

Town of Watertown
The Planning and Zoning Commission
Regular Meeting
September 3, 2008

Time: 10:05 PM

Date: September 3, 2008

Place: **John Trumbull Primary School Library**

779 Buckingham Street

Oakville, CT

Minnich: I am calling this regular meeting of the Planning and Zoning Commission I call to order. At 10:05 PM on September 3, 2008. Susan would call the roll for the purpose of attendance.

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

Absent: G. Dupliese, D. George

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

R. Rondeau sat in for G. Dupliese

Minnich: **Next item on the agenda is public participation.** Are there any comments from members of the public? Hearing no comments we will move on.

Minnich: **The next is Communications and bills.** For purpose of unanimous consent is there any objection to placing these communications that are listed on file? Hearing no objections so ordered.

- a. Connecticut Federation of Planning and Zoning Agencies Quarterly Newsletter, Volume, XII, Issue 3
- b. Central Naugatuck Valley Regional Plan of Conservation and Development 2008
- c. Referral from Council of Governments dated August 25, 2008 Re: Referral Town of Thomaston regarding 4 text amendments
- d. Letter from Zoning Board of Appeals stating the Board has no objection to

the proposed Section 71.10 zoning text amendment concerning posting of public hearing signs on properties

e. Letter dated August 22, 2008 from Robbin Cabelus, State of CT DOT
Re: Major Traffic Generators Certificates of Operation

Text of Motion to placing these communications that are listed on file.
All in favor and none opposed.

Minnich: **Next item is minutes.** Do I have a motion to table all items 5a – 5n? Is there a second? Is here any further discussion? All those in favor please say I, all those opposed no. Motion carries.

- a. Special meeting of October 25, 2007 for Baillie Company for site plan Approval
- b. Public Hearing January 23, 2008 Special Permit #233 Watertown High School Site Plan modifications for an education use with additions and renovations
- c. Public Hearing January 23, 2008 Special Permit #234 Judson School, Watertown, CT Site Plan modifications for an education use with additions and renovations
- d. Public Hearing January 23, 2008 Special Permit #235 Judson School, Watertown, CT Site Plan modifications for an education use with additions and renovations
- e. Special Meeting January 23, 2008
- f. Regular Meeting February 6, 2008
- g. Budget and Administrative Sub-Committee Meeting August 6, 2008
- h. Special Meeting August 6, 2008
- i. Motion Sheet Public Hearing August 6, 2008 Site Plan/Special Permit #248 Perugini
- j. Motion Sheet Regular Meeting August 6, 2008
- k. Route 262 Planned Commercial Development Subcommittee Meeting Special Meeting August 6, 2008
- l. Motion Sheet August 20, 2008 Public Hearing continuation of public hearing site plan/special permit #248 Perugini
- m. Special Meeting August 20, 2008 Route 262 Planned Commercial District Subcommittee
- n. Motion Sheet Special Meeting August 20, 2008

Text of Motion to table all items 5a to 5n.
Motion made by G. Martin and seconded by D. George
All in favor and none opposed.

Minnich: **Next item is the staff report.**

Mulcahy: First I just want to let everyone know that I received a copy of the letter from Chuck Berger to Mr. Lovely. This is regarding the expiration of Hidden Oak Subdivision on October 4, 2008 and Fox Crossing on November 19, 2009. The Hidden Oak Subdivision includes a substantial section of Lovely Drive including the crumbling section. This subdivision needs to be on the October 1st agenda, I have left a message to have someone contact me in order to get this request on the agenda. There have been concerns about the road, both the Town Engineer and the Director of Public Works have met on the site with Mr. Lovely. I do have copies of Chuck's letter in case anyone is interested. I just wanted to give everyone a heads up on that. Because the Hidden Oak Subdivision has road problems, very substantial road problems and its expiring, so the last chance is October 1st meeting.

The next thing that I wanted to bring to the Commission's attention is that I did receive a letter from Echo Lake Brown Field LLC, and enclosed with the letter is also a letter to me from an Attorney addressing certain points about the cease and desist order. I would like the Commission to authorize, that I turn this over to the Town Attorney there are legal issues that they are stating about the cease and desist order which are beyond my expertise as far as how to address them. They do want to continue work on the property currently as you know they are under cease and desist order and I am waiting for a new application to come back in so that they have it authorized. They were the ones that did the work without finalizing, sort of like Bailey they did not finalize their site plan and they did not finish the process with us and they started working on it and then took down the trees on the neighboring property etc. This letter is from Carmody & Torrance and I would like to have the Town Attorney respond to it, if the Commission thinks that is the proper way to go.

You did mention I hope everybody saw the letter from the State Traffic Commission. It was sent to the Town Planner to make sure the applicant's are aware of developments of over 100,000 square feet or 200 parking spaces must secure a certificate of operation or determination of no significant impact. They also included in the letter I have a map that shows the major traffic generators and they said that map also is going to be on the web hopefully within six months. So if anybody is interested in any of those items I do have that.

The final thing is we got a letter from Ct. DEP about fema hazardous mitigation assistant program for 2009 and they are giving priority to acquiring property to the structures located in the flood hazard areas. So that is it.

For purposes of unanimous consent is there any objection to Ruth sending the letter of Carmody & Torrance to the Town Attorney for comment. Hearing no objection that is so ordered. Could you also send copies of that letter of Carmody & Torrance to all members of the Commission.

Minnich: **Next item on the agenda is an application for Taft School, Ron Bomengen, Fuss & O'Neill, Site Plan, Special Permit #250 for 4,000 Gallon Fuel Tank, 21 Hamilton Avenue, Watertown.**

Ruth do you have a motion of approval.

Mulcahy: Yes I do.

Minnich: For the record J. Blais has recused himself for this item. Going quickly over this it is an approval with the decision that this application has been reviewed by the Watertown Historic District because it is in the historic district they required plantings shielding the structure of the tank from the streets and so this reaffirms that decision or makes it our decision to have that done. The exterior lights shall be full cut off lights, the buildings on that site need to be comply with our outdoor lighting regulations. Is there anybody else who has comments or questions? Hearing none let me read this. I will read it quickly if you want me to slow it I will but I am trying to do it quickly.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit # 250/Site Plan application for a 4,000 gallon fuel tank located in an Historic District and a R-20F Residence District located at 21 Hamilton Avenue, Watertown, CT which includes Site Plan dated 5/29/08 prepared by Fuss & O'Neil Surveyors & Engineers, 247 Main Street South, Woodbury, CT; and

WHEREAS, the Commission held a public hearing on September 3, 2008; and

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** Special Permit #250/Site Plan application for a 4,000 gallon fuel tank in a Historic District and in an R-20F Residence District subject to the following conditions:

1. 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 to the Town of Watertown 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.
2. All exterior lighting on this site shall be full cut off fixtures.

3. Plantings and/or a stockade fence for screening of the neighborhood shall be installed and are subject to review and approval of the Administrator of Land Use.

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 September 3, 2013.

Minnich: Is there a motion to approve? Is there a second? Is there any further discussion? All those in favor please say I, all those opposed no motion carries.

So on a motion of approval it is 6 in favor and 1 abstained.

Text of motion to approve.

Motion made by R. Russ and seconded by C. Mancini

6 in favor and 1 abstained.

J. Blais recused himself.

Minnich: **Next item on the agenda is the application for the Town of Watertown Public Works Department, for Site Plan/Special Permit #251 for Reconstruction of a 20,000 sq. ft. indoor recreation facility.**

Is there a motion to accept withdrawal of the application? Is there a second? All those in favor please say I, all those opposed motion carries. And for the record before that vote J. Blais returned and voted.

Text of motion to accept withdrawal of application.

Motion made by R. Russ and seconded by C. Mancini.

All in favor and none opposed.

Minnich: **Next item on the agenda is Swift School, Joe DiCarlo, Kaestle Boos, Permit #205 for modification of conditions and additional structures at 250 Colonial Street, Oakville.**

Is there a motion to table? Is there a second? All those in favor please say I, all those opposed no.

Text of Motion to table.

Motion made by R. Russ and seconded by C. Mancini.

All in favor and none opposed.

Minnich: **The next item on the agenda is Siemon Corporation, Carter Wilding-White installation of a solar electric panels on roof at 60 Echo Lake Road in Watertown, Ct. Is there a presentation?**

Carter Wilding-White

I was before you with a project with Crystal Rock. Some of you I believe have visited that site. Before you are plans for another system that we are going to do at Siemon Corp. This system is going to be flush with the roof; it is going to be installed on the metal roof at 60 Echo Lake Road. The system will not be visible at all from any location unless you are on the roof or higher on the building if standing on another building. There is not going to be no other equipment installed outside, all of the equipment will be installed inside of the building.

Minnich: Is there any questions from members of the Commission?

Mancini: It is the exact same system as you have installed in Crystal Rock?

White: Different system in that the roof of this building is metal standing seam roof and these panels are going to attach flush to the metal standing seam roof, the system at Crystal Rock is a five degree pitched roof and the panels are tipped up five degrees.

Minnich: Any further comments from the applicant? Hearing none. Now before you is an application for approval. Are there any changes that anyone would like to make to that before I read it quickly. Hearing none.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Carter Wilding-White applicant for the Siemon Corporation, 60 Echo Lake Road, Watertown, CT, for the installation of a solar roof approximately 15,600 sq. ft. in an IG-20F General Industrial District which included Siemon Dynamics Expansion Site Plan dated

April 19, 1992 with a final revision date of 6/10/92 prepared by A-N Consulting Engineers, Inc., 505 Willard Avenue, Newington, CT and Solar PV System Total Plan prepared by Solar Works, Inc., 64 Main Street, Montpelier, Vermont; and

WHEREAS, the Commission heard the application on September 3, 2008; and

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission approves Site Plan application for the installation of a 15,600 sq. ft. solar roof, for the Siemon Company located at 60 Echo Lake Road, Watertown, CT subject to the following conditions:

1. Prior to Town officials signing a final mylar map and two paper copies, 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.
2. All exterior lighting shall be full cut-off fixtures.

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 September 3, 2013.

Rondeau: I would like to make an amendment to that if possible. That all lighting fixtures will be full cut off.

Paul Nickbarker – Siemon Company – 101 Siemon Company Drive, Watertown

When we did the renovation expansion that building back in 92 the Siemon Company had no town lighting installed on it. It was not installed because the wall packs that we installed on the building illuminated the road also. So if we put the full cut off you will have no lighting in the road.

Russ: There are public sidewalks along that people walk on too. So I would take into consideration if we did cut off the lighting to that street they would be walking in the dark.

Minnich: Our role here is to comply with our regulations and you are here before us. You need the full cut off lights are required by our regulations the people that come here we make a standard of condition of approval. I will suggest if I may that the Public Works Department look to doing whatever they need to do for street lighting on there. The full cut off lighting is standard requirements.

Martin: With that said now so that puts a notice on the town now to install street lights.

Minnich: Whatever it takes.

Martin: May I suggest that the lights get installed before the full cut off lights is mandated. The last thing I want to see is that they go ahead and do their part and we have no lighting on the street.

Russ: The other consideration that you have to take in is that Town is looking to shut off some street lights.

Minnich: So the incremental difference between the two, I don't want to get involved. I think the issue with the lighting that you suggest is for the applicant is to be taken to Public Works but the regulations are what they are and we need enforce them uniformly. Quite frankly on this issue I can say that we have given no exceptions to this nor should we. So now #2 is all exterior lighting shall be full cut off fixtures. Is there a motion to approve? Is there a second? Is there any further discussion? All those in favor please say I, All those opposed motion carries unanimously.

Text of Motion to approve.

Motion made by G. Martin and seconded by R. Russ.

All in favor and none opposed.

Minnich: **Next item on the agenda is David Cardamone, Deposition of 13,800 sq. ft of fill at 255 Kimberly Lane, Watertown in R-30 district.**

This is a memo dated today to Ruth Mulcahy. Ruth please accept this letter as an official withdraw of the application for a board meeting for September 3, 2008. And we would like to re file that application on October meeting I will contact you soon to review my application. Thank you David Cardamone, 255 Kimberly Lane. Is there a motion to accept the application for withdrawal? And to apply the

fees that he has paid to his new application if it is within one year. Is there any further discussion? Hearing none all those in favor please say I, all those opposed motion carries.

Text of motion to accept letter of withdrawal of application.
Motion made by M. Masayda and seconded by R. Russ
All in favor and none opposed.

Text of motion to apply fees towards new application if it is within one year.
Motion made by C. Mancini and seconded by R. Rondeau.
All in favor and none opposed.

Minnich: **Gregory Forte, Automotive Sales, 1197 Main Street, Watertown, Former Real Estate office across from Crestwood Ford in B-G district.**

Mulcahy: This is a location approval so it will require a public hearing.

Minnich: Could you be very brief, because you have to say it all at the public hearing.

Greg Forte

I would like to open an auto sales retail business at 1197 Main Street. It is currently zoned for retail space. The impervious will be used to display cars there is currently 11 parking spaces across from Building One Crestwood Ford. Nine of those would be used for vehicle display; two of those would be used for customer parking. There is no drainage issues and it has already been approved by fire marshal, and the site refurbished to its past.

Minnich: Is there any comments from the Commission?

Blais: Is there any portion of the property that the cars will be parked on the state highway property?

Forte: Yes

Minnich: Is this ready for our next meeting?

Mulcahy: It is just a location approval, it is an existing building, existing site, and there is not a lot ...

Minnich: So we can get it by the 17th or no.

Mulcahy: In timing.

Minnich: Accept a motion to accept this application and authorize the chairman to establish a public hearing in October 2008. Is there a second? All those in favor please say I, all those opposed motion carries.

Text of motion to accept the application and schedule public hearing at Chairman's discretion in October 2008.

Motion made by C. Mancini and seconded by R. Russ.

All in favor and none opposed.

Minnich: **The next item on the agenda is Hardrock Developers, Stuart Somers Co., Site Plan Modification for 15 buildings, Watertown Business Center, Echo Lake Road, Watertown in IR-200 zone.**

Ruth you have a motion of approval. For the record Ruth prepared this and I reviewed it. No one else on the Commission has seen this motion of approval until now. Chuck I asked of you a question I was wondering if you might be able to supply that answer now which was do you know what the radius of the turnaround is on this site?

Berger: The radius of the cull de sac of the project the radius is 50 feet, 100 feet diameter.

Minnich: Are you able to answer if there to have a tractor trailer with another tractor trailer is that adequate to get a tractor trailer around that turn?

Berger: The radius of the proposed cull de sac is 50 feet the turning radius of the WB50 vehicle is less than 50 feet so it should be able to negotiate that cull de sac.

Minnich: Anyone else have any questions on this application?

Martin: I would say that I took a site visit myself to take a look at this. I had concern for the entry road, just so all of you know I did look at a couple of companies there,

Eastern Awning has a 40 foot drive, Watertown Plastics had a two 27 foot drives separated by an island, Kauster Cunin had a minimum of 30 foot entry drive. Just so you know that is what is up there now, out of those three I picked when I was driving down.

Minnich: Is there any other questions for members of the Commission?

Mancini: On the entrance way I also like Ray when you mentioned today earlier 30 feet you wanted Bailey's driveway to be 30 feet and here proposed for 24 so I think the 24 is a little small, considering 30 feet for the Bailey area compare it to, and it is 100 cars, 100 trucks per day compared to possibility of working or 17 different factories up there with tractor trailers going up and down all day long.

Rondeau: Just for the record my concern with 30 feet was if it was taking a long time for these trucks to unload and there was going to be 20 trucks waiting in line is there enough room for coming and going then somebody being pulled off side waiting in cue waiting to go. So that was my concern.

Minnich: Is there any other questions that members of the Commission have on this? Any final comments from the applicant that you want to present to us on this application before we consider approval?

Nick Perugini – Hardrock Development

No, I do not have any final comments. I believe we meet our requirements. The last meeting to review the maps, and I believe that you guys talked about it. No other comments.

Minnich: Okay.

Blais: I have one more question, because of the unusualness of this condominium industrial with the factories. The type of construction of the driveway, most of these vehicles are probably heavy vehicles did you plan on constructing the driveway to take these heavy vehicles?

Charles
Spath: Yes, we have.

Blais: How did you do that?

Spath: It's same design as your Watertown roads, which you require. The only difference regarding the width in your regulations you have between 20 and 30 feet, we propose our extension of the existing drive to be 30 feet wide to accommodate a little more room for any people passing, if there was a truck on the side of the road. But 24 feet is adequate and that is only on the existing part of the drive that is there now. So we are proposing 30 feet on our construction. 24 feet is adequate we can propose 24 feet it would be adequate for two vehicles to pass.

Minnich: Any comments or questions?

Martin: The property that is behind Carvey does that belong to Carvey, there is a large tract of land behind that property?

Spath: Yes, this was one I believe it was a split or a first cut and I take it was a subdivision but it was cut in two and our piece is 20 acres and their piece was I am not sure of the top of my head was the other portion of that. So there is a large parcel behind Carvey's that is with Carvey's.

Martin: That could be developed in the future for more industrial?

Spath: They could come in front and they could put up an accessory building or they come in front of your Commission and develop that further?

Martin: And you have no idea what the acreage is, it looks like a large piece of land?

Spath: Probably about the same as ours there is some wetlands in the back but ours goes halfway back it is a very large piece but part of is wetlands.

Martin: So there could be additional (inaudible) back there also?

Spath: There could be and at that time the Commission could ask if they thought, 24 feet is adequate. Roads that were designed for, interior roads for towns are 22 feet in a lot of cases. But 24 meets all design criteria, we decided that we were going to 24 feet with our extension of the road but there was actually the developers it was Mark Tedesco who said make it 30 because he said the building at the time that it would not cost that much more to make it wider.

Minnich: Is there any questions of the Commission? Do you have any further comments for the applicant?

Rondeau: Just to clarify, do you ever foresee an issue with trucks trying to back up on that road to be able to get in to make deliveries as they were mentioning before about having several facilities in there, trucks coming knowing is there adequate parking in the facility once you get there?

Spath: These are smaller units; they are not as large as they were before? There is adequate delivery space for each unit as we have the design now, there is adequate space on the road to pull over if necessary and pass safely.

Minnich: Just a further note that from my perspective is that issue of backing up you have fifteen buildings, you got 300 parking spaces, you got delivery trucks, you got Carvey using that driveway so the question becomes perhaps not in the morning but the question becomes when everyone is leaving at 5:00 logic dictates that there will be, but that's a given. I did not want to leave this that there is no backup there of course will be depending upon whatever the conditions at the time. Any further questions or comments from members of the Commission? Any further comments from the applicant? So the applicant has completed the presentation?

Perugini: Yes

Minnich: So any further comments now all amongst the members of the Commission and we will handle what we are going to do here? Before is a motion...there was no public hearing but thank you for reminding me anyway. Before is a motion of approval, there were a number of conditions on this and there maybe some more in the discussion. But let me just briefly go through this. The individual buildings are not approved and will come back to the Commission; the applicant will come back to the Commission for site plan approval by the Planning and Zoning Commission. That issue if I may just reinter ate this what the applicant had stated that they are not, that when they are building the buildings and all the things that are and all the pertinences for that building there are going to come back to the Commission and get approval at that time if they are not seeking that approval at this time for the buildings. I would only suggest on this one to also think about the parking lots, there was an issue that they suggested; the reason for not building the buildings is that they want to make sure that when they build the buildings it is

going to be sized appropriately to whoever is going to go in there, that also means the parking lot is going to be sized so do we this was never really discussed but I am questioning now do we want to require the parking lots approval now when in fact they should probably best approved at the time of the building. So that there is no requirement that they build parking lots until the buildings.

Martin: When they build the buildings they take the parking lot.

Minnich: Next is exterior lighting shall be full cut off. Next is outside storage of materials. Next is the dumpsters shall not be located in the parking areas or the roadways, I am adding the word roadways and all dumpsters shall be screened as indicated on the plans.

Rondeau: Are you referring to the dumpster that are going to be actually there when the buildings are up or are you talking about during construction?

Minnich: No not for construction only when they are up. That the bond be placed in compliance with accepted bond policies of the Commission and shall be posted for site drainage, landscaping and erosion & sediment control. And that all site drainage is subject to review and approval of the Town Engineer. All utilities shall be underground. The freestanding sign located on Echo Lake Road shown on 50-scale site development plan S-1-2 dated 5/20/08 with a final revision date of 8/14/08 is approved. All other signs for the individual buildings are subject to approval by the Commission. Nine, the Town Engineer and the Administrator of Land Use are authorized to approve minor conditions. I have a couple other comments but are there any other conditions that others would like to see placed on this?

Mancini: Did we agree or didn't we agree on street light at the, I am not seeing any street light; I did not see that on there. The other thing was the 30 foot, the driveway there is now 24 feet and that is with Carvey using it and now you are just going to add all the other cars and trucks to it, so I think it should be 30 feet to the 24.

Masayda: My opinion is that engineering wise 24 feet is more than adequate, there is no potential for onsite street parking along that stretch of the roadway as in going into the where all the buildings are the design engineer indicated that it was adequate. Me as a professional engineer I think it is adequate I don't know if Chuck has an opinion. I think 24 feet is more than adequate.

Mancini: Then why did we go to 30 feet for other companies?

Martin: Let him make his point, and let us all make our point.

Rondeau: I did not necessarily ask that it be 30 feet, I simply asked if it was wide enough when we were referring to the Bailey Company. I never mentioned in actual width of the driveway. I just asked is it wide enough to be able to have trucks, 18 wheel trucks cross each other and have somebody pulled over for cue because once you get into the development you said there is only room for four or five trucks to unload. Meaning if 15 trucks show up all at the same time where are they going to wait? If there were adequate parking for trucks within the Bailey facility I wouldn't have even asked that it be wide enough for that.

Masayda: And the only reason that we have 30 foot roads is accommodate onsite parking. If you didn't have onsite parking will say like in Oakville you wouldn't need 30 foot roads. It is more than adequate to handle fire trucks, tractor trailers, anything.

Martin: My position is you have got 15 buildings up there you got the Cavey Corporation you got a potential for more development up and beyond. With that said you take at 5:00 everybody is getting out of there. To have one lane with everybody flowing out of that facility going down one lane and that front either turning left or right is absolute. If we have made mistakes as a Commission in the past and this is Commission members past and present some place where we fall short is our egress out of parking facilities we seen in numerous facilities areas in this town and it happens all the time. Let me tell you the last thing we should be doing is making error in judgment now for the future of an egress out of the facility like that. It absolutely should be two lane coming down, one for a left hand turn and one for a right hand turn, it improves the entrance into the facility with large tractor trailers if a large tractor trailer coming in when somebody going out they can pull over to the right, 24 feet is a the size of my road that I live on. Let me tell you something if tractor trailer is coming down my road and I am going up it, it is an uncomfortable feeling; you put a ton of tractor trailers there going to all of those sites it is absolutely ludicrous to leave that at 24 feet. Thirty feet is what it should be and I absolutely support that. I am telling you that you have got 15 facilities out there and for us to be so short sited that we are going to say "oh hay for this one what the heck if it is too high will have a mess down there" it is a bad move on part. We should have the foresight to look at that and say "hey what is

the worst case scenario” we said earlier in these discussions that you could have there. Worst case scenario is set up a two lane egress on that place and keeps the traffic running smoothly.

Minnich: Okay let’s take a poll here to see where we are with the 30 feet?

Masayda: In my professional opinion....

Martin: And you have no idea what is going in there. We have no idea what is going in there. We don’t know what businesses are going in there. Here we are going to say let’s make it the minimum 24 feet because we don’t know what is going in there.

Minnich: The Commission has the right to determine the length?

Masayda: Could I get a professional opinion from resident Town Engineer?

Minnich: If you wish to comment Chuck, you are welcome to comment Chuck?

Berger: I will tell you, I had a discussion with Mr. Cavanaugh this week. We both had initially looked at this new driveway off an existing driveway. So we did not do a detailed analysis of what is required there. We took it as an existing condition the reason why on the original application we encourage or required the site line improvements because that was a clear safety issue that jumped out at us when we were on the site. But looking at the width of the driveway we took that as an existing condition and accepted that and moved forward from there.

Minnich: Alright let’s move on.

Mancini: So there was no detailed analysis done?

Berger: We accepted what the engineer gave us because it was tied to an existing condition.

Minnich: Let’s take a poll; what I understand there is this issue that we are talking about now which is the two turn lanes out at Echo Lake Road? Yes or No included in those conditions. So the majority of the Commission has said we will include that in the conditions. Now the next one is the applicant has proposed a road from the

upper portion of Carvey that is 30 feet wide all the way to the turn around? The existing road is 30 feet paved; the existing is 24 feet paved from Echo Lake to that 30 foot terminus. What do we wish Gary's proposal should be 30 feet the entire length of the road from Echo Lake to the turn around? Yes or No.

Perugini: Can we speak out?

Minnich: No you may not; you finished your presentation this is the Commissions time to talk?

Spath: To add on something that we have not even designed you are adding to...

Minnich: Does anybody else have any items to add to the?

Masayda: You are making the new road from 24 to 30 feet right the existing road. That is what you are voting for. That has a lot of ramifications more impervious area, redesign drainage, increase of runoff; you might have all other types of issues.

Spath: Where safety is concern we want to let you know about them.

Minnich: I am going to call you out of order; there are no further comments from the applicant on this application you said you ended your statements it is over. It is now the Commission's time to make its decision and what it says you know where to take it.

Spath: We have a safety concern...

Minnich: No sir.

Spath: Okay go ahead.

Masayda: We have had several meetings on this and this is the first time that we are coming up with this at the end of the 11th hour, there is all kinds of ramifications of adding extra width to that length impervious area, added drainage. I don't even know if it is discharging to a private property or we need drainage rights to this charge. Having two egresses from the property were changing something...

Martin: We do 30 feet all the time, so what is the difference between this and any other...

- Masayda: You have drainage in the road, what are you going to do with the drainage in the road?
- Martin: He is going to have to design the drainage in the road down to the base. It is an entry that has 15 industrial buildings facilities and we no idea what it is going to be.
- Minnich: When we come to this decision you vote for or against and make an amendment. The task that we have here now and we have taken a straw vote was whether is shall be included in the motion we read, when we read the motion if you wish to make an amendment you may make an amendment and we will vote on that. That is the process we have here. We have concluded as a Commission that it will be in the original reading that we do of this application.
- Rondeau: I would like it to say no dumpsters allowed in front of the buildings. It wouldn't hurt to add it.
- Mancini: No dumpster should be allowed in the parking areas or in front of the buildings.
- Minnich: Is there anything else then? There are two further questions I have and I don't know how to take this. Let me hit you with the one that is probably easiest first. The uses to which this property can have are an of right that is defines in the regulations for IR-200 zoning. Nothing we do here is going to change that. In our process of determining the adequate parking, in our regulations for parking we have the regulations given to the Commission in some instances the right to approve uses of various issues that are in the regulations. So all of the uses that are listed as permitted in the regulations when it comes time to be applied are not necessarily permitted of right and on this application until we know what is going to be in the buildings, until we have approved the buildings. In this application we are not approving any buildings, and we are not approving any parking lots they are going to come back and do all of that. So I am not clear why we approving as it says here any uses on this property we specified in keeping it silent quite frankly because the uses they have of right, my point that I am trying to get out clearly and let me be absolutely clear about this. It talks about on top of page 2 of what uses that can be in this facility. I am suggesting that we strike all of the word uses not implying that they can't be but implying that when the buildings, when they come back to the buildings the uses will be of right and if it is parking they

will be determined by the Commission but to now give them definition takes the parking issue later on. So I am suggesting leaving those sections out. Does that make it clear on the uses at this point? We will strike those out. The last one, I just want to be real quick for the record this is not stating that there is any uses on this property but the uses will be determined at the time that they come back for the buildings because then we will know the parking and that is what I am saying. The last issue that I think is what I wanted to address is the timing of this road, we all know they have five years to do the road and do the utilities here. When the time for when the buildings are going to be built is going to be determined upon that. There is no bond for this road or at least that is not our practice anyway for private roads therefore the scenario is who knows where the buildings are going to be and should we not require that the floor of the first building is constructed or before it is being constructed that the entire road from Echo Lake Road to the turnaround be built. Whenever they decide to build or come back to us and they have begun construction, by the time they finish construction of the first building that entire road and the common utilities be installed.

Martin: The only reason that I am in somewhat of an agreement with that is because that you have curb cuts that we are not going to know where they belong if they change their buildings or increase the size we are not going to know where those curb cuts are.

Russ: They can build the road without the curbing.

Minnich: You can do the curb cuts as you are doing. Here is the issue this is a condominium issue here so that they don't have to build all these buildings. It is not like what you normally see in a plan before us. So if you were someone who is going to own the building in that area, when that buildings is constructed you want the road finished to its final phase not knowing that is may never be that the other 14 buildings are built. I would think that we would want to have it that the time that the building is finished construction that the road and the common utilities be installed.

Martin: I agree with the road and I agree with the common utilities. I am not sure if I agree with the binder course. And let me turn Chuck on this because all the construction if it is going to come up to these sites to do all this development. Does that road get beat up if we put the final course on it?

Berger: Sure

Martin: The point I am trying to make is to save the guy money from putting in the final binder course and then having to repair after the construction is done.

Minnich: What I am saying Gary is that I hear what you are saying but if this first building is constructed would you not as an owner of that building want the road built to its final standard because you are never know when the ... the very last issue I have then is the issue that has to do with the declaration. I think we need to I am suggesting to indicate we are not approving anything regarding the declaration the condominium declaration that we received. The wording that I am suggesting is that the Commission received and reviewed the declaration of Watertown Business Center condominium of 1061 Echo Lake Road solely to determine this application is subject to Watertown subdivision regulations. The Commission makes no other determination of this document and no other determination is implied. There is several things in that condominium document that by having our received it and reviewed it could very well be implied were approving what is in there and I am suggesting we have nothing to do with the condominium document. That is all that I have.

Blais: That the Commission should be held harmless?

Minnich: We are not a party to it so I don't know how we can be responsible for it. Because we are not a party to that document, or the town is either. Anybody else? Once again I am going to read this and at the conclusion of it, except for grammar issues and sentence structure issues when it is all done you can make an amendment and we will vote on the amendment?

WHEREAS the Watertown Planning and Zoning Commission received an application for a Site Plan modification application for 15 industrial condominium buildings located at the Watertown Business Center at 1061 Echo Lake Road from Hardrock Development for industrial use and other permitted uses in an I-R200 Restricted Industrial District which includes Existing Conditions & Soils Map E-1 dated 5/02/08 with a final revision date of 8/14/08, 100-Scale Overall Site Development Plan O-1 dated 5/02/08 with a final revision date of 8/14/08, 50-Scale Site Development Plan S-1-2 dated 5/02/08 with a final revision date of 8/14/08, Grading Plan G-1 dated 5/02/08 with a final revision date of 8/14/08, Alteration of Regulated Areas A-1 dated 5/02/08 with a final revision date of 8/14/08, Road Plan & Profile P-1 dated 5/02/08 with a final revision date of 8/14/08,

Stormwater Management Plan & Profile P-2 dated 5/02/08 with a final revision date of 8/14/08, Profile Storm Drainage to Basins P-3 dated 5/02/08 with a final revision date of 8/14/08, Maintenance Drive Plan & Profile P-4 dated 5/02/08 with a final revision date of 8/14/08, Stormwater Pollution Control Plan ESC-1 dated 5/02/08 with a final revision date of 8/14/08, Landscape Plan LS-1 dated 5/02/08 with a final revision date of 8/14/08, Lighting Plan LP-1 dated 5/02/08 with a final revision date of 8/14/08, Details D-1-4 dated 5/02/08 with a final revision date of 8/14/08, Notes N-1 dated 5/02/08 with a final revision date of 8/14/08, Detention Study with a final revision date of 8/14/08 and;

WHEREAS the Commission heard the presentation of the application on July 2, 2008, August 6, 2008, August 20, 2008 and September 3, 2008;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** the Site Plan modification application which supersedes and voids the Site Plan approved on 5/02/07. This Site Plan modification approval is for Hardrock Development, the Watertown Business Center at 1061 Echo Lake Road uses are to be approved when the buildings are approved in an I-R200 Restricted Industrial District with 15 buildings shown on the above listed maps with the following conditions:

1. Individual buildings and parking lots shall require Site Plan approval by the Planning and Zoning Commission and are not approved as part of this site modification.
2. Exterior lighting shall be full cut lighting.
3. No outside storage of materials.
4. No dumpsters shall be located in the parking areas, roadways or front of the buildings and all dumpsters shall be screened as indicated on the plans.
5. A bond in compliance with the Commission accepted bonding policy shall be posted for site drainage, landscaping and erosion & sediment control.
6. All site drainage is subject to review and approval of the Town Engineer.
7. All utilities shall be underground.
8. The freestanding sign located on Echo Lake Road shown on the 50-Scale Site Development Plan S-1-2 dated 5/02/08 with a final revision date of 8/14/08 is approved. All other signs for the individual buildings are subject to approval by the Commission at the time the Site Plan is approved for each building.
9. The Town Engineer and the Administrator of Land Use are authorized to approve minor modifications in the field.
10. All conditions of approval shall be listed on the final filing Mylar's.

11. There shall be a street light at the roadway and Echo Lake Road with lumens determined by the Commission.
12. A 30' paved width paved roadway shall be constructed from Echo Lake Road to the turnaround.
13. Two exit lanes out shall be constructed at Echo Lake Road at a length necessary cue by what is determined by the town engineer.
14. The Commission received and reviewed the "Declaration of Watertown Business Center Condominium, 1061 Echo Lake Road" solely to determine if this application is subject to Watertown subdivision regulations. This Commission makes no other determinations of this document and no other determination is implied.
15. The roadway from Echo Lake Road to the turnaround and common utilities shall be constructed and installed no later than the construction of the first building.
16. The street lights on the site shall be installed and at the time the road is constructed and shall be installed for the parking lots when the parking lots are constructed, they should be curbed out at the same time.

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 September 3, 2013.

Minnich: Is there anything additional?

Martin: The only thing I cannot remember is on the street lighting going up that drive, I can remember if those lights are only in the parking lots and illuminating the drive or are they on the drive themselves. And will there be any lighting on drive...

Minnich: That is a good point and perhaps to add is that maybe implied but you are probably right it should be clear obviously we are not going to require lighting in the parking lots until the parking lots are constructed, the lighting plan included that. So that the only lighting is required as shown on the plans for the roadways when the roadway is constructed and for each parking lot when each parking lot is constructed. What are you trying to get at, did you get those words for the. Then the next item that the street lights on the site shall be installed and at the time the road is constructed and shall be installed for the parking lots when the parking lots are constructed, they should be curbed out at the same time. Is there anything else to do here? Hearing none.

- Berger: Could I make one comment, in the packet you have a memo dated August 14th from Mr. Cavanaugh regarding street lights at the intersection of the driveway on Echo Lake Road. And I believe this was Mr. Cavanaugh's attempt of juggling the lights on Echo Lake Road so that we have a street light an adequate street light at the intersection with this change.
- Blais: He doesn't want to over light is that correct.
- Berger: I don't know if that condition is necessary given Roy's memo. It may not be right at the intersection the pole is slightly up hill from the intersection. In Roy's juggling of the light's there he thought that would adequately light the intersection, I believe.
- Masayda: In conformance with the letter by the Department of Public Works, it is going to accommodate what light is necessary.
- Minnich: Why don't we require the applicant to make sure the street light is there, he is going to work it out with Roy Cavanaugh. The applicant is required to see if there is a street light is there. Is there anything else? I would like to make a motion first. Is there a motion for what I just read. Carl has moved it. Is there a second? Is there any discussion or amendments?
- Masayda: Number 13 the turn lanes out, that at the length of the necessary cue what is determined by the Town Engineer.
- Minnich: Is there a second? Is there discussions? All those in favor please say I, all those opposed no. That is approved unanimously. Next.
- Masayda: My second amendment is eliminating #12 which is 30 foot roadway. DOT design manuals indicate that again you drive out on an interstate highway each of those lanes on an interstate highway are 12 feet wide. Tractor trailer trucks drive next to each other all the time. I see no need for a 30 foot driveway. It is not a town road you look at the interstates your significantly changing a design which we reviewed, the Town Engineer reviewed which we had the consultant go back and forth with several different times. It effects impervious area, it effects drainage design, it effects drainage rights, it effects discharge to a town roadway, may have utilities impacts because now you have to redo your drainage which could impact other facilities within Echo Lake Road or the driveway. Issues with rights to discharge because the increase of runoff. So these are major changes to an application at this late of the game. And because it meets all the requirements its is relative to yet he did not do an intense study of the traffic in regards to the turn.

Going from a 24 foot lane to 30 foot lane and going up the driveway, I don't feel that it is warranted because you have no potential of onsite parking such as local roads.

Minnich: This is the time now for us. This is repetitive we asked Chuck.

Masayda: The turn lane out of the driveway down to Echo Lake Road.

Minnich: If I may paraphrase, correct me if this is not stating what you want it to say as a motion. That there shall be a 24 foot paved driveway from Echo Lake Road to the..

Masayda: No it not changing, it is existing to that. You do not need to put it in a motion. I am just eliminating what you indicated before.

Mancini: Your making a motion to eliminate #12.

Minnich: The motion to eliminate the 30 paved width requirement. Is there, that is Mike's motion is there a second? Is there any further discussion? My discussion is that for purposes of public safety that the 30 foot is what the driveway at the top and should be continued at 30 feet that there are 300 cars that potential are going to be going on this not including that of Carvey's and that there are tractor trailers that are going on this as well and that 30 feet is our standard road width and should therefore be my reasoning for it.

Masayda: I would like to just bring up one other thing in our packet today. It was, you know how we get those things from the attorney's and there is an article in here about relative and I can read some of it here. It was on 4a of your packet. Did anybody read that? It basically says that during a public hearing the applicant presented its case relay on expert consultants to show that no adverse impact would occur on wetland shall provide subdivision site, the only evidence in the record that came from neighbors, testimony and Commission member's full knowledge of the site. This is not enough to provide the Commission with substantial evidence the law requires it to have the support its decision. And it goes on from there.

Minnich: My response to that is it is a regulation of this Commission that a standard roadway is 30 feet and that is in our regulations. Susan would you please call the roll for the purpose of recording our votes. The vote is 3 yes and four no. Is there any other motions or comments?

Rondeau: I would like to make a motion that requires them to the primary pavement and the finished layer should be done at a later time. We don't even know where parking lots are going in. When you have subdivision done using the Chairman's principals about when somebody comes in and buys this they would like to have an idea where road is going to be.

Minnich: My issue was there is no, each of the buildings are going to be done separately. Making the assumption there is one building that they are going to come in at the first time. That when that building that is going to be that first one, if you were the owner of that building you would want the roadway is constructed. Not knowing when the other fourteen are going to get put in.

Rondeau: And I understand the point you are making. And if you use that same point if you would when you were doing the subdivision for housing then you would say well before any houses are constructed that road would have to be completely finished.

Russ: The issue here is simply taking one building built, in one year or they can get 15 buildings built maybe in 10 years but the reasoning behind it all is we don't know how long it is going to take, if it is one year or ten years that's why I say it should be a finished piece of asphalt one end to the other and five years from now someone wants to build a new building up there.

Minnich: What is your motion?

Rondeau: My motion is that – Only a binder course would be required until for 5 years or until 50% of the building is completed whatever came first.

Minnich: Is there a second to that motion? Hearing no second, the motion is failed. Is there any other amendments? Hearing none. Susan would you please call the roll for the purpose of recording our votes. The main motion as amended. On a vote of 5 in favor and 2 opposed the motion is approved the application is approved as amended.

Text of Motion: Is there a motion to what I just read.

Motion made by C. Mancini and seconded by R. Rondeau.

Amendment – The two turn lanes out at Echo Lake Road at a length necessary cue by what is determined by the town engineer.

Motion made by M. Masayda and seconded by G. Martin.
All in favor and none opposed.

Amendment - To eliminate #12 30 - foot paved width requirement
Motion made by M. Masayda and seconded by R. Russ

Nay: D. Minnich, G. Martin, C. Mancini, J. Blais,
Aye: R. Russ, M. Masayda. R. Rondeau

On a vote of 3 yes and 4 no

Amendment to - Only a binder course would be required until for 5 years
or until 50% of the building is completed whatever came first.
Rondeau made motion and hearing no second to that motion, the motion
fails.

Text of Motion to approve Main Motion as amended.
Aye: D. Minnich, G. Martin, C. Mancini, J. Blais, R. Rondeau
Nay: R. Russ, M. Masayda

Vote of 5 in favor and two opposed the motion is approved the application
is approved as amended.

Minnich: **The next item on the agenda is Frost Bridge Associates, LLC, Craig
Lapinski, Fuss & O'Neill, Flood Plain Special Permit #252, C & D Volume
Reduction Facility, 0 Frost Bridge Road, Watertown in IR-80 zone.**

Ruth do you have a motion of approval? What I have before you is an approval
And the only condition is the Mylar's and the A2 survey. I will read it then.

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special
Permit # 252/Site Plan application for Frost Bridge Road Associates, LLC, Robert Sachs, 0 Frost
Bridge Road, Flood Plain Special Permit #252 / Site Plan application for a modification to the
Special Permit to change the invert pipe 2 feet lower on 18.59 acres in an IR-80 Restricted
Industrial District which includes Site Drainage Plan dated 5/23/08 and a Wetland Impact Plan
dated 7/30/08 prepared by Fuss & O'Neill Surveyors & Engineers, 247 Main Street South,
Woodbury, CT; and

WHEREAS, the Commission held a public hearing on September 3, 2008; and

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **APPROVES** Special Permit #252/Site Plan application to change the invert pipe 2 feet lower within a 100 year flood plain on 18.59 acre located at 0 Frost Bridge Road, Watertown, CT in an IR-80 Restricted Industrial District subject to the following conditions:

1. 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.

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 September 3, 2013.

Minnich: Is there a motion to approve? Is there a second? Is there any further discussion?
Hearing none all those in favor please say I, all those opposed no. Motion carries.

Text of motion: To approve

Motion made by: R. Russ and seconded by J. Blais

All in favor and none opposed.

Minnich: **Next item on the agenda is Frost Bridge Associates, LLC, Craig Lapinsi, P.E. Fuss & O'Neill, Site Plan/Special Permit #253 for 48,000 sq. ft. building on 0 Frost Bridge Road, Watertown, Ct. in an IR-80 zone.**

The motion before us is to table. Just before we do that we received a Communication that was prepared by our attorney with regards to that was dated August 28, 2008 from Robert Sachs regarding Fuss & O'Neill. The two statements that they will not hire Fuss & O'Neill as a consultant that there be a legal relating to the implementation of the existing remediation of 0 Frost Bridge Road and two they will reimburse the town for all costs associated with new third party remediation on site consultants performing the duties required the current remediation plan that is enclosed the costs for new consultant. I

like to suggest that we approve and accept the letter that written by Robert Sach's to the Commission? Is there a second? All those in favor please say I, all those opposed no. There is another one from Fuss & O'Neill dated August 28, 2008. To: Ruth Mulcahy, It is a short paragraph. By issuance of this letter of Fuss & O'Neill incorporated agrees not work as a consultant for Frost Bridge Associates LLC, or any other subsidiaries against the Town of Watertown if there ever be a legal dispute related to the implementation of the existing remediation work at 0 Frost Bridge Road site. If you have any questions or further comments, please either the undersigned or 860-646-246, Greg Lapinsi. Is there a motion to accept this letter? All those in favor please say I, all those opposed no. Is there a motion to table? Is there any further discussion? All those in favor please say I, all those Opposed no, motion carries.

Text of Motion: To approve and accept letters that are written from Robert Sachs to the Commission.

Motion made by: J. Blais and seconded by C. Mancini
All in favor and none opposed.

Text of Motion: To accept letter from Fuss and O'Neil

Motion made by G. Martin and seconded R. Russ
All in favor and none opposed.

Text of Motion: To table

Motion made by: G. Martin and seconded by M. Masayda
All in favor and none opposed.

Minnich: **Next item on the agenda is 7j Wishbone Realty, LLC, Grew Design, Inc., Proposed retail building – 8,500 sq. ft., 1128 & 1142 1156 Main Street, Watertown, B-G district.**

This is a 60 day review.

Mulcahy: Yes it is and I do have some questions for them about some items that are not in the file.

Minnich: Let's find out and see what Ruth says is the, the clock has started for the 65 days. Ruth has some questions, let understand what that is and it may be that we may say let's do this at our next meeting when that is all there so we can understand all this. We will make that determination when we hear from Ruth.

Mulcahy: I did supply them with the checklist that we used and the first thing would be on their proposal for Belden Street, some kind of reaction from Public Works we need an approval from them for the Belden Street.

The fire marshal I did not receive any Fire Marshal review of the project, the parking plan was incorporated into the site plan but there is no table as to the parking required and I feel that the parking plan is incomplete and in that aspect.

There is also no site op from the Water and Sewer Authority and there is not any comment a traffic study of any sort in terms of impact from this development. And that would be up to the Commission whether you want a traffic study or not or some type of comment on the traffic.

I also did not get a sign off from a soil scientist there was not anything there. We should have some letter from the soil scientist in regards to the wetlands. Those are the only things. I did not get a signature of the owner authorization or authorization letter.

Minnich: Having heard that the only decision at this point is what Ruth has suggested we would like to wait on this presentation until the next meeting. Or do you want to Hear the presentation now?

Martin: Aren't we trying to get to the point where people come in with the applications.

Milton Reve – Architect

Would it be okay to address some of those points? I know you are here prepared.

Minnich: Do you understand where we are coming from?

Reve: The plans were submitted in December to Mr. Berger, Sewer and Water, Fire Marshal we have received no comments back. I would assume that they reviewed the plans. With respect to the traffic study, because our entrance there we are at

the traffic light, a traffic study was required by Ct. Department of Transportation. Wilbur Smith and Associates did one and the final results of it were approved by the state DOT. If you do want to go through it tonight I can tell you what their comments were and what we did to address it. It is very simple and what they did as well is have Wilbur Smith take a worst case scenario, which we did not take into consideration traffic leaving on the Belden Street outlet. So we focused all the traffic on the traffic light and Main street egress and entrance. And it was approved by state DOT. The same is true with respect to the drainage we had a site meeting with DOT engineers we did comments back from them on the drainage design and we made those revisions, the state DOT has approved the drainage as well.

Mulcay: That would make the file more complete if had the traffic study and the DOT sign off and the sign off on the drainage from the state.

Minnich: Obviously the lateness of the hour and we still have other things on the agenda and I think if we have a complete application of all things we just talked about I am sure it can all be cleaned up before our next meeting. Put on our next agenda for the 17th if that is fine with you. But the 65 day clock starts now. Is that okay with everyone?

Mancini: Could we put it early on the agenda.

Minnich: Our apologies. Is there a motion to table? Is there any further discussion? All those in favor please say I, all those opposed no motion carries.

Text of motion is to table.

Motion made by J. Blais and seconded by C. Mancini

All in favor and none opposed.

Minnich: **Next item on the agenda is Robert M. Velardo, Dennis McMorrow, Berkshire Engineering, Re-subdivision of 5 lots, Bassett Road, Watertown in R-90 zone.**

Dennis McMorrow – Berkshire Engineering

Representing Robert Velardo this is a five block subdivision on Bassett Road. We are before your Commission 3 or 4 months ago where there was an additional parcel labeled parcel A, that was a we believe was a preexisting lot, there was

discussion on that and through our Attorney Mr. Richard Bruno we have combined parcel A into parcel 1. So parcel 1 became larger and that is the change in the plan since we were before your Commission I believe it was 3 or 4 months ago. Five lot subdivision lot 1 and lot 4 are interior lots; there is 1,400 hundred feet of frontage between those lots to 1,000 foot regulation. The driveways for lots 4 and 5 requesting a shared driveway due to wetlands constraints coming into the property. It is 44 acres of land with the 5 lots; it was tested in the presence of Torrington Area Health. I do have letters that we submitted last month with me this evening from both your Wetlands Commission, Torrington Area Health to place in the record also. I spoke with Ruth earlier today.

Mulcahy: This does require a public hearing and it is a re subdivision.

McMorrow: After the conservation easement on that we have is the overall site development plan. We shaded in the wetland in green and then there is a dark green line around it that which is the limited of the proposed conservation easement that we did for the subdivision. That easement will comprise of 44% of the total land area of the 34 acres and the actually upland is 14% of the total area we are seeking to utilize that for our open space requirement with your permission.

Minnich: Is there a motion to accept this application for review and establish a public hearing at the discretion of the Commission? Is there a second? Any further discussions? All those in favor please say I, All those opposed motion carries. The earliest that we can schedule this is at first meeting in October, because we have to get the notices to the land owners.

McMorrow: Your office will notify ours of the actual date.

Mulcahy: Wednesday, October 1st.

Text of motion to accept the application and schedule public hearing at Chairman's discretion in October.

Motion made by: R. Russ and seconded by C. Mancini

All in favor and none opposed.

Minnich: **Next item on the agenda is Joseph Masi & Margaret Raymond, Charles Spath, Stuart Somers Co, Re- application, Masi Subdivision, French Hill Estates, French Street, Watertown, Ct in R-12.5 district.**

Don Nolty

This application was last before you in and withdrawn. I am here representing Joe Masi and Margaret Raymond. Just to give you a brief overview because I did not realize this would be scheduled for a public hearing on the submission of the application were making in light of the change to your regulations 5.3.7 pertaining to the intersection separation distances allowable between the Riverside Street intersection and the proposed road Brook Hollow Lane intersection. Which we have presented originally and the last at 335 feet we felt that was the best to bring in the road our traffic engineer and the report submitted during the last hearing incurred and I believe that the Town Engineer and the Commission was pretty much unanimous in agreeing that this was the better location we tried to satisfy that regulation as previously written and created some site distance difficulties in the opposite direction. At this point it is back before you and the 18 lots subdivision the site distance to the right would be roughly 500 feet we had an issue with 455 foot standard before the other alternate layout that was developed. So we exceeded that requirement for thoroughfare roads and confirms with your appendix E I believe with design standards. And so in this case in conformance with your new section 5.3.7.1 we would be necessarily seeking a vote of the Commission requiring the $\frac{3}{4}$ majority approval for this location as it is now. We are going to be bringing you Fred Greenberg, the traffic engineer before you to present his opinion and answer any question on this roadway location and as you can see we listened to and the comments that came out at the public hearing and eliminated all private driveway access to French Street. We kept it isolated development where intending to maintain a buffer of existing trees to keep it screened and we can do a site walk and most people have been out there already. We can look at that vegetation and the applicant has no problem augmenting the trees with some evergreens or other appropriate plantings between the proposed common driveway serving the upper area and French Street. So you can see the entire driveway with easements across the easement line, sewer and water and other utilities in access between the lots with a turning circle at the top of the hill. It is 18 foot wide width because the road is its original location and there are no new regulated activities contemplated by this lot configuration. There is no requirement to reapply for the wetland agency or to modify existing valid wetland permit. The road and its drainage system and 11 lots take direct driveway access of Brook Hollow Lane are essentially the same that has been approved and reviewed by staff and approved by the wetland agency in the past. The other

upper area proposed development is devoid of wetland regulated areas. The applicant has paid the difference between the new fee structure and the previous fee paid for the Bertronic application and totaled to about 5,600.00 dollars additionally money for this application. To give you an idea of what your fee structure is. All the lots satisfied the minimum zoning criteria for frontage square area. I already told you that it would be privately maintained to driveway greenery the association between the seven lots up there would not be maintained by the town. The one great benefit of going back to this original road location is that we reduced the cut at the entrance from 44 feet back down to 10 or 12 feet. There was concern about the water bleeding out possibility; we had done so for better peering entrance as the result of being able if you do the waiving fee of the separating distance. With that development space that the open space component consists of two parcels to be owned and feed by the town but two extensive conservation easement of the 11 lots you can see those in the aqua color on the exhibit. Those are the open space easement areas. I could go into static's more but I think I will save it for the public hearing.

Minnich: Any comments from the Commission?

Blais: Chuck are you satisfied with the site line of the road coming out now as proposed?

Berger: I have not reviewed the application based on what Mr. Nolty said I believe they have adjusted the road length to optimize the site line, to get the best site line that they could and ended up having less of intersection spacing.

Minnich: At the time of the public hearing if I could ask, and I know you are planning on doing this and I just wanted to make sure that it was something that you were going to do. The issue regarding the 400 foot you are obviously please have your traffic engineer talk to us about this stopping distances that come down from Gilbert Lane going down the hill. And secondly could you irrespective of what you have here could you go through a verbal description of where the other possibilities are to connect your subdivision to existing town roads. Those are what I am interested in terms of my mind. Anybody else have any comments?

Rondeau: I would like a clarification is that 7 lots that are on the top left hand corner.

Nolty: Yes

Rondeau: Is that a road leading to them?

Nolty: No, that is a private shared driveway.

Minnich: Is there any other questions at this time? If not, is there a motion to accept this application for review and establish a public hearing for October 1, 2008. Is there any further discussion? All those in favor please say I, all those opposed please say no. Motion carries.

Text of Motion to accept the application for review and establish a public hearing for October 1st, 2008.

Motion made by G. Martin and seconded by C. Mancini

All in favor and none opposed.

Minnich: **Next item on the agenda is 8a there is no need to do that.**

Minnich: **Next item is 9a Acceptance of portion of Williams Avenue as a town highway.**
We have the Town Attorney to provide us some information of understanding on that.

Paul Jessell – Town Attorney

I have reviewed Franklin Pilicy's prior legal opinion on this issue, I spoke with Roy Cavanaugh on the issue and quite frankly in order to clean up the records the smartest move is to recommend acceptance of the 190 feet of road to the town council. Is there any question by members of the Commission? Is there a motion then to accept the 190 feet of Williams Avenue as a town highway? Is there a second? Is there any further discussion? All those in favor please say I, all those opposed no, motion carries.

Text of Motion to accept 190 feet of Williams Avenue as a town highway.

Motion made by R. Russ and seconded by C. Mancini.

All in favor and none opposed.

Minnich: **Next item on the agenda is 8-24 approval for STEAP Grant-Sylvan Road, DiNunzio Road, Ledge Road and Echo Lake Road Water Main Extension.**

Is there a motion to grant 8-24 approval? Is there a second? Is there any further discussion? All those in favor please say I, all those opposed no, motion carries.

Text of motion to grant 8-24 approval
Motion made by R. Russ and seconded by R. Rondeau.
All in favor and none opposed.

Minnich: **Next item on the agenda is modification of approval Regina Farms Subdivision, Hinman Road, Watertown, CT Re: Reversion if property is no longer used for farming.**

Paul Jessell – Town Attorney

The original approval for the Regina Farms Subdivision had a parcel of land initially indicated as 7.775 acres I believe you should have my memo in front of you I hope.

Minnich: Yes.

Jessell: That parcel was to be used for farming with the condition that if the Commission ever determined that it was not accurately farmed that there would be a deed to the town of that parcel to be held by the town thereafter as open space. There is two issues to that number one because of the change you made to another lot as part of your final subdivision approval the actual size of that parcel 5.077 acres so that really is a technical correction to the approval letter. The second change was about as a result of trying to figure out how to implement this reversionary right. If the Commission made a determination that the property was no longer farmed we would have to go to the then property owner whoever that may be and request that they out of the goodness of their heart execute a deed in our favor. I am not exactly sure how successful with that. So what I did was I contacted Mr. Sullivan who was the engineer who represented the parties here and what we elected to do with your permission the applicant or the owner would deed the parcel to us we deed back with the right of reversion stating in the event that the Commission determined that the parcel is no longer actively farmed the Chairman or the designee could executive an avadavat for recording on the land records in which

case the title would revert to the town to be held as open space. I did clear that with title insurance company, they were not wild about it but they said it affected your desire better than the alternative.

Minnich: Any questions? Is there a motion?

Blais: They technically put a Christmas tree on the parcel of land?

Jessell: It becomes your determination.

Blais: They could say they have a Christmas Tree Farm.

Jessell: All I am trying to do is give an effect to a condition that you imposed on this subdivision.

Martin: The Commission at that time goes out and sees the Christmas Trees they it's not we have the right to say that?

Jessell: The good news here is that Commission maintains control over what happens if the Chairman or whoever the Chairman designates executes this affidavit the it becomes the duty of the property owner to challenge that action, probably with a court action.

Minnich: Any further question, may I suggest then a motion that this Commission accept the modification of approval for Regina Farms as state in the Town Attorney Paul Jessell's letter dated 8-29-08.

Place the full text of the Paul Jessell's letter in the minutes.

Watertown Planning and Zoning Commission
51 Depot Street
Watertown, CT 06795

RE: Regina Farms Resubdivision

Dear Commissioners:

Following a complete review of the approval letter for this resubdivision and the

modifications included therein, I am requesting that the Commission modify the approval letter by substituting for paragraph 9 of that letter the following language:

The 5.077 acres agricultural parcel shall satisfy Commission Open Space requirements. Prior to a zoning permit issued for any development of this resubdivision the development rights of the entire 5.077 acre agricultural parcel shall be assigned or alienated in perpetuity to the town of Watertown in a document in a form approved by the Commission Land Use Attorney. In the event the agricultural parcel is not actively used for agricultural purposes, "not actively used" in the opinion of the Commission, the 5.077 acres agricultural parcel shall be deeded in fee simple to the Town of Watertown and its use is restricted in perpetuity as "Open Space", as open space is defined by Commission regulations. This modification must be recorded in the land use records of the Watertown Town Clerk prior to Town Officials signing resubdivision mylars. The resubdivision map filed in the Town Clerk's office shall designate the 5.077 acres agricultural parcel by caption "This is not a buildable lot, its use is restricted to active agriculture, and thereafter deeded to the Town of Watertown as Open Space".

The 5.077 acres will be deeded to the Town of Watertown, Simultaneously, the Town of Watertown will then deed the 5,077 acres back to the Developer with "Reversionary Rights". The "Reversionary Rights" will reference that in the event that the Watertown Planning and zoning Commission makes a determination that the premises are no longer actively used for agricultural purposes, the Chairman of the Commission or his designee may execute an affidavit to that effect to be recorded on the land records. Upon the filing of said affidavit, fee simple title shall vest in the Grantor (Town of Watertown) and the property shall thereafter be held by the Grantor (Town of Watertown) as open space.

This is accomplishes two ends. First, the acreage was incorrect in the original paragraph 9. Second, the deed and deed back with the reversionary rights was the only way to ensure that the Town would get title to the property in the event that the property in question was no longer used for agricultural purposes.

If you have any questions, please feel free to contact me.

Respectfully submitted,

Paul R. Jessell

Is there a motion? Is there a second? Any further discussion? All those in favor please say I, all those opposed no, motion carries.

Text of motion to accept modification of approval Regina Farms as stated in the Town Attorney Paul Jessell letter dated 8-29-08.

Motion made by R. Russ and seconded by R. Rondeau
All in favor and none opposed.

Minnich: **Next item on the agenda is P&A Heights, Nova Scotia Hill Road, bond release of three year tree bond.**

Berger: I would recommend that item be tabled, they have done the work but it has not been inspected yet.

Minnich: Is there a motion to table? Is there any discussion? All those in favor please say I, all those opposed no, motion carries.

Text of motion to table.

Motion made by C. Mancini and seconded by R. Russ
All in favor and none opposed.

Minnich: **Next item on the agenda is the approval of 90 day extension for the filing of the final Mylar documents to the town of Watertown land records for Cherry Avenue Estates subdivision.**

Pearly Grimes

We are requesting the 90 day extension have not had the chance to review the developed agreement with Mr. Jessell that is coming shortly I understand. I understand that the bond amount has not yet been fixed, it has been initially fixed but there has been some revisions on it, so we need to clean up those two remaining items. So we are asking for a 90 day extension.

Minnich: Is there any further discussion? All those in favor please say I, all those opposed no. Motion carries unanimously.

Text of motion to approve 90 day extension.

Motion made by R. Russ and seconded by G. Martin.

All in favor and none opposed.

Minnich: **Next item on the agenda is Executive Session for litigation for John R. Columbo vs. Town of Watertown Planning and Zoning Commission.**

Invited into the meeting is all the members of the Commission and Susan King, Chuck Berger, Ruth Mulcahy and Town Attorney Paul Jessell.

Is there a motion to go into executive session? Is there any further discussion? All those in favor please say I, all those opposed no. Motion carries unanimously.

Text of Motion to go into executive session (12:00)
Motion made by C. Mancini and seconded by J. Blais
All in favor and none opposed.

Everyone came out of Executive Session at 12:10 am

The only item discussed during Executive Session was the litigation of John R. Palumbo vs. The Town of Watertown Planning and Zoning Commission. No votes were taken.

A motion was made to approve the settlement as presented by Attorney Paul Jessell

Motion made by Gary Martin
Seconded by Ray Rondeau

Vote was unanimous in favor

Motion made to adjourn by Ron Russ seconded by Gary Martin.
Vote was unanimous in favor to adjourn at 12:13 am

