

Town of Watertown
Planning and Zoning Commission
Special Meeting

Time: 8:20PM
Date: October 15, 2008
Place: Watertown High School Technology Center
324 French Street
Watertown, Ct

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

Members Absent: D. George, K. Demirs, R. Rondeau

Others Present: Ruth Mulcahy, Administrator of Land Use
Attorney Warren Hess

Minnich: I would like to call this special meeting of the Planning and Zoning Commission to order at 8:20 PM on October 15, 2008 at the Watertown Technology Center. Carol would you please call the roll.

Executive Session

I have a motion to move item Executive Session to be item 9c. Is there any further discussion all those in favor please say I, all those opposed no motion carries.

Text of Motion to move executive session to 9c
Motion made by C. Mancini and seconded by G. Martin
All in favor and none opposed.

Communications and bills

a. Connecticut Public Officials Liability Insurance Policy

Minnich: Is there a motion to accept to put on file the Communications and bills. All those in favor please say I, all those opposed say no motion carries.

Text of Motion to place on file
Motion made by C. Mancini and seconded by R. Russ
All in favor and none opposed.

Minnich: **Next staff report.**

Mulcahy: First of all I would like to tell everyone that we have a new Land Use Secretary. And he is here tonight and this is Chuck Izia and he actually I asked him to bring a copy of his resume and so I will pass this around. He is coming from his job was with Konover Construction and he worked as a Land Use Secretary for me in Litchfield. So we have no training about terminology or anything and he is finding his way around the office and already he been out with Moosa and learning the ropes and where everything is and he is ready to go. And so I just wanted everyone to meet Chuck.

Minnich: Congratulations!

Mancini: Welcome

Mulcahy: He went into the construction trade after being Land Use Secretary and he glad to be back to Land Use Secretary.

Minnich: Welcome we look forward to meeting you.

Izia: Thank you

Mulcahy: I just wanted to cover a few things I wanted to give you an update I have had a lot of cooperation obviously in September we had some storms and I do have some photographs here of some of the sedimentation and erosion control problems that this neighbor who took these pictures of a storm event that happened on September 6th and you can see from the pictures that it flooded out. There garage and there was quite a lack of ...

Martin: Where was this?

Mulcahy: Howard Avenue. The high school here where we are quite a few sedimentation erosion control problems the original plan had been approved as you know it moved through the Commission very quickly and on the plan it said that they were going to give us a complete sedimentation and erosion control plan and they started the project with not even installing the minimal amount of sedimentation and erosion control. Chuck Berger and I went to the site and sort of redesigned some part of the sedimentation and erosion control and they were very cooperative and I want to say that the level of cooperation has been excellent since that time and they are now supplying me with reports from in fact they dropped them off today from their consultant about sedimentation and erosion control. Chuck Berger was not in today but I very happy with it seems like a total turnaround from what it was before in terms of getting information. They are not only supplying me with all their construction information but also with their request from sedimentation and erosion control from where it's lacking and where it needs to be done. The Superintendent has intervened and been extremely helpful and also has provided an atmosphere where communication is forthcoming and cooperation is very good. They are very responsive to both to the Town Engineer and to my inspection of the property and suggestions.

I have been going to Judson they are e-mailing reports and again as I said it whole new level of communication and cooperation since the new superintendent has been here. It is very professional and a whole change of attitude towards the Land Use Office.

Next I wanted to report that I had I am about to issue approval for, I received the request from the Braxton Manufacturing if some of you may not have not been here when they approved a storage building for the Braxton Manufacturing with a series of conditions including that they shield their lights, they existing lights and they did all that and they completed it. They received a zoning permit and they started construction this storage building. And I received this today its says in order for Braxton Manufacturing to erect a 25 or 50 metal on property located at 858 Echo Lake Road, Watertown conditions were set that included exterior walls to be 2/3rds brick wall for other conditions for materials. The exterior walls in the metal building are 14 feet in height the building design calls out for bricks at 4 feet, 3 feet 3 inches and 4 feet total height 11 feet and 3 inches. The top courses of the brick wall will 9 feet 3 inches, 2 feet above the second grid. In order to provide adequate tie down to peak wall from collapsing for wall of this height the exterior metal will need to be removed and masonry wall installed as per stamped

drawing. This procedure is labor intensive and not cost effective therefore I am requesting a deviation from this Commission to reduce the wall height from 9 feet 6 inches to 4 feet your consideration to my request will be greatly appreciated. This is a storage building in the back of the building located against a slope and I told him that considering the fact that our regulations do not require masonry as part of it, this is a site plan approval I felt that this was okay, considering the constructions problems that they were having with it and so I told them that I would be issuing this and I would also be presenting it to the Commission if anyone had any protests with that and I would also be taking that under consideration.

Minnich: It is in your jurisdiction to approve but does anyone have any comments from the Commission?

Martin: When were our requirements to make it nine feet?

Mulcahy: They had offered to put masonry to two thirds of the building so that the 2/3rds would take it up to 9 feet 6 inches according to his calculations because the total height is 11 feet 3 inches. So I did not do the calculations on this because I just felt that here is, he also included a sort of where it would be and I could pass this around to everyone, this is what he included in his memo to me as far as where it would be and where they are proposing this to be.

Minnich: Once again this is in your jurisdiction is anybody on this Commission has any objections? Hearing none we will move on.

Mulcahy: The office of Policy and Management about when your actual date of amending your Plan of Conservation of Development I am not sure if anyone is interested in that. I did talk to office of Policy and Management and they said it is up to the town you can take your effective date which in this case would be December 28, 07 and they did mention that some towns updated their sections every year. So it is really up to the town when they want to consider it but they do consider it your effective date.

I just wanted to let everyone know that Frankies is coming soon because we receive the final plans and model today. Those will be filed soon and we also received final plans for the C & D Reduction Facility to be reviewed by Chuck Berger and I the Frankies is the Mylar and C & D is just the final plans.

I wanted to let everyone know and this is a question that I was bringing forward to the Commission because I received a call from the Toll Brothers building they were interested in purchasing the Highview Subdivision and they wanted to know if there was any regulation about them building a model home on Kimberly Drive and paving a large parking area to go with to maintain the sales office and model home for Highview and I said I certainly that would have to come before the Commission because that an established neighborhood to have a real estate type of operation out of that I said I did not see that as being allowed or under the regulations but they did not call back yet so I don't know if they were interested and possibly purchasing it.

Two other real quick things one Frost Bridge Road that building right across from the Bailey's site. They asked me for a zoning compliance again I did not find any final site plan, but there was a site plan in the file. I did go to the site and everything except they have lights that were not anywhere on the site plan and there definitely not the type of lights that are allowed in the town, they shine right out. But other than that I went to the land records, I tried to check everything for them and they might be coming with a request for a signature conveying for the final site plan and that looks like there might be a sale there.

The other one was a enforcement action that I involved in and I just wanted to make everyone aware at 676 Northfield Road and existing non conforming warehouse owned by Robert SantaMaria he had rented out part of it to A1 Tree Service who was bringing in logs having them up there and everything else so he has assured me that tenant will be leaving there was a quite a few complaints from the neighborhood about that operation.

I do have that information if anybody is interested on the high school they are giving a detailed about what areas need to be addressed and as I said they are sharing everything with me and with Chuck.

That is about it.

Minnich: Thank you, welcome Chuck.

Minnich: **Next item on the agenda is application for 6a for Wishbone Realty, Grew Design, Inc., 8,500 square feet in a B-G district in Watertown.**

Which direction do we take here close the public hearing, I don't know which way you folks want to go?

Martin: Can I ask a question, I understand we have two existing buildings on that site and now they are adding a third. Can our discussion incorporate what is existing here?

Minnich: We probably would like to get some advice on this but my opinion in reading the regulations and interpreting them is that they are using an existing parking lot for what it is they are going to have parking there. So once they do that it comes back to us for review. What we need to be obviously cognizant of what some of the history of this has been. But the answer to your question is I believe it is my interpretation of you each have your own right to take your own but that parking lot is existing it is part of this whole (inaudible).

Masayda: I agree with that, to develop an expansion so includes the whole site.

Martin: Chuck's recommended and I think I am seeing in reading in what Chuck had stated that he is looking when he discusses the traffic flow on the property along with adjoining streets and is there anything basically be done with that. I know the site has limitations massive limitations, very difficult we are not traffic engineers I just wondering if there is something that could be done something that makes that situation better because any expansion for once I am agree with Mike it just increases the, it just makes a bad situation worse, I am having a real difficult time with that.

Minnich: Let me be clear if I may I asked for Ruth to prepare a motion of approval to deny his approval a motion of denial we can I just want to go around and see which direction we were leaning towards and if we were leaning towards a motion of denial whether we wanted to bring that this evening in terms of a motion or we wanted to get some more comments from staff in terms of that.

Mancini: I also don't usually agree with Mike but I agree with him 100% with this and I have my notes here right here it says I am not inclined to make a bad situation worse. Those are my notes and I am sorry that is the way I am leaning.

- Russ: I think they have to do a lot more time pulling and coming out of that place if you can't get in you're a sitting target.
- Martin: Speaking as one who had an accident there recently be parked in a parking space somebody back into me. I know it is a bad situation.
- Minnich: So far we are not inclined to not approve this.
- Martin: I am saying not approve this but it has got have a better plan I don't know what that is.
- Dupliese: The way that I feel they got away with the Starbucks parking for this many years I don't think that bringing more traffic through that front entry way is going to make this anybody and I think we are asking for trouble and safety sake alone I am not in favor of it as is.
- Blais: Are we waiving a decision from the town relative to the definition if Starbucks is a restaurant or not?
- Mulcahy: No, I sent the letter it is in your packet that I sent to you, it is from Attorney Jessell, I think the question that I thought this Commission was wondering about is how do we accept these calculations as being retail when there is a known restaurant use there, can the Commission go back in time obviously it is functioning what are the ramifications of the considering, it is difficult for me to do the calculations because there are not according to the regulations and so that one reason when Starbucks did contact me about expanding into sandwiches, the calculations are clear.
- Blais: Say what he has about the issues, I try to stay away from that plaza because of the traffic and so.
- Masayda: I am inclined to deny for the reasons that I stated previously.
- Minnich: For me I am also if it is okay with the Commission I think it is important get the language that we want there have staff prepare a motion which they have not done a motion of denial and then we have more time to think at next week. We have time 65 days.

Mulcahy: November 6th by the next meeting.

Minnich: Let's move on then.

Dupliese: There were other options that we have mentioned in our last meeting as possibly lowering the parking lot of the north end when putting in the new addition but lower the parking lot to make an entry or to make the new building smaller so that it would take employee parking and move it into the back building to open up the front parking spaces. So it is not we want to deny it completely it just with another option I would be willing to listen, according to this right now I don't like it.

Minnich: I am listening we can always approve with conditions so...

Dupliese: With the existing building they have their now no.

Minnich: The answer to your question Ruth, that 65 days they have started applied on September 3rd 65 days would be November 6th so our next November 5th so we have time to make a decision. Is it okay with the Commission and the staff to prepare a motion of denial, we will have a motion of denial and a motion of approval in front of us and will talk about all this the next time. Hearing no objections is there a motion to table? Any further discussions? All those in favor please say I, all those opposed no motion carries.

Text of Motion to table.

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

All in favor and none opposed.

Minnich: **Next item on the agenda is Robert Velardo, Re-subdivision of 5 lots on Bassett Road, in Watertown in a R-90 district.**

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

Text of Motion to table.

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

All in favor and none opposed.

Minnich: **Catholic Cemeteries Association.** Next item on the agenda is there is a motion to move that to item 9d . Is there a second? All those in favor please say I, all those opposed no motion carries.

Text of Motion to move 6-c to 9-d.

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

All in favor and none opposed.

Minnich: **Next item on the agenda is a series of text amendments not too sure how much time.** Carl and Glen are leaving. These text amendments were ones conceptually talked about by the Commission those that spoke we assigned to do a graph and Ray Rondeau is not here and there was not time to set up an agenda and tonight we do, so the first time parking regulations, Gary can you give us an update on this.

Martin: **Parking Regulations.** We are still working on it we discussed some options tonight we are finalizing the information getting some information from communities and what they are doing and I would think by the next meeting we may be pretty well close to having it done.

Minnich: **Building Lots and Driveways.** Very good. The next item 2 and 3 Ray he proposed them but I don't know any more than the land which is here perhaps we can table this we do not want to talk about until he comes in.

Russ: I will make a motion to table 2 and 3. Is there a second? All those in favor please say I, all those opposed no motion carries.

Text of Motion to table 7-a 2,3.

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

All in favor and none opposed.

Minnich: **Next Ruth is Common Driveways.**

Mulcahy: I just wanted some input on that before, the definition that I am used to of a common driveway in the town of Watertown when we used that word in any kind of shared driveway other towns make a distinction of shared driveways. Anything above 2 to a certain number is a common driveway and some towns limit it to 6. Being the maximum number of at a common driveway and what it is and I like to

get some input from the Town Engineer on this is that it is different design standards and different building standards are used for than a standards for private driveway. Many towns it does not mean that you have to build as a street a public that you would have to build it with a little more design standards than a private driveway. So if that is the direction you put it the definition in your zoning regulations and in your subdivision regulations I just wanted to get a feel for it if the Commission is interest in that if they are not, we can drop it. Somebody brought it up at one time and I said you can make regulations for common driveways if you want.

Minnich: I think it is a good idea, I don't know any more than what if you put something on paper we can talk about it. I think it is.

Martin: Does a common driveway require any drainage to it?

Mulcahy: Yes, that is what I am saying like the design of it what it is basically your saying that we are not going to be treating this just like we treat a single family driveway. We are going to treat it with a little bit more design standards that is where Chuck Berger would come in and he could look at what some of the other towns have put in their regulations that part goes in your subdivision regulations and it makes a definition between shared driveway and a common driveway would be different. It would be when you get to 3 or more lots and then set a limit and then you can then propose to a street. It basically sets a limit of how many you have on a common driveway and it sets design standards. It can be very simplistic or more complicated I understand it very simplistically.

Minnich: Why don't you come up with some language and get zoning and subdivision and we will take a look at it.

Ms. Mulcahy discussed this topic and will draft a new regulation for the zoning and subdivision regulations.

Minnich: **Next item is lot sizes do you have anything on that this evening?**

Martin: No. You and I have got to talk about it a little bit.

Minnich: So we will table item 7a5. Is there a motion? Is there a second? All those in favor say I, all those opposed no motion carries.

Text of motion to table

Motion made by G. Dupliese and seconded by J. Blais

All in favor and none opposed.

Minnich: **Next item is Carl with street trees he prepared something.**

Mulcahy: He came into to ask and saw it on the agenda. Basically what it is in the current regulations it says for one seasons growth by the applicant it says the it talks about in the middle such trees shall have a minimum trunk diameter of not less than measured 12 inches above ground level of not less than two and half inches in caliber and shall have be guaranteed and it says now from one seasons growth by the applicant. His proposed language is in the bold because we have a three year cash tree bond he saying that it should be clearer that it is for the 3 year cash and that it is 3 years and how it is explained we called Roy Cavanaugh to see why it is 3 years and what we found out was the former Director for Public Works said that the first year it is planted that it sleeps, the second year it creeps and the third year it grows and that's why even though it says for one season's growth and the growth does not occur until the 3rd year. He wanted to make it clear in there because obviously you are holding these tree bonds for 3 years it should be spelled out in the regulations.

Minnich: Okay so in essence what is suggested is section 5.1.83 be removed the words one seasons growth by the applicant and insert there by the application for growth within 3 year cash bond from the time of planting..

Mulcahy: Yes

Minnich: Is there any comments?

Blais: On that issue?

Minnich: Do you have any other comments then?

Blais: I do, he does not specify species as being a certain size he has oak here and oak could grow up in the utility lines and everything they are open. They should consider size of the specie so they don't overwhelm.

- Mulcahy: Again this is for new subdivisions with underground utilities. There should not be any wires because the subdivision regulations require that all utilities be underground and these would be new street.
- Blais: That is fine.
- Mulcahy: That should not be a conflict.
- Russ: I think it is a little extensive to have a tree every 50 foot instead of saying one tree per each lot.
- Mulcahy: That is always been in there. He did not want to get into that, he just wanted to be because you have a 3 year cash tree bond he saying you should make it clear the regulations as they read now is for one seasons growth and it's not really clear why you have 3 years and we did not know why either. Why the tree bond is for 3 years but we found out today sleeps, creeps and grows.
- Minnich: Comments on the issue take one at a time then we can perhaps with the language we just mentioned we can establish a public hearing next amendment for Wednesday, December 3rd.
- Minnich: **Street Trees**, Ron did you want to think more about the 50 feet do you want to talk about that memo or.
- Russ: I just think it is a lot of trees. Maybe 1 foot per lot is sufficient.
- Martin: 600 feet frontage, I am not sure 50 feet is the right number either.
- Russ: It is pretty extensive.
- Mulcahy: Carl was only concerned about the dead trees.
- Minnich: Well think about it.
- Mulcahy: In another section you have to review there is two sections and address it says two per lot or 1 every 50 feet.

Russ: We could also use 600 feet long like Gary is saying. We need a few more trees. I think on the average lot size like developments have been going to a degree that is sufficient.

Blais: Certain species at 50 feet they are going to grow together.

Mulcahy: 50 feet

Blais: Yes a maple tree, 25 feet for each tree and they are touching.

Minnich: I am not sure using a lot is a appropriate measure, I think it ought to be measured in feet because that is a very good standing of whatever it is that is easily measurable. Do you want to wait on this or you want to one option is to send this to public hearing on this what is your pleasure?

Russ: I think we should look into it more. You want some more time more.

Masayda: I think it is okay if we are going into the hearing we should go with several at the same time.

Minnich: I think so too. Okay we are going to table this.

Next is **Open spaces** whatever he is going to propose and I do not have anything so he is not here to defend his decisions. Is it okay to table 6, 7?

Is there a second? All those in favor say I and all those opposed no, motion carries
Text of Motion to table 6, 7.

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

All in favor and none opposed.

Minnich: **Next is item New Business for parking notice sign affidavit**, Paul Jessell has put together as part of our notice signs a list of requirement that there be an affidavit that signed by the applicant regarding the posting of the signs in there is the that Commission required and approve the form so on the last page of the handout that Ruth gave you from Paul. Is that affidavit our action this evening to consider approving this form to be used for public hearing notices. Is there a motion? Is there a second? Any discussion? All those in favor please say I, all those opposed no motion carries.

Text of Motion to approve
Motion made by G. Martin and seconded by M. Masayda.
All in favor and none opposed.

Minnich: As to the first item we can't discuss this evening that is not on the agenda but perhaps we could bring this back in term of copying it at the next meeting and we will consider approving this as well. I can't talk about it.

Next item on the agenda is Report of the Administrative and Budget Subcommittee re-meeting minutes.

What that is about is you recall we the discussion that has going on quite some time. We got money in the budget to replace the microcassette recordings and instead to use a current technology which is similar to what all of us know as MP3 players and that sort of thing it is a digital recording and so the administrative and budget subcommittee has been one time with Doug and who is our Commission Officer here in town we tasked him with bringing in a vendor who we thought would be good to look at in terms of this being combined with the software and so the whole issue is looked at in terms of not only having being to record here but also on a transcription part and we wanted very much not to have a single piece of equipment because that means it has to be carried around as multiple that transcribe we wanted to have a recorded and then being put on individual person's computer we could then with the foot pedal process go over this so they can transcribe it in the office that is what he is currently looking at in terms of software. Then with the process then becomes the outcome of all of this is once it is obtained because that is all on the budget is for us to take a look and comment again on the what we have transcribed and what we do as transcriptions for and we having gone to any conclusion yet in terms of recommendations. The comments have been leaning towards on what we now have for our minutes that was very much verbatim given the time that takes to do is that we both are not sure where this is going but look to have something on a more traditional minutes that are taken without every single word put on there. I think when we need to have the transcription we obviously have the digital recording. Those digital recordings by the way are Doug will have through the town where all those digital recordings are sent to be stored so that will be available right now. So we will have a discussion and recommendations from the committee where we will go with the length of meetings get done. We were not losing as I recall changing anything about the public hearing content in terms of how that is done.

Minnich: **I don't have anything for other matters.**

Minnich: **Next is item 9c is there a motion to go into Executive Session.** Is there a motion to go into executive session for the purpose of pending litigation regarding about Mt. Olive Cemetery in Watertown. All those in favor please say I, all those opposed no motion carries.

For the record going into executive session is Carol and Ruth and Mike, Dave, and Jim, Gary and Ron.

Those present in Executive Session were D. Minnich, M. Masayda, R. Russ, G. Martin, J. Blais, R. Mulcahy, and C. Allen.

Motion made by M. Masayda and seconded by R. Russ

Text of motion to come out of executive session at 9:15. The only item discussed was the proposed mausoleum at Mt. Olivette Cemetery, no motions were made and no votes were taken.

Motion made by G. Martin and seconded by J. Blais

Minnich: **Next item is the 9 d Catholic Cemeteries Association, proposed mausoleum, in an R-90.**

Martin: You may just want to say we are out of executive session.

Minnich: Is there a motion allow the proposed mausoleum in Mt. Olivette Cemetery to proceed without zoning approval.

Martin: I guess we have no jurisdiction anyways so why are we even ruling on this?

Minnich: Because even in executive session and in open session last time we made the determination what was said in every executive sessions that this Commission has zoning jurisdiction over the mausoleums. There is no...

Martin: We are not going to pursue the ..

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Mulcahy: We do not have jurisdiction...

Minnich: The proposed mausoleum that this Commission has determined that the proposed mausoleum at Mt. Olivette Cemetery can proceed without zoning approval. Does anybody make that motion? Is there a second? All those in favor please say I, all those opposed no motion carries unanimously.

Text of Motion the Commission determined that the proposed mausoleum can proceed without zoning approval.

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

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

Adjournment at 925 PM

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

Michael Masayda _____
Secretary