An attempt was made during design to put it on the roof but that was too far away, so it had to go there. It was always to be part of the project it simply did not show up on the landscape drawings that were submitted for approval to this Commission again an oversight on my part. With that we are hoping you would approve these 3 changes and amend our plan as such.

Minnich: Thank you that is your presentation?

DiCarlo: Yes

Minnich: Does anybody on the Commission have questions?

Rondeau: Does it meet current setback regulations where you put the compressor and the generator at this point?

DiCarlo: I am not sure there are setback regulations; there is a contagion of the 50 foot buffer zone which again you see that dash line that runs through the building in the upper left hand corner is the footy foot line from the property line. However from the very start the existing school already intruded in that the addition of the building intrudes into that. The loading dock is into it, there is nothing specific that says I can't put equipment in there other than this buffer zone and what research I could find there were discussions of about the buffer zone was an option to the Commission I couldn't find anything that said it was being enforced in the conditions.

Rondeau: What is on the other side of that...

DiCarlo: Residential homes.

Rondeau: How far are those residential homes from the property line?

DiCarlo: Without an exact measurement I would say maybe 50 feet or so.

Rondeau: You would say that question on the generator is how far from the property line?

DiCarlo: The generator is 17 feet from the property line and the compressor is 21 feet from the property line.

Rondeau: So 60 feet from someone's house these things are running.

DiCarlo: The compressor runs yes.

Minnich: I had a few questions if I may I know there always seems to be some feelings of tension between the applicant from the schools and this board on various issues. And I just want to explain on behalf of all of us that all of your schools are in residential districts, are job as a Planning and Zoning Commission is that those neighbors and those adjacent to your property have an absolute right equal to yours for us to take into consideration when there are things you do which intrude upon them. Our job is to listen to the neighbors but we are also very cognizant of the fact that our rulings go with the land. So we not only have to listen to the neighbors, we have to place our own thinking in this with regards what is future property owners going to be because there is no way we can possibly invite everybody here that wouldn't be effected by this. So I just wanted to make that

comment that we are not trying to be the bad guys that is the way it comes across. These people have absolute rights to, you all are under the constraint of the property you have, I am sure the Superintendent when she came and saw Swift School, I am sure her first observation was nice school but boy it is on a small piece of property. So anyway, I just have a few questions and as part of the record on May 5th a letter was written by our former administrator Mary Barton regarding approval that we had given and I am looking for the date but what I wanted to read into this is that of the condition of approval that we gave that the guardrail within the site shall be timber guardrail and the guardrail is required after additional time period due on Colonial Street shall be of timber rail with steel backing which meets the traffic safety standards for a public road. Having re read that recently and I do remember the conversation and I know you can kind of how we see how these kind of things go together. When this was presented to us with the guardrail everything was not clear and understood and really prevented in the detail that we should have had. We did our diligence as we always do and I look over at Chuck and he says "oh not again" and we turn it over to the Town Engineer and say you handle all the details. So the issues relating to this size of the guardrail and how long that it is. We observed that is was an issue and so we left it to the Town Engineer and he tonight will give some comments regarding that. With the issue of the generator and the compressor we thank you for helping us to do the site walk and for being there and turning on this piece of equipment and there is a letter that we have from for the record from Robert Rubbo, who is the Deputy Director of Health Torrington District and if I could for the record and read it into the record. Dated 8-27-08, Dear Commission Members, The requested 8-26-08 performed a noise meter readings on Swift Elementary School. The first reading taken was of the refrigeration compressor, this reading was taken from abutting neighbors property line located at 69 VanOrman Street the noise meter reading of the compressor registered from 50 to 55 decibels depending on where I stood on the property line. The second noise meter reading taken of an emergency generator, the generator registered 68 decibels. If you have any questions regarding these noise meter readings please call me contact me at 860-945-5270. Robert Rubbo, Director. I am going to be real quick, can there be more done to make the noise around the compressor then is currently there now. You know all there is around is a fence. Can there be some structure (inaudible) only for the purpose of helping.

DiCarlo: There are physical elements that can be constructed to help reduce the sounds if that became an issue and as noted in the readings taken follow within the guidelines for the state for noise between a non residential and residential properties.

Mulcahy: Just to comment on that but they don't fall within the regulations for night time, they only fall within the regulations for day time. So they do not fall within the regulations for night time.

Rondeau: Are you saying the added sound don't fall into...

Mulcahy: The readings that he reported taking at the property do not meet the maximum allowable readings for nighttime.

Minnich: I think you are absolutely right Ruth and I just ask that the Commission keep in mind all of these noises are all punitive. There is obviously going to be the generator, the school, the people playing and I think it is not necessary we have to get some decibels we just owe it to ourselves I believe to explore the possibility and you can help us with regards to reducing that compressor from what it is, which runs pretty much all the time and the emergency generator you picked a very fine generator and it already has noise reduction in there, so I don't see an issue myself. Is there any other comments from the Commission?

Martin: How often does the generator run?

Mulcahy: There is an exemption for the generator.

Martin: When does that run?

DiCarlo: That I do not know.

Martin: My recommendation is immediately after school lets out let it run. That is when the noise is not a factor, kids are coming out then neighbors will not here it. If you do it in the evening it is going to be more of a problem for the neighbors.

Minnich: Any other comments or questions from the Commission members before I turn it to the public? Is there anybody from the public who would like to make comments to this application?

**Sal DeRosa – 69 VanOrman Street Oakville**

My land abuts closest to all of them. The noise is 24 – 7. He said it's acceptable, when we had a meeting with the engineers at a private home they promised us that they would insulate and make it so we would not hear the noise. Bring it down to minimal if they could. It might be acceptable, but you got to live there. When the weather varies it's much louder and sometimes at other times. So we were promised that all units would be insulated and minimize the noise. When he took a reading he should have gone further up on the property.

Minnich: Our standard of doing noise meter readings is always at the property line. That is our standard of doing those readings.

DeRosa: If you go further up it is a little louder.

Minnich: Yes I understand.

DeRosa: We were told when we were at that meeting at the house we were asked if they were going to put an access road from VanOrman to the school, we were told it was too steep of a hill. They when they dug up the utility line they will put in a four foot pathway with the chips on it so the kids can go down. Right now they are jumping the fence through property lines to get to the school. They have not made that pathway yet. Next door they knocked down part of wall. It is not a big piece but it should be fixed. If you walk to the front of the school it will take all day long. Those are my comments.

**Tape jammed in machine near the beginning of side four. Stopped tape and started with tape 5.**

DeRosa: The generator when it kicks in you can hear it.

Martin: And they are saying it goes off in the evening, do you think it would be more appropriate for you in your interpretation of how things are running it was done when the kids get out of school at 3:00 or 3:30 whatever it is?

DeRosa: You will not find too many kids back there.

Martin: No more for the noise you are suffering would it better like early afternoon for that be going off as opposed to 6:00 or 7:00 o'clock at night when really going to hear it.

DeRosa: I would rather have it at night.

Martin: Back to the compressor that is what you are hearing mostly, do I understand that? it is going 24 – 7. But it is not other mechanicals that are up on the roof you are hearing that piece of equipment?

DeRosa: The ones on the roof they did a beautiful job up there. I will give you an example they put trees in my back yard last week. When they parked the truck up the street with all the trees he come down and hollered at the other fella why is the tractor running, the tractor was not running it was the compressor and that is a 170 feet away.

Minnich: Is there anyone else who has public comment on this application? Is there anyone else? I don't know how we want to proceed here either of two ways to do it. We could close the public hearing and then make our comments and our things that we normally do with the approval and the conditions or the second way is to keep the public hearing open and the issues that we have of sound proofing and what you may have for the guardrail we can request the applicant to come back with specifics about addressing those issues. Which way do you want to do it?

Rondeau: Is there any time that the emergency generator would turn on at night if there is no one in the school and we were to have a power failure?

Minnich: It is the testing that is not, the use of the emergency generator at the time that is used and the purpose for generating power when CL&P does not provide it is exempt from the regulations. Chuck do you have any comments from the...

Martin: He is bringing up a good point CL&P offers a program, how much of the school is operated by the generator?

**Fred Kericha – Kaestle Boos Architects**

That emergency generator is tied with the boiler, kitchen, the emergency lighting.

Martin: Just emergency lights. So it not full operation for the school, it's not intended to be an emergency shelter for the community.

Kericha: It is not an emergency shelter.

Martin: Back to the question of the CL&P, they offer programs where they offer up to the school system they give you a rebate each month and if you are willing to participate in the program and shut your school off or shed you load and allow this generator to run your facility out, is there any intent by the school system to join that?

Baldwin: We participate at some level in that right now? But I don't think we will be a part of that.

Minnich: Anybody questions on this?

DeRosa: The question of the generator, when it kicked in, it kicked in a couple of times immediately. When the power went off it kicked immediately, no hesitation nothing.

Minnich: Chuck could you give us a presentation?

Berger: A very brief presentation, but certainly I do not recall having any further discussions relative to the guardrail after the approval was given the approval letter was written. I went out to do an inspection with Ruth to look at the school; I do not have the date in front of me but within the past couple of months. That is when we noticed that it was a metal beam guardrail vs. the timber guardrail. I have no objections to a metal beam guardrail being placed there if it is consistent with the metal it is across the street the metal backed wood one is more aesthetic concern if it is a prerogative of the Commission but from a traffic safety standpoint the metal beam rail is certainly adequate. Regarding the length of it I have not had an opportunity to take a detailed look at that, I would encourage the applicant to compare what is required there as per Chapter 13 in the Ct. DOT design manual gives us the length of it. If what is there is adequate and the Commission is willing to accept the metal rail, it is a done issue, if it needs to be lengthened per Chapter 13 in the DOT design manual it could be lengthened.

- Blais: The ends of the guardrail they are above ground, they do not end in the ground, they are not bent at all, they are parallel with the road, if a car went off the road it will hit the end of the guardrail and abruptly stop, that doesn't look like it meets highway standards to me.
- Berger: I would say we go to Chapter 13 and make sure it is designed in accordance with the DOT highway design manual.
- DiCarlo: It is a curbed DOT approved terminus section on both ends it wraps around.
- Blais: Yes, I notice on most highways that there end into the ground and there is a radius on it, so when a vehicle hit that the end of that it doesn't stop abruptly.
- DiCarlo: There are various ways of terminating guardrails; this is an acceptable method of it, terminating the guardrail according to DOT standards.
- Mancini: I was up there on the site I understand what you are saying, there is a radius there, but the radius is only 12, or 15 inches wide and what he is talking about if a car comes down that road and happens to go off of the side of the road and hits that dead on that person in that car is going to get seriously hurt. If it was off on an angle by say 30 degree angle for another 5 or 6 feet, it wouldn't be as bad and that is what Jim is trying to say and I thought it was pretty dangerous there myself. I am not an engineer but I did not think that railing there was long enough in the first place and should have gone off on an angle.
- Minnich: Let me if I may for purposes of trying to get this concluded at least for today. I think we have verbally talked about coming back and I only want to emphasize again that everyone is under the same goal here is let's see what we can do on these issues that is before us to be certain that we can do all we can to mitigate the noise for what we have before us. So the issue as I see it for staff and for you folks to do it, is to come back and we put this on the agenda as soon as you get it done at one of the meeting we have twice a month. Is a take a look at the guardrail, the length of it and we come to some conclusion as to whether it should have the wood backing or not. But that is an issue that this Commission not with staff. Then the second is to take a look at what can we design to minimize the noise coming from the compressor and you guys go forward with that. And thirdly to take a look at the fact that I believe in hearing from some of the Commission members that will going to want to by special permit limit the use of

the generator for testing or during specific hours of the day. So it will not for testing purposes be done at other time. You would be very helpful if could tell us what those times will be. I hope we can leave it this way as amicable in terms of trying to move forward we are not trying to give you hard time but understand we really do take our task seriously that those neighbors we need to do what we can to do for them. Thank you. Are there any other members of the Commission who have...

Rondeau: I would like to ask although we may not be required as a good neighbor I would like to see if might capable of doing something that would limit the noise that the generator makes, whether it is putting arborvitaes in front of it, anything that you could do that would reduce the noise to the neighbors.

DiCarlo: What you see when you are there is not the generator it is an enclosure that is insulated with at least a foot of insulation between that and the property line there is a row of evergreen trees planted now we also have a six foot high wall although when it gets down to the generator its lower like any other compressor a six foot high wall are recessed below. Some efforts have been expended to reduce any noises.

Minnich: Part of the answer to that if I may just quickly I have been going through the site; this was adjacent right near by the actual compressor. When the testing was done the compressor was not turned off so part of the 68 decibels I don't know what number it is coming from the compressor. So the generator itself was not 68. I was quite impressed quite frankly how silent it was, but they got an excellent compressor that is built inside. You guys did a nice job with that. Trying to address Ray's question is whatever can possibly be done and I will ask Ruth if this could come back on the agenda as soon as you folks are ready and were not having a special session. I thank you for taking the time. Is there a motion to continue the public hearing?

Blais: Have handicap signs been installed at Swift?

DiCarlo: Yes

Minnich: Is there a motion to continue the public hearing? Is there a second? Is there any further discussions? All those in favor please say I, all those opposed no motion carries.

Text of motion to continue public hearing.  
Motion made by M. Masayda and seconded by R. Russ

All in favor and none opposed.

Michael Masayda \_\_\_\_\_  
Secretary