

Town of Watertown
Planning and Zoning Commission
Special Meeting

Time: 7:05PM

Date: Wednesday November 19, 2008

Place: Polk School Library
435 Buckingham Street
Oakville, CT

Present: D. Minnich, M. Masayda, G. Martin, C. Mancini, G. Dupliese, J. Blais, D. George

Absent: R. Russ, K. Demirs, R. Rondeau

D. George sat in for R. Russ

Minnich: I would like to call this special meeting of the Planning and Zoning Commission to order the date is November 19, 2008 its at 7:05 PM and for the record we are at Polk School, Oakville. Carol would you please call the roll for the purpose of taking attendance.

Duane would you sit in for Ron Russ.

Next item on the agenda is the applicant Robert M. Velardo, Dennis McMorro, Berkshire Engineering is the agent, for a 5 lot re-subdivision on Bassett Road in an R-90 zone.

Ruth do you have the motion for approval for us to look at.

Ruth while you are speaking with Mr. Velardo because we can't talk to him. On the item that you have put in for number one is regarding the 10% fee in lieu of.

Mulcahy: Yes

Minnich: What is the form of payment that is acceptable to him. There are two options that we have.

Mulcahy: That is right I did not ask him.

Minnich: One is a sale of the first house the other is to prorate it. You need to find what his preference is.

Mulcahy: The second option is prorated per lot.

Minnich: If you could write that sentence out

Mulcahy: Yes

Minnich: Is there anyone else who has any comments on any of the wording that in this motion of approval?

Dupliese: Have we settled on the acceptance of the 10%?

Minnich: That is what we are in the process of doing? We have an appraisal in here.

Dupliese: I had some questions but I was not sure but this is the time here to do that.

Minnich: Write that sentence out.

Mulcahy: I was trying to find that exact wording on the regulations.

Minnich: Do you want to comment then on these.

Dupliese: I just went through that is all and it says it is fair market value before the subdivision is \$397,000.00. Which I don't see that that, I mean I read the report and I understand it that is not what the property sold for. To me if we take 10% of open spaces as we will get 4 1/2 acres basically of open space. I concur it is my opinion again I prefer 4 1/2 acres of open space to \$39,000.00. We have a choice don't we?

Minnich: Yes we do, the issue of your comment relating to the value of the appraiser the comment that we got that was low. Did you take into account the only thing that can be used in used in that appraisal for us (inaudible) the ability to come there was maybe part of I don't know if there any bond on that property.

Dupliese: We are just taking the raw land here and he has four comparable or five comps that he has got. I understand where they come up with that but again that is not my idea of what that land it worth. According to the way that they do this according to or regulations I understand how he comes up with it. But at the same \$39,000.00 I rather have 4 acres of open land.

Mulcahy: Did you see let me show you the map, one thing you might want to remember is this land is almost, there is a tremendous amount of inlands and wetlands. They all are going to be in a conservation easement and that area what was offered for open space but when the Commission discussed it, it was obviously ...I just want to bring out the maps so you get an idea of the property. If you look at the property you will see that there is a very large amount of it in Wetlands. The area that is not in wetlands is a very small amount on each lot for the development of the lot. That's why the Commission when you first discussed it wanted fee in lieu of because there is not any real chunk that you could enjoy as open space. It is a wetlands piece, this is a re-subdivision because this was kind of left over land and I am assuming that. That is my opinion because of the limitations of the wetlands and the only way he could get these lots or place for the house to go. I don't believe the land trust or anyone else would be interested in the land there it is not contiguous to any other open space of the town. It would be a parcel to monitor the open space or to use the open space without eliminating the lots basically as you can see.

Dupliese: It was just my opinion.

Mulcahy: I just wanted to go through what happened during the process.

Dupliese: I remember the map.

Mulcahy: These lots have very little developable land on them. It is mostly lots.

Minnich: Is there any other comments? Ruth do you have the...

Mulcahy: I was just going to finish that now. I added the sentence the payment of the fee in lieu of open space shall be made at the time of the sale of each approved lot in the subdivision I took it out of this. Is that..

Minnich: I thought it was divided by the five at the time of sale of each lot. Is that what you put in there I misunderstood.

Mulcahy: I just copied exactly what the regulations said the payment of fee in lieu of open space shall be made at the time of the sale of each approved lot in the subdivision shall I say shall be made on a pro-rated basis and then the developer's agreement. How is that?

Minnich: That is fine. Could you show us the map again on number 6 regarding the Fire Marshal's comments that is on the map correct? Is there large hammerhead shown on the map?

Mulcahy: Yes I have to see if I have the, there are several maps in this bucket here let me just see which one I have right now. This one is 8-25, I believe that is the last one. This is the last one.

Carol: You have to speak into that...

Minnich: On lot 1, 4 and 5 there is large hammerhead turnarounds could you show us what that is?

Mulcahy: Do you want me to stand in the middle? Here I will come over. Here you turn around on so everybody can see. Here is the turn around this is lot 1 over here. Number 4 you have coming in there is turn a rounds here and on here this is the two different lots the three that all together. I did not even see that.

Dupliese: It is lot 1, 4 and 5

Mulcahy: Yes, I included those.

Minnich: Those are driveways correct?

Mulcahy: Yes they are driveways but they are long driveways so we asked for some way to turn around once you got in there.

Martin: Have we been given the description of size of the hammerhead turnaround and obviously it has got to support the turnaround of a fire truck I am assuming. So is that identified what they are doing.

Mulcahy: Do you want to show him Chuck I am not detail sure. This is the bigger one that Glen was talking about that I should have showed which shows in a lot more detail it is a scaled map so....

Berger: It is not dimensioned on the map for his drawings of scale.

Mulcahy: Do you want to pass that one out.

Minnich: So the answer to Gary's question is that the map shows by scale the size of the turnarounds okay.

Berger: In just looking at it it's significantly larger than the typical hammerhead detail.

Mulcahy: We did not make individual copies of this; this was at the last meeting the public hearing their engineer shows it. Does anyone want to view this detail...

Minnich: Is there any other questions or comments before I read the motion?

WHEREAS, the Watertown Planning and Zoning Commission (hereafter "Commission") received an application for a five lot re-subdivision on September 3, 2008 located on Bassett Road, Watertown, CT in an R-90 Residence District consisting of 44.296 acres owned by Robert M. Velardo, 164 Falls Avenue, Watertown, CT which includes a Record Re-subdivision Map dated 06/13/06 with a final revision date of 10/03/08, Overall Site Development Layout Plan S1 dated 07/23/07 with a final revision of 10/03/08, Site Development, Grading and Soil Erosion and Sediment Control Plan S2-S4 dated 07/23/07 with a final revision date of 10/03/08, Construction Plans Lot 1-Driveway C1 dated 07/23/07 with a final revision date of 10/03/08, Construction Plans Lot 4 & 5- Driveways C2 dated 07/23/07 with a final revision date of 10/03/08 and Details & Notes D1 dated 07/23/07 with a final revision date of 10/03/08 prepared by Berkshire Engineering & Surveying, LLC, 143 Bantam Lake Road, Bantam, CT 06750; and

WHEREAS, the Commission convened a public hearing on October 1, 2008 and October 15, 2008;

NOW THEREFORE BE IT RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** the re-subdivision application for a five lot residential subdivision with two interior lots located on Bassett Road with a total of 44.189 acres in an R-90 Residence District titled "Robert M. Velardo" with the following modifications:

1. The applicant has offered to pay a 10% fee in lieu of open space and to grant a Conservation Easement Area to the Town of Watertown of 15.330 acres which is incorporated into the lot area of Lots 1, 2, 3, 4, & 5 of the Re-Subdivision. The selection of Biondi and Rosengrant, L.L.C. as the real estate appraisers was approved by the Planning and Zoning Commission and the \$397,600 estimate of market value of the raw land is accepted by

the Commission. The total fee in lieu of open space as offered by the applicant is \$39,760.00. The payment of the fee in lieu of open space shall be made at the time of the sale of each approved lot in the subdivision on a prorated basis.

2. A comprehensive sedimentation and erosion control plan consistent with the Erosion and Sediment Control 2002 Guidelines and a detailed construction sequence accepted and approved by the Town Engineer and the Administrator of Land Use shall be submitted.
3. The Conservation Easement Areas required by the Conservation Commission/Inland Wetland Agency shall be indicated on the Record Re-subdivision Map and the Site Development Plan map. These areas shall be marked with Conservation Easement tags at intervals required by the Land Use Office before any site work has begun. A Conservation Easement document approved by the Town Attorney shall be recorded on the Land Records. The Conservation Easement shall be placed on all inland wetlands and within fifty (50) feet of wetlands regulated areas as shown on Plans except where there are permitted activities approved by the Conservation Commission/Inland Wetland Agency. Owners of each subdivision lot shall have standard conservation easement restrictions on their lots which are recorded in deeds on the Land Records. These restrictions are applicable to owners filing the deeds and to all future owners of the lots.
4. A bond shall be posted for all public improvements, sedimentation and erosion control, construction of two rain gardens, site stabilization including grading and planting of disturbed wetlands and regulated areas, installation of wetland placards, lot pins and the common driveway in accordance with the bond policy adopted by the Commission. An estimate of all improvements prepared by the applicant's engineer must be submitted to the Town Engineer for review and approval subject to review and approval by the Commission at the discretion of the Chairman or the Commission. According to Commission bond policy, the bond provided by the developer will be a Letter of Credit and/or a Cash Bond to be reviewed and approved by the Land Use Attorney.

5. All maps shall meet the requirements of Section 4 of the Town of Watertown Subdivision Regulations.
6. All recommendations of Fire Marshall in a memorandum dated September 24, 2008 shall be followed including larger hammerhead turnarounds for Lot 1, Lot 4 and Lot 5.
7. All lot pins shall be placed before issuance of a zoning permit.
8. All utilities shall be underground.
9. No sidewalks are required.
10. Street trees shall be planted along Bassett Road and the common driveway between Lot 4 and Lot 5 every 50 feet or a minimum of 2 per lot whichever is greater. Existing trees may be substituted for the required street trees subject to the approval of the Land Use Administrator and Tree Warden. A list of proposed tree species shall be submitted and approved by the Land Use Administrator and the Tree Warden. The trees shall be of a size specified in the Town of Watertown Subdivision Regulations. A street tree bond must be posted for a minimum of three years.
11. A notice of street trees shall be placed on the Land Records with the other required documents in order for the future lot owners to understand the street trees can not be removed after the developer has completed the required installation. The developer is responsible for planting street trees no later than the time of the sale of the lot. The developer is responsible for the street tree bond.
12. The following is a list of required Easements, Deeds and/or documents to be provided to the Town of Watertown for review:
 - a) Conservation Area Easements
 - b) Common Driveway Agreement

- c) Storm Drainage Easement in favor of Lot 4 over Lot 3.
- d) Storm Drainage Easement in favor of Lot 4 over Lot 5.
- e) Driveway Easement over Lot 4 in favor of Lot 5.

13. The conditions of approval shall be listed on the final filing Record Re-subdivision Map.
14. All recommendations of the Town Engineer in a memorandum dated April 1, 2008 and a memorandum dated September 26, 2008 shall be followed.
15. Prior to Town officials signing mylars, final plans shall be submitted for approval and accepted for approval by the Town Engineer and the Administrator of Land Use/Zoning Enforcement Officer, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
16. Once all documents and maps are finalized, two sets of paper maps and two sets of maps on Mylar shall be submitted for signature by the Chairman of the Planning and Zoning Commission and other Town officials. All documents that are required to be executed shall be filed by the applicant with a signed Mylar copy of the maps in the Office of the Town Clerk.
17. A preconstruction meeting is required to be held with Town staff, the developer, the onsite contractor, and the site design engineer prior to any on-site activity.

The Record Re-subdivision Map Mylar and required legal documents must be filed on the Town of Watertown Land Records before March 22, 2009.

Is there a motion to approve? Is there a second?

Motion to approve G. Dupliese and seconded by D. George.

Mancini: Whereas the fourth line it should be 44.296

Minnich: Yes

Martin: I stepped out for one second did we check to see if there are identifiers in the turnaround the hammerhead turnaround as far as size?

Minnich: Yes it is not identified it the scale and there much larger.

Martin: And we feel it should not be identified in here as to the size?

Minnich: Ruth if I may ask for the record and I know I asked you before off the record on the issue of the first modification which is the term set fee in lieu of he accepted the 397,600.00 estimate for the market value of the land. For the record has Mr. Velardo communicated with you and has he accepted that.

Mulcahy: Yes, he accepted his appraisal as submitted.

Minnich: Thank you. Are there any other comments or questions. Hearing none Carol would you please call the roll for the purpose of recording our votes.

Aye: M. Masayda, G. Martin, C. Mancini, G. Dupliese, J. Blais, D. George, D. Minnich

On a vote of seven and none opposed the motion is approved the re-subdivision is approved.

(Verbatim)

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

Mancini: Mr. Chairman.

Minnich: Yes

Mancini: The last time we met the attorney asked me recuse myself and I said absolutely not. I guess the reason why I say absolutely not is because (inaudible) it's boiling and my hair stands up and by being charged with

something and I say absolutely not and I thought it over and just to prove that I have nothing gain politically or financially from this application and prove to the Masi's and everyone else in town that I don't want anything to do with this application. So I will recuse myself just to whatever this Commission decides I will abide by. I will recuse myself.

Minnich: Thank you for the record then Carl has recused himself there is no one available to put in place of Carl we are being six members for the record the issues that relate to the $\frac{3}{4}$ modifications require a $\frac{3}{4}$ vote that will require five of the six members for approval.

I have asked Ruth to have a motion of approval for us to look at and review.

Mulcahy: I have this as Dave's copy because (inaudible).

Minnich: For consider approval and this requires a (inaudible) member vote of approval. There is also two additional motions which similar in thought that is for you to decide. One that for certain considered for approval is requiring a five member vote of approval is the 400 foot distance which is the issue relating to section 5.3.71 of the regulations to consider waiving that requirement of the 400 foot. For the record that states no more than two streets shall intersection at one (inaudible), intersections shall be spaced not less than 400 feet apart. The Commission may waive the 400 foot spacing and change the spacing to a different number of feet with $\frac{3}{4}$ six member vote of approval. The Commission shall take into consideration the public safety and state for the record the reasons for waiving the intersection spacing required in the sub section as we know was effective just recently on May 23, 2008.

The second one that I believe is necessary it is the Commission's determination but as one member it might considering determination that also we need to take a look at section 5.3.11 dead end streets. That also is a waiver that we allow the regulations with a $\frac{3}{4}$ vote. Let me read for the record what that says so we all understand. That a dead end street is the street having only one access to a through street. It is typically closed at one end by a building lots and it has topography, physical conditions and environmental sensitive land under home safety issues to make a temporary or permanently practical or extend or to connected with another street of one existing street to be determined by the Commission. Dead end streets are permitted but are not encouraged and show to provide sole access to exceed no more than 15 building lots and shall not exceed a length of 1000 feet. The Commission by a $\frac{3}{4}$ vote of all members of the Commission may require and may approve sole access on dead end

streets to receive the warranted the 20 building lots street length shall not exceed 20 feet. That the street is safe and convenient for commuter access and including emergency vehicles. Then it goes on to say a temporary dead end street shall have a 50 foot right of way to determine property at a location approved by the Commission and convened to the town of Watertown to consider of creating improvements in anticipation of future vote to be determined by the Commission (inaudible) by a Commission to be temporary for more than three years shall be cull de sac plantings requirements for permanent dead end street and that was (inaudible) from February 11, 2006.. The temporary street here as I see is not a issue but is an issue that issue that it clearly says buildings lots 15 of right and anything more than up to 20 requires a $\frac{3}{4}$ vote. I guess my first issue here just to make sure that we get that holding pattern correct here. Does any members of the Commission have any comments in terms of whether or not this is dead end streets is an issue that we need to get a $\frac{3}{4}$ vote on this application.

Dupliese: I do. Well I think so of all places I think this is a difficult site to begin with. We have had problems with the site line distances; we have had problems with access and with the speeds with the safety for the high school kids in the morning driving on that road. So I think that if we are going to do anything it should be at the minimum not any more than that, so I think they should stay at the 15 lot rather than go up to 16 or 17 or 18 lots.

Minnich: I was ask a question a little earlier than that. Whether or not this is an issue that we feel that a separate vote requiring $\frac{3}{4}$ votes that is the only topic I am asking. Otherwise your issue can vote into if it is not to be considered a $\frac{3}{4}$ vote requirement but by members of the Commission then is part of the remainder of the motion that requires 50%, do you follow what I mean?

Dupliese: No

Minnich: This here with dead end streets,

Dupliese: Is it a separate vote for dead end streets?

Minnich: Let me be clear, the issue for the regular motion requires 50% four members to vote for it. The dead end streets if the commission determines that this applicable as a dead end street requires 5 votes in this case to waive because of $\frac{3}{4}$ tonight is the final answer. Clearly the issue that we just talked about the 400 foot distance also requires 5 votes because of the requirement of 5 votes those are separate votes. So my question before we go much further here in the merits does anyone have any

disagreement that the dead end streets is applicable regulation of 5.3.11 is applicable here and therefore need to be to waive the requirement.

Dupliese: I believe we would need a vote to waive yes.

Minnich: Is there anybody who disagrees with that?

George: I agree with that.

Masayda: The maximum is 20, 15 by right, 20 by vote.

Minnich: So the question is do we need to have a $\frac{3}{4}$ vote?

Masayda: The number of lots is 18.

Minnich: 18

Masayda: Is that het the ones coming French Street. But if there were driveways if would take those out that were driveways that were there previously how many would that make?

Minnich: That would make 15. But that is not the sub division that is before us. We are back on whether the subdivision that is before conforms with the regulations.

Masyada: We did the ones across the street French Street on the other side. Sephanie Lane we counted those as being on French Street and they don't have access to French Street. I think this is a 15 lots to be consistent with what was done for Stephanie Lane.

Minnich: Was Stephanie Lane done prior to February 2006?

Masayda: Probably.

Minnich: This regulation is effective February 2006 that logic I don't think we have amended the regulations.

So my question is not talking about the merits of the 15 or 18 at the moments. Does anyone have any disagreements that this section 5.3.11 needing a $\frac{3}{4}$ votes is applicable at this meeting? There is no disagreement so then there are 3 separate votes that are needed to vote for this issue. Where would we like to start at $\frac{3}{4}$ votes or is that a good place to start or start with the dead end street. Who has comments on this issue?

Dupliese I already stated them.

Minnich: You did and for the record that is fine. Is there anyone else that has any comments? Mike you mentioned are those still the same comments you have or given the fact...

Dupliese: I think there is a couple of issues involved in it but I think we should stay at the minimum on this street. We should stay at 15.

Masayda: For length or number building lots?

Dupliese: 15 the number of building lots

Masayda: That is what we are considering right now

Minnich: We are doing dead end streets at the moment yes. Whether we should or should not be (inaudible) I heard him say 15 that is his opinion.

Masayda: I say we need to make a requirement to this Commission take those driveways off of French Street for safety and in turn put those onto the new post road way. I feel that the 18 would be, he is helping us out by making it safer but allowing the lots.

Martin: Only because I was not part of all of this proposal. How many did we have on the first proposal was it 18 in the first proposal? I thought it was less, there was 15 originally with them coming out onto French Street. And then we went from that to 18 with nothing coming out onto French Street is that correct just for clarity sake?

Minnich: I don't recall the numbers, Ruth what was it originally?

Martin: It was more now than it was earlier.

Ruth: I don't have the withdrawn application here. I was just looking for that for the confirmation, the application where it is withdrawn and I am sorry I just don't recall. I am looking through here it might be mention in here somewhere.

Blais: Did that come from roads to driveway?

Minnich: We requested as part as part of the discussion we had for the 400 feet in addition as being driveways and not having driveways on there.

Blais: The 7 lots on the driveway...

Minnich: The 7 lots were never part of the original

Martin: I would like to come with that same proposal with the new I think I mentioned it our last public participation there is no conception that it would have been nice I would actually asked the attorney if they would reconsider 15 lots as opposed to 18 because we would have gotten rid of the issue of the extra 3 lots. Plus it would reduced not by a lot but at least you figure 6 trips in the morning husband and wife coming to that intersection which is a busy location anyway from my personal opinion I wished they would consider that in my mind a lot easier.

Minnich: Is there anyone else that needs?

Blais: I think there is a new issue with the renovation, it is written in stone now that there is going to be a traffic light at the top of the hill?

Minnich: There is.

Dupliese: It is written in stone is there a traffic light going in.

Minnich: Yes that is all agreed to. Anybody else have any comments on this? Before we take a vote let me suggest for some of you people the motion is that Commission waive the requirement of a maximum 15 lots on the cull de sac it allows 18 lots in this subdivision?

Dupliese: Do you want somebody to make that motion?

Minnich: Is there a second to that motion?

Carol: And who made it Mike and Jim.

Minnich: Is it clear what the motion is allowing the 18 lots subdivision off of this cull de sac. Hearing no further comments Carol would you please call the roll for the purpose of recording our votes.

Motion made by M. Masayda and seconded by J. Blais

Aye: M. Masayda, J. Blais,

Nay: G. Martin, G. Dupliese, D. George, D. Minnich

On a vote of 2 in favor and 4 opposed the motion is not approved. It is required of us to indicate on the record well I guess it is not it is only

required if we have approved it and we didn't approve it so it is not required but if you wish to comment as to why you voted the way you voted you are welcome to do that at this time.

Dupliese: As previously stated I think that there is a safety issue here we have other things that we want to vote on but for me the reason to keep it as 15 is for that reason alone just to decrease the number of trips in and out of that subdivision.

Minnich: Is there anyone else who has any comments?

Blais: I think that Mr. Masi tried to do as much as he could to make the development safe and I think he did. The Town Engineer by taking the driveways off of French Street and keeping everything within the subdivision I think he did the right thing to do it.

Martin: I commend the applicant for having done that. Taking off of French Street I think that was the right thing to do. I just wish he had stayed with the 15 I just feel that it would made it a little bit safer with the other conditions that we have there and it would have been easier for me to accept that.

Minnich: Anyone else at this time? The next issue is the 400 foot distance which is the only other thing this evening which requires a $\frac{3}{4}$ vote. In this one for is in section 5.3.7 I believe that 400 foot distance is purposes of putting the motion on the table that ask the someone would move that this Commission approves the waiver of the 400 foot distance and the distance that is shown on the site plan is approved by the Commission? Is there a second to that motion?

Carol: You both said it at the same time and then Mike?

Motion made by J. Blais and seconded by M. Masayda

Minnich: Is there discussion?

Blais: I think talking with Town Engineers and that 400 foot I think we changed our regulations is that correct?

Minnich: We did.

Blais: So I think the Commission would also thinking in that direction with the circumstances moving the road up the hill and down the hill the best possible position and I think we came to sort of an unofficial conclusion and it's time to vote.

Masayda: I feel that the 400 is a outdated criteria and looking to the current Ashtel manual and the conduct design manual that there is no hard number for intersection spacing requirements. So I feel that this is acceptable based on the volume of traffic coming out of that site and the volumes that are on French Street and the turning movements that Riverside and the new proposed road.

Martin: Mike with that data does it also take into consideration the pitch of the road coming down that hill? That is where my concern comes in and I now we have got the right distance but it is just cars coming out, two intersections down at the bottom with cars coming down that hill do they address that at all in those regulations?

Masayda: It is more of the cueing and be able to see for intersections maybe Chuck could explain further on that but I don't feel that you are going to get the amount of cueing that is going to backup to the intersection where you cannot get in or out at either intersection. You could see that with Riverside and Icehouse Road a little up towards the high school where the other road, there is a lot of intersections like that throughout the whole town and I don't see any issues with those. This is a dead end road and those other roads are through roads.

George: In the past it has always been hard set that this part of the plan of development and was never allowed and I think we should stick with the plan of development. That is why it is set when they set the 400 feet.

Masayda: If look back into the old design criteria they did have a hard number for that but there is new data out there is no hard number for intersection spacing. Just like to reinter ate that

George: That is part of the plan of development at that time.

Masayda: Things change since old criteria just like you don't buy an old refrigerator if you have new ones that are more efficient.

Martin: Is our consideration of this request obviously it with the 18 lots subdivision with the 400 feet right? Again I get back to my point of reducing the intensity in the area of cars coming, it is only six cars but it reduces it. So is my thought process of looking at the 400 foot with 18 lots a process for me to use?

Minnich: That is what is before us is the 18 lots. There is a safety issues that we must consider in this process and we have heard from the applicant and

we heard from our Town Engineer on this issue. In addition to that there is the issue of the planning issue in which is the issue to which is that this Commission has the right to determine many aspects with regards to roads. That certainly in the design of the 400 foot is the standard that must 400 feet or greater and so that in town I approve by the Commission by putting this regulation said as it overall design of new streets that come into town that they be 400 feet apart. That specifically talks to perhaps from my mind set that it is not a kind of street structure where streets can be a lot closer 400 feet is longer distance and that the standard that we feel these regulations were designed. So that it is the safety issue and it is also the standard Commission has (inaudible) to state that is what we see as what is the design of new roads in the community. We have the right to determine that and have made that. We have also given ourselves the right on May 23 to make quite clear this year with the effective date to waive that. Then we can consider any of those two issues or however you may have to waive that require to a number less than 400 feet. I just want to state that during this discussion that we had in effect to the date of May 23 our discussion and our consideration was not on the merits of the 400 feet. Our discussion was on the issue of whether we should grant ourselves the right to link the $\frac{3}{4}$. So we have no focus and no time that we spent talking about whether 400 feet is the right decision on our part as to whether 400 feet is the right amount of feet. I do recall that of (inaudible) subdivision they came back and resubmitted the revision to their plan based on what our review that they had not had the 400 feet distance and we required them to that. They did that prior during the review process and that became a distance of 400 feet so there is some practical president for all this that we are doing. Those are my comments on this. Does anyone else have any?

Masayda: That 400 feet and I don't know how far back and our regulations that goes but Chuck do you know how far back that goes does it go back to 1960's or 70's?

Berger: I don't know.

Masayda: I could state today for the record is that Ashtel which is the current regulation through the whole United States and Connecticut Highway Design Manual there is no hard number. I am not sure it was 400 at one time but that is no longer the case. I don't know if Chuck has anything more to add relative to intersection spacing but...

Minnich: My point If I may on this is that the reason that we discussed this and our focus was what was I just said on granting us the waiver. We didn't have the focus or take the time or whatever is the necessary words here to

review the merits of the 400 feet. The 400 feet certainly has a safety issue and professional advice on both sides of it but also the issue to that is the planning function of the distances between roads. That it does set the character of the town in terms of the roads and whether it should be 400 feet or another number is certainly a discussion to have but isn't one that is going to change this circumstance here and that 400 feet and there's is the 400 feet is what we recently confirmed by the action we took on May 23 what is here.

Masayda: Then the other situation is that either you get your intersection spacing which is more critical than the intersection site distance which is more critical than intersection spacing or the individual development. How could you deny someone development of their land? Something has to give.

Blais: During this process the developer also, the fact the high school is going to put a traffic light to his benefit just west of the intersection we were discussing.

Dupliese: Remember that traffic light offered that the start of the school day and at the end of the school day the rest of the time it is a yellow blinking if I remember.

Blais: That is a significant addition also just the fact that it is a caution light it was not there before.

Minnich: Is there any other conversation? Hearing none. The motion before us is to approve the waiver of the 400 foot distance to the distance on the site line. Carol would please call the for the purpose of recording our votes.

Aye: M. Masayda, J. Blais,
Nay: G. Martin, G. Dupliese, D. George, D. Minnich

Minnich: On a vote of 2 in favor and 4 opposed the motion is not approved. Perhaps most of the main motion for the remainder of the motion or the draft motion of approval I thinking there are things needed but we need to keep in mind our roll here is to review an application and perhaps our discretion may be helpful when a reapplication gets submitted. I just to focus on one issue you may have others. But I just wanted to comment on the issue of being of the open space. The open space do you have a map that we can use for. Could you point out the two the areas.

Mulcahy: I don't think this has the open space, oh yes it does.

- Masayda: Are you going to have the reasons for denial of the 400 feet. I am just curious if anyone had any input..
- Minnich: You are right and I want to thank you for that. Let me just stop if I may just a moment Ruth Mike is correct we should go back to that conservation. Mike do you want to comment on that.
- Dupliese: I will give you my reasons for the denial of 400 feet. Is that we had a plan in front of us. I voted no because we had a lot of in front of us originally that had 15 lots and we asked them to come back with a new plan. They came back with a new plan and they put 18 lots now concentrated at the same distance okay we are still less than 400 foot from site line. I voted no in good conscious for a safety on this issue. Would I vote yes if there had been less lots if they come back with less lots I might have been more in favor of it but to come back with a greater concentration exiting at the same point or coming in onto French Street whether you are going uphill or downhill I in good conscious do that intersection every morning and I am there sitting and waiting as these kids roar past me and again we can't control them. The speed that they are driving is nothing we can do. But they are going past me and somebody coming up and turning a right up to go up the hill is going to get rear ended and there is going to be an accident so in good conscious I cannot vote yes.
- Minnich: Is there anyone else?
- Martin: Basically the same reasons I would like to have seen a reduction in lots. Actually at least come back with what their original proposal was but taking the driveways on French which is really what I thought and sitting in the audience was going to have. I know it does not reduce alot but any reduction in physical improvement in my opinion and I think I have been amendable to allow the distance with the reduction in the amount of traffic coming out of that street.
- Minnich: Does anyone else have any other comments? I do want to note for the record that the requirement for us involves for us to state our reasons on the record for waiving the requirements that was not waived that certainly can comment if you want. Does anyone else have any comments? My comments that I make is in addition to the safety issue is the design of it the 400 feet is as stated and is required is the design standard for that is in our regulation (inaudible). Lets now if there is no one else on this issue. Could you point out Ruth or Chuck or whomever the maps once again the areas of the open space.
- Mulcahy: We have two areas as you state. This is one...

Berger: This space area one down here as your meeting you come in off of French Street. The open space here is number 2 the edge of the cull de sac connecting to other town of Watertown property.

Minnich: It will represent less than 7%.

Mulcahy: Yes, you can see on the motion its 6.25%.

Minnich: Thank you (inaudible) agree with that motion. Alright so...

George: Were they two different...

Mulcahy: Two different lots, this lot adjoins existing

Berger: Tow different pieces

George: They don't connect in any way?

Mulcahy: No but this one connects to the town park.

George: The other does not connect to another ..

Blais: You could walk out the sidewalk from one down to the other and then down the path is to the town of Watertown.

George: Then that is not for what I said. Did they connect in the middle of the way because in the past it always been you have interconnect your open space in some manner.

Minnich: My thought on this is probably mine I hope for our future submission on this is that the open space should be as best as possible contiguous and that it is not then it needs to be off land and.in the future whereby it is possible with that other piece will be contiguous to something that the preference. Because being the six it does meet the requirement of the 10%. They offered to pay us or paying the town money for fee in lieu of splitting the difference. Certainly a preference would be just to have 10% that certainly the preference but I fully recognize does members of this that requirement of 10% fee in lieu is the sole option of the applicant to present to us we may not require that. But if there is not to be the 10% fee in lieu of I would hope to see that the open space would be contiguous to the park that is currently there on Ice House Road. That is my preference for this, is my thought on this case. The other part that I last that I just wanted to mention regarding the application has to do with the sidewalks.

For me putting the sidewalks on French Street is just not the right thing to do the sidewalk across the street. There is no attempt to ever connect those sidewalks that would be on the opposite side of the street. I am not convinced that sidewalks is needed within the subdivision others may disagree on this. My thought I am not convinced that we one needs to have sidewalks interior to that subdivision. But I am saying that I am not seeing the sidewalks and whether sidewalks are need at all. Once again all these last two comments both on the open space and the sidewalks are intended to be helpful for this resubmission on this application. Is there anyone else who has any comments or questions?

Martin: I would like to say that I am in somewhat of disagreement with you. I thought our intent throughout the town was to have sidewalks where sidewalks, we have been doing it with sidewalks that are never going to be available but at the very least to have where we have existing sidewalks to continue the sidewalk process where you have sidewalks coming out of the development, people are on the sidewalks walking to another sidewalk that continues to connect throughout the community. We are forcing them to do an area where we never have that connection makes no sense to me to back off of it when you can be contiguous throughout the community with sidewalks. I would definitely believe sidewalks would go into this development. I agree with you onto French Street why have it on both sides of the road makes no sense. It just dead end at the end of the property that makes no sense at all. I would say sidewalk to French Street a cross walk to the other side and connecting to the existing sidewalk system that exit.

Minnich: Just to finish my thought I certainly agree with you with regards to the concept that we have for sidewalks. But on this particular site here is my problem. There is certainly an increased safety issue of people walking across the street on that hill to get to the connecting sidewalk across French Street. Just to have the sidewalk with encouragement of people going across the street in this particular instance find an exception to that general policy that we have of encouraging sidewalks on streets that can potentially can connect. I see would there be a safety issue crossing the street and I don't think that is necessary to have a traffic control there at all.

Martin: But they are going to be crossing that street whether there is a sidewalk there or not. I mean people are going to come across that intersection and they are going to cross the street because of the sidewalk on the other side. Correct is it a good scenario there under any circumstance. To me the best scenario would be a remap sidewalk down to Riverside and then cross at the Riverside but we can't do that so short of that you bring the

sidewalk to the street and then let them cross at their peril. But they are going to do that anyway. One way or the other they are going to walk, they are going to be walking on the road with cars coming down French Street making left into that road on a hill and people are walking down the road that I think is a dangerous scenario. I think you walk on the sidewalk away from the traffic especially with that, that is going to tough turn coming in under good circumstances. You add the bad circumstances....

Dupliese: I did mind is that I think we do need the sidewalks but I agree with Chuck that they should be moved to the Westside of Brook Hollow rather than the east side. I would like the sidewalks on this one inside Brook Hollow only because we do have excavation that is going in on the east side of going drastically uphill it is a sharp hillside over there so we you know we are going to get bleed outs. It going to happen in the winter it always does. So at least when they are walking if the kids are walking from the houses that are on the street then they walk to school they will have the sidewalk on the west wide of the road that is not going to be covered with a glacier that is bleeding out of the eastside of the street. So I would definitely take the sidewalk on the west side, I think Chuck was the one that recommended it and I believe it was Chuck or through some deliberation somebody decided to move from the east side to the west side which I thoroughly agree with.

Minnich: Does anybody else have any comments on the sidewalks?

Masayda: I don't believe that sidewalks are necessary within the development because (inaudible). However I do believe that along the frontage of French Street where this property abuts the sidewalks should be proposed there and then the town would be responsible for making any connection to Ice House Road or going up to the high school on other private properties.

Minnich: Duane do you have any comments on this?

George: My comment is you can require sidewalks in the subdivision. You as a Commission cannot require sidewalks that has to be something that the developer would propose But you cannot require sidewalks it is an all site improvement. Careful what you do if he volunteers to do that then you could waive the ones within the subdivision. But I think we should stay with our policy with the ones within the subdivision where there is other sidewalks if we can get the developer to volunteer to do the other sidewalk out there. Then it is up to the town if it safe, if it's a hazard or safety issue we got stay within our regulations guys.

Martin: Can I answer Chuck if we mandated the sidewalks on the west side in the development I am talking about if part of our requirement was the sidewalks and we brought it out to French Street, does the town have the right to construct the sidewalk down to Riverside Ave on that same side across these properties?

George: That would be out on town road.

Martin: I understand that but that is still is property is the point that I am making. It would be a lot safer if made him come all the way to Riverside crossing.

Mulcahy Roy Cavanaugh, on the applicant's property and then we would get the easements to take down further to connect it. So it would all be connected that why this recommendation was in here it is on the applicant's property. It is not outside improvements.

Masayda: That is what I stated.

Mulcahy: The way it is written this was recommended by the Director of Public Works. To have sidewalks along French Street and then the two remaining properties he was going to pursue easements to connect it to Ice House.

Masayda: It is much more feasible to have a crosswalk at a major intersection than as in the center of the hill.

Martin: I agree

Minnich: Well I see I am clearly in the minority for the view on sidewalks so. I guess our last step here is to the formality to this application what I will do is read a first paragraph or two paragraphs. The first part of the paragraph change the word deny to not approve and state the two reasons that we have denied it which is the section 5.3.7 and 5.3.11 is there any other reasons that we want to give in this motion of denial besides the two that we voted on.

Dupliese: Plus what we already voted.

Minnich: Those will be part of the motion is there any other reasons?

Dupliese: The open space connectivity as we talked about. We had talked about briefly at the last meeting that there is 5 lots on the west of Brook Hollow Lane and if we had made this a 15 lot subdivision and say we had allowed this 7 lot private interior drive and reduced then look and see where the

numbers are of these lots are, I can't find anything and if we removed 2 or maybe 3 of the lots from the Westside which was lots 18, and 14 we can change the configuration of those lots and you could of connected the two open spaces along that westerly property line even if it was just intermittent through stream and through the back of the property. Even if it was an acre 15 or 20 foot connectivity all the way down from one to other that was my thought on it.

Minnich: Is there any other comments before I read the motion?

Blais: Are you comfortable with the driveways as opposed to the roads?

Dupliese: I think we had previously, correct if I am wrong but I think we had talked about that which is the road that we had talked about probably not looked favorable with the driveways going onto. I think we had talked about that.

Blais: Let the applicant know. Just make sure that the reasons your turning this down he knows exactly why.

Martin: Speaking for myself I don't have a major problem with the long driveway the seven lots as a compromise to not going out on French Street. If the amount of lots was reduced it changes the development and it makes it a lot more pal able in my mind in and my view.

Blais: So the Commission is...

Masayda: I don't understand how whether it goes from 18 to 15 how that 400 foot going to make a difference with the 6 more cars coming out. The signal that you are giving the applicant is that hey we are denying 400 foot because you can't put anything there because either he doesn't get intersection site distance or if he doesn't get the 400 feet. If you go to 15 lots will give you the 400 feet.

Martin: But at lease he falls into the regulation of the 15 lots.

Masayda: I don't understand what the denial of the 400 feet then that does not make any sense to me.

Martin: For me they are tied together I wanted to ask the question earlier.

Minnich: The issue that you mentioned we have not had discussion with regards to the seven lots off of a driveway. We all need to take a look at the fact as we no doubt we always do that developers come and go and they are going to be finished with this project and who is going to be left with it is

the land owners or homeowners. As a generous statement or as statement anyway I troubled by there now having those 7 landowners or homeowners now having to get together the driveway which is not an association like you would have in a multi family kind of subdivision. Now they are going to have to arrange for the maintenance of that, they are going to have to arrange for all the problems that come with common driveways are parking when you have guests that park and you now have is it wide enough, all those issues which come with sharing anything are a problem and when it gets to be seven as is the number that is proposed here to me I am troubled by it and I think that it should be looked at as a road rather than as a driveway with that many cars on it. That is my view.

Blais: Right now the applicant is doing what is in our regulations.

Minnich: That is very true.

Blais: We have something in our regulations that an applicant doesn't. It meets the regulations it kind of, I like black and white in the gray in the smallest area possible. When he spends his money with his engineers and architects to abide by our regulations and then he comes here and we say yeah our regulations say it but we don't want you to do it.

Minnich: I agree with you and that's why I am not making my statement as a reason for my denial. I was commenting with Gary had finished commenting on that he is in quote troubled by the driveway. I fully recognize that the 7 lots we do not have a full picture on that and so therefore the regulations that we do that but I am troubled by it.

Blais: I agree I am troubled by that. But we have to always be cognoscente of our regulations.

Minnich: So it is not our reason to deny it.

Blais: That is right.

Minnich: Alright is there any comments? Hearing none.

WHEREAS the Watertown Planning and Zoning Commission (hereafter "Commission") received a subdivision application on September 3, 2008 for a 18 lot residential subdivision titled "French Hill Estates" with a proposed road called Brook Hollow Lane on 14.08 acres in R 12.5 Residence District Street located on the north side of French Street owned by Joseph D. Masi & Margaret M. Raymond, 33 Pleasant View Street, Oakville, CT and 543 French Street, Oakville,

CT which includes 18 pages with a Title Sheet, Sheets R-1 Record Subdivision Map dated 8/22/08 with a final revision date of 10/21/08, A-1 Alteration of Regulated Areas dated 8/22/08 with a final revision date of 9/15/08, E-1 Existing Conditions & Soils Map dated 8/22/08 with a final revision date of 10/21/08, S-1 Site Development Plan dated 8/22/08 with a final revision date of 10/21/08, G-1 Grading Plan dated 8/22/08 with a final revision date of 10/21/08, ESC-1-3 Stormwater Pollution Control Plans 8/22/08 with a final revision date of 10/21/08, P-1 Plan & Profile 8/22/08 with a final revision date of 10/21/08, P-2 Detention Basin Section & Soil Logs dated 8/22/08 with a final revision date of 10/21/08, P-3 Driveway Profiles dated 8/22/08 with a final revision date of 10/21/08, P-4 Cross Sections dated 8/22/08 with a final revision date of 10/21/08, SL-1 Sightline Profile dated 8/22/08 with a final revision date of 10/21/08, M-1 Mitigation Planting Plan dated 8/09/07 with a final revision date of 10/22/07, D-1-3 Details dated 8/22/08 with a final revision date of 10/21/08, N-1 Notes & Specifications dated 8/22/08 with a final revision date of 10/21/08 prepared by Stuart Somers Co., LLC, 1211 Main Street South, Southbury, CT 06488;

WHEREAS the Commission convened a public hearing on October 1, 2008, October 15, 2008 and November 5, 2008;

IT IS THEREFORE RESOVLED that the Watertown Planning and Zoning Commission **DENIES** the subdivision application for a 18 lot residential subdivision in a R-12.5 Residential District with a new road called Brook Hollow Land and a common driveway prepared for Joseph D. Masi & Margaret M. Raymond by Stuart Somers Co., LLC, 1211 Main Street South, Southbury, CT for the following reasons:

The Commission on a previous vote has not approved the waiver of the 400 ft distance in Section 5.3.71 of the Subdivision Regulations and the Commission on a previous vote has not approved the waiver of the dead end street subdivision requirements in Regulation 5.3.11 and the Commission does not approve the open space as proposed by the applicant.

Is there someone who would like to make that motion? Is there a second? Is there any further discussion? Hearing none. Carol would please call the roll for the purpose of recording our votes. A vote to deny.

Motion made by G. Dupliese seconded by G. Martin

Aye: G. Martin, G. Dupliese, D. George, D. Minnich
Nay: M. Masayda, J. Blais

On the vote of four in favor and 2 opposed the application is not approved
the motion is approved.

Masayda: Mr. Chairman I am going recuse myself I have a daughter to pick up at the pool at 8:30.

Minnich: Alright. Anybody want to comment on the record in anything in addition as to they have stated as to why they did not approve this application. Hearing none we will go on to the next topic. For the record Mike has left and Carl has resumed his seat on the Commission.

Minnich: **Next item on the agenda is old business text amendments.**

Parking a regulation that is still in the process?

Martin: Yes it is I am still waiting for the information back from.

Minnich: We left off last time this was really Ray Rondeau's proposal for the building lots and driveways he is not here this evening we will go into the next one then. I am suggesting we want move on and wait until Ray to comes back.

Martin: I agree

Minnich: Next is Ruth Mulcahy the common driveways did you get anymore this evening.

Mulcahy: I handed out the handout last time I didn't get any comments back on whether you wanted to go with the definition that I had there. I am working with Chuck he hasn't had time to go over some of the standards so I don't have anything new to add there. We have been looking at it we have been reviewing other regulations and the region had said that they will send us other regulations to review to see which standards we would like to pick. The Commission would have to set in terms of definition it would be up to this Commission to pick the number of lots that you want on a common driveway 6 is what I am use to but this is totally up to the town to pick the number of lots that they want to see on a common driveway where they cut it off. It's more than two and then up to where you want to go.

Minnich: Why don't you put a blank in that space where you would put in but I think we left off. See where the regulations are you obviously needed to get together with Chuck and with Roy in regards to getting the standards in there. I agree with you, you probably want to stay away from the issue of the number leave that up to the discussion of the Commission but I think the rest of the meat and potatoes so to speak of the regulation if you get, there isn't any time frame on it but we were looking to do all these as a group and perhaps we can spend more time and focus on in December to get this off. We have been at this now on these particular ones since summer I think we best either decide not to them or get them done.

Mulcahy: That the other thing if no one is interested in the common driveways.

Minnich: We are interested.

Dupliese: It is the number we are interest to.

Minnich: She is correct in her statement that.

Blais: Were you thinking of checking area towns to see to give us a benchmark as to what...

Mulcay: Six is a common number.

Martin: Have we checked around for local...

Mulcahy: The region is going to send me everything that is locally and we are looking at two other regulations right now to have common driveways and I did ask the region and they are sending me the information. It is not here yet and after the last meeting I did call the region so it is tabled.

Dupliese: When it comes to the common driveways I can understand having one or two when they are faced with a development and you got all this open space in the back and you have no road frontage that you can get to it. I can understand doing one and interior lot or common driveway to an interior lot. And I am going to discuss this only because we just had it. You take 7 and you put 7 in a flat area and you put 7 lots on an interior driveway you have the nonsense of dealing with basically a condominium role to have the driveway taken care of whether it is patching or drainage or asphalt. But now you complicate that by putting in on a 12 or 14% grade and now your 15% grade and you are asking for trouble. If we approve something like that we are asking for trouble. Because the first time that they don't take care of it it's going to be lawsuit between person

who has the accident on that private drive with his condominium association and it is going to come right back to us because we approved something like that. Don't get me wrong we have to figure a way for this gentleman or these people that were just in front of us to develop their land. It is not right for us to continual deny him. But so far I have had every recourse to deny him because to me it just didn't work. Since we are talking about this now that one reason alone is just a major problem for it. Mike was saying and Mike is not here I would have brought it up with Mike to and I plan on bringing it up when he is around. Is that when I talked about the 400 foot intersection it wasn't just the 400 foot intersection. It was the 400 foot intersection with the number the of lots that were developed on this site. If we had had a 400 foot intersection and he had 5 lots, 7 lots coming out of there saying listen I have the possibility I have this overlaying and I could put 18 lots on this site they fit. 15 lots stood on this site and according to your regulations they fit but I you know I understand your concerns and I am going to reduce this and I think I am going to redesign this and I have another overlay look and I am going to put in 7 lots the larger lots I will sell for more money and this is what I would like you to approve. I would have a hard time in denying that because that you actually made a commitment to helping the community and helping that difficult situation. So now by putting 7 lots on interior driveway on a 15% grade how could anybody in their right mind say yes to this?

George: It is not only the seven there was 18 he was proposing.

Dupliese: Yes but even if you reduced that to 4 it would still be 15 lots. But 4 interior lots on a...

Blais: Yes but that is our regulation.

Dupliese: And that is why I bring it up Jim I bring it up because you brought up the point that is our regulations and our regulations say 15 or 15 to 20.

Blais: Here is what happened the same developers that went 15 lots have the same engineer before that made his 7 lots so he brought that information from one development to another development. He brought to their attention hey look you can do this that is what happened.

Dupliese: I know what happened.

Blais: The same guy.

Mulcahy: Well one of the reasons I bring up whether or not you want to go forward with common driveways was during that discussion you are talking about the fact of the maintenance and everything else I mean you could just say no common driveways for over two lots or something like that no shared driveways because your point that you were making were that what you were just saying you have to have a group that have to decide it creates trouble. This is was part of the decision tonight so I am thinking this maybe the other approach that you might want to make is just by putting a sentence in their common driveways over two or three lots are not permitted because then you get into too much fighting or whatever. I mean that was the whole point that you were making tonight. You could say they are not allowed and then you go to public streets that are the other option.

Minnich: Some version of section 5.3.11 he just talked about the dead end streets we allow a certain number and we allow a certain number by the regulations on driveways that would account for some of these other issues. Then beyond whatever that number is not allowed and that is the concept that I am at. I just know where my grandmother use to live they had common driveways and there were 3 homes that shared this common driveway. They were always fighting over shoveling of it, and there goes the repairing of it.

George: Then they go back to the town about it constantly.

Minnich: Yes and these people pay taxes and you would think they would where I am going is exactly where I think you are heading in your thought . I don't know what the right number is but I think that is probably that would be resulting from the work you and Chuck you can get from other areas to put into the standards for these roads.

Blais: One site that I saw it sort of worked here was Route 6 they called it Woodbury, Watertown line when I was on it the first time. I think it was 3 or 4 lots subdivision on the left hand side. It was either a common driveway that's site line a little hilly and it curves and the developer said I would like to have one driveway I think there was 3 no more than 4 houses that come out on that road in that particular spot and that was a safety issue to and that particular place that was the only one that I saw that ..

Dupliese: That I would like the common driveway.

Blais: That I liked the common driveway that is the only one. I have the same problem he saw with his grandmother. But I had to go with negotiate with these people when they started fighting. I have to call the cops I have

Dupliese: The other thing is this though I think for this is that when one thing for the people buying their lot there and they are going to buy their lot and they are going to say lot oh yeah this okay for this development and then they understand it but it is when they turnaround and sell and it is the next buyer that comes in they don't always get told by the attorney, the realtors definitely definite does not want to bring it up. The maintenance of the common drive and it's the homeowner that gets stuck with it after and the developer is long gone like you said.

Minnich: And these are not going to be driveways so...

Blais: They are tiny.

Minnich: She and Chuck are going to get together the standards and we are going to put in the numbers as to how many that will go on...

Mancini: If I say anything about common driveways it has nothing to do with last application right. I just want to make sure. I grew up on a common driveway in Middlebury. Middlebury has common driveways I am going back about 75 years ago two duplexes the same developer one driveway in between and then two car garage on each end and there is nothing but trouble. I mean my father said we have to shovel the driveway, the other guy he did not care so I said Dad I am only going to shovel half he says you are going to go out and shovel the whole thing and that is it and I don't care what the other guy wants to do. I want the whole driveway shoveled and I had to shovel the whole driveway. I never liked common driveways since I was a little boy. I didn't like them then and I don't like them now. I would love to see no common driveways but I realize we have to compromise on numbers.

Dupliese: I can understand an interior lot okay. I would rather have an interior lot then a common driveway.

George: Why can't we design it that way?

Dupliese: I would rather have an interior lot, give me an interior with a 25 foot pass way, so that he has his driveway and it his problem and it his headache rather than having a shared 50 foot area that is a common driveway that the two of them have to use.

George: Not if they own the piece of land make the driveway be part of the property.

Dupliese: He has that 50 foot frontage right now right?

George: You can change that for interior lots.

Minnich: That is another.

Dupliese: If it is alright I would like to leave. Is it possible for me to leave?

Minnich: Next is lot size.

Martin: Lot sizes I have basically done nothing with and the economy the way it is. that was kind of to reduce growth.

Dupliese: Right now there is an awful lot of land that is available. There is some big chunks of land and to me right now with the tax burden that we have on the town of Watertown is the biggest tax burden is our school system and if we do not increase the lots sizes then there is a couple of big pieces that are going to be coming up on the market here. 300 there and 50 acres and if stay (inaudible) you are talking another 2 or 300 hundred lots being brought into town where there is already close to 400 on the books available. You put another 3 or 400 lots on the market I think we will collect just as much makes it a larger lump.

Minnich: So do you have something written?

Dupliese: I won't have something written but I find something yes.

Minnich: Carl on street trees where we left off last was comments from Ron Russ with regards to and I don't know if he was focused on this to the extent that he was suggesting a change which one of the questions in fact to which one of your issue whether we needed to have the trees spaced 50 feet apart and he was suggesting a much larger distance but didn't know what it was. So really I guess his comment is going to be to come back with merits of what you had proposed we didn't have any problems with and that was the last step.

Dupliese: It was 50 feet apart is that what you had.

Mancini: That what the regulations say they need to be 50 feet apart.

Mulcahy: Carl and I just worked on it, we just took the existing language and incorporated the small change that he wanted to make so that it was clear us just making, it was just the replanting he just wanted to clarify that. So that in the future when you have a subdivision it is clear to the developer when they have to do the trees.

Mancini: Right now you can plant the tree, now the tree dies 2 years and 10 months from now and that is it. He'll replant that tree 2 years and 10 months from now but then two months later the 3 years is expired that tree dies in a year from then from that time and they are clear. I think if a tree is replanted is should be 3 years from the time of that replanting.

Minnich: We are all set on that. It was just this part...

Mancini: That is the only reason I brought this up.

Minnich: Open is Ray Rondeau. Now we got Glen doing the lot sizes. Duane is going to be doing something on interior lots. Oh he is not doing that so forget the interior lots.

Minnich: **Let's move on to New Business. There is a request for Request for bond reduction for Judson School for erosion and sedimentation control in the amount of \$11,090.00.**

Is there a motion then to accept that motion? Is there discussion? All those in favor please say I. All those opposed no motion carries.

Motion made by G. Martin and seconded by J. Blais.
All in favor and none opposed.

Minnich: **Next is a request for Cherry Avenue Estates, 90 day extension to file mylar and documents.**

Is there a motion to approve the 90 day extension? Is there a second? Is there any further discussion? All those in favor please say I, all those opposed no motion carries.

Motion to approve
All in favor and none opposed.

Minnich: **Next up we will quick the administrative and budget subcommittee met today remember you gentlemen he has software and hardware that fits within our budget to allow electronic recordings of the minutes and digital recordings basically you use the laptop and it integrates with the agenda and does a lot of nice things once one know how to use it.** It does not look to be too difficult (part where tape jammed and had to be taped) to look at this in more town wise basis given our leave whatever time that is to do it and we will move on for our part. But the part I wanted just a brief discussion not necessarily here is the fact that one of the issues that once was we had this recorded and was electronic and one that could transcribe as basically do our minutes. Instead of spending the time and obviously the money that it does take to do that that we would have less of transcription more of a standard kind of that you see in other agencies and it would be more generalized summary kind of minutes. If there was a time needed to have the actual transcription of what was the particular then we do it then. If one wanted to listen to this recording system we can go to a particular item on the agenda and just hear that particular that electronic version that we sent electronically e-mail to whoever wants to so that the thought here was that once we get this equipment that we would look to having more generalized minutes and not the transcription kind. Is there any objections to members of the Commission to put something so that is clear in our by-laws as to this if there is no objection I will draw something up for us to take a look at to make that statement as...

Martin: The only question that I have we verified the legal aspects of not having verbatim.

Minnich: There is no legal requirement.

Martin: There is no legal requirement.

Mulcahy: No, most towns would never spend this type of money on transcripts. The only time that a town spends that kind of money to do a transcript is when there under an appeal.

Minnich: These electronic versions would be from the information officer the town is working in conformance as well that these would be this electronic version would be centrally filed so that they would always be able to be retrieved. We would not have to be concerned about a lap top that happens to get broken or whatever they would be elsewhere. If there is no objection to that I will ...

Mancini: I have no objection to that just wanted to let you know that the other night during our town council meeting it was brought up that they would like to see our P and Z meetings videotaped not just do the minutes they are thinking of the public participation and thought they would like to see. P and Z meetings all they have video not just audio but video. I was just commenting that when Colin Adams comes to our meetings he opted to (inaudible) that is his right. It was brought up that they would like to see the P and Z to have video and audio.

Martin: Who is requesting?

Mancini: It makes no difference? The entire public participation yes I am just letting you know.

Sandy Greenwood: I was the one who asked for that, I did not say anything that was controversial. I said because of a controversial commission or controversial subjects or topics I said I think they should have video from this and so I know I am the one that said that.

Dupliese: And today the storage of it is so easy. They video tape on a disk it is nothing.

Greenwood: The people that are getting paid for this were all getting 10.00 to have those done. So the Chairperson did ask one of the fellows who did the video how much did they get paid and he said \$20.00 but if there is more than one person it is \$10.00 per person. Then if it is more controversial thing if there are a lot more people then they get a lot more money. So one person gets \$20.00 but if it is more than one it is \$10.00 each. But I thought it was a good suggestion because I told I said some of the transcripts the audio is not there you can hear some of the secretaries can't hear is not verbatim and I have suggested that.

Minnich: **Thank you. Moving on to the next item is there 1993 zoning map update we have in our budget \$10,000.00 to update the zoning map and I had a conversation with both Ruth and then with the Town Manager and also the access or and with Roy Cavanaugh.** The bottom line to summarizing all those conversations is that the town is in the process of looking to have going out to bid another firm other than Tye and Bond who has been doing our work on updating all the maps for the CAD system we currently have. However I mentioned to Chuck that on the bid that we was going for was basically be an hourly bid. I mentioned to Chuck on this particular project it is not to anyone's benefit or the

town's benefit to have it based on a hourly basis. The best way to get the money the most for our dollars here to bid this as an entire project. He agreed with that so we not now going to be combined with the changing of Tye and Bond. Tye and Bond have been doing this for us years now. So the bottom line here is that we going to be looking to get both Tye and Bond in the process to get that quote to update all. Ruth had some comments regarding the other map has been last updated in 1993 there obviously are some changes on that so there are some things that are wrong simply because it has not been updated. But Ruth mentioned she found some information in a box recently that led to some other issues that may result from that that have to be looked at.

Mulcahy: One of the things and Carol has been doing the research on the agenda to see all the different zone changes that were never recorded anywhere the research takes a long time because after we find that on the agenda then we have to go find the minutes to see if it was denied or approved then we have to go see if anything was filed on the land records at all for this because if it wasn't followed through on I am not sure if it is a legitimate zone change. So there is quite a bit of research involved I think we if we are going to update the map it should be correct. One of the things in fact Dave pointed out to me when I first started working there was an updated map from Tye and Bond from 2003 I started looking at it they had some zone changes on there again none of these zone changes were verified and its going to take a while for us to do that to coordinate it with our regular schedule. You will be glad to know that the Land Use Office is still pretty busy not on the little zoning permits but on everything else we have been shaking our heads saying we can't believe how busy we are. Anyway Carol has been very diligent and doing it in between typing things and getting packets and agendas outs and I am going to following through with land records. I just want to make sure that once we get a map that is correct. Because as Dave pointed out when I found the 2005 update you said that was not an official map and he was correct and it was not signed there is certified we want to make sure we catch all the zone changes that were approved because obviously there has one that been approved since I was here and that was Sandy Alves. Of course he didn't submit meets and bounds he did submit a lot of the things that were needed so were going to have to see how whichever company does it is going to have to figure that out themselves or the town is going to have to pay for it somehow. There is quite a few of those small little zone changes out there.

Minnich: How many would you think that you saw in the box?

Mulcahy: Were estimating what you think so far we only on 1997 and we have had maybe 2 or 3.

Carol: I am almost sure they were not approved just little ones.

Mulcahy: So probably going back and forth with the research we are probably going to find a total of 20 but of those maybe only 10 approved. That is my estimation it is not going to be a big number it just cumbersome amount of going through all the records to make sure you are catching them all.

Blais: Who do you find drops the ball is it us dropping the ball or the applicants?

Mulcahy: Well in a zone change it would be it could be both I don't know whether or not something was going on in 2003 where Tye and Bond obviously was updating and putting a lot of amendments on their zoning map amendments so somewhere along the line this Commission back in 2003 must have been working on it because Tye and Bond was obviously spending the money updating the map and produced quite a few of these maps.

Minnich: They were working on it but then like now Tye and Bond does the category the actual research or in this case in terms of what happened and where the boundary lines should be of Tye and Bond their function is to take that information which is supplied by us and to give to them so that in their office for you effort for everyone to go through that. My concern with this is this we have got \$10,000.00 dollars in the budget the money goes away on June 30th. The timing of when best to get the best price for a project like this is right now you don't have the people and therefore they are going to devote this and not charge more money. If we are not able to finish all of this then we'll have a map that does not have it all in but I hope with working with staff and everyone in staff that you take a look at what is in that box and see what needs to get updated and start from there. The basis to start run is 1993 map. If it is not already at staff level then there are going to have at least what they have to update.

Mulcahy: Well basically I have 10 more years to go through. We already know we had one approval in that time period.

Minnich: We got the entire Fire District plus I know of one in the central district that has to be put on this map.

Mulcahy: We don't have any of that information from the Fire District because they didn't give us any minutes they said they did not have any minutes.

Minnich: All of the map that the Fire District has a map it's on our CAD system. So you can take a look at what they have, they have a map.

Mulcahy: You signed it. It is recent.

Minnich: My point is that map needs to be put on our map and so that work which is for Tye and Bond obviously to put that on our map my other point is I am aware of one change on that map which we will talk about at the Fire District changing the boundaries of one zone other than that I don't that map is incorrect but we need to work on getting this out to Tye and Bond so we can get them started.

Carol: The only thing I did see when I was working again I just started 97 I did see one or two but I did not get to the minutes part yet where it did have the F after the zone to change it there was one or two on our agendas to change something from the Fire District like something F to R12.5 there two so far but we have not had to time to go get the minutes to see what they were.

Mulcahy: They had no Planning Commission?

Carol: That is what they are looking for?

Mulcahy: Any zone change would have come before...

Minnich: The Fire District did the zone change.

Carol: So why are they on our agendas?

Minnich: They are under referral on ours, the reason they were on our agenda for the Fire District was a referral. We need to incorporate their map which is on our CAD system onto our map which is on our CAD system.

Mulcahy: That is going to be difficult because how are you going to read it. The Fire District is very small compared to the town. But their map is the same size so it is very easy to read the different streets.

Minnich: When we get an area that we want you can get through the CAD system you can pick out whatever area you want will have the boundaries all that I am saying which is the zoning planning and zoning district layer of the maps all of it including the Fire District should be there. So the Fire District is on their own layer separate from the town. They need to be combined but the work is not tremendous.

Mulcahy: So we just have one map and one layer no separate layer for the fire district.

Minnich: We need to move on that if we get to bid here soon.

Minnich: **This is as far as the public comments the Superior Court voted on November 5th that the appeal that was made for the granting that the ZBA had made for the windmill on the Kurt Karpavich, 60 Farm Circle. The Superior Court did not approve what the zoning board of appeal did in denying it.**

Martin: Really

Minnich: However the reason to make it short there is a shearing of time here to which is including tonight to which the Zoning Board of Appeals is meeting they have a right to appeal that Superior Court decision to the Superior Court. So I am not going to make any more comments.

Mulcahy: It is in executive session for December 10th.

Minnich: So they have some more time for their...

Mulcahy: It should not be discussed in a town meeting until after they make their decision.

Minnich: This is a point of public information that which the Superior Court did not approve the variance they found no hardship.

Mulcahy: That is the only thing for ZBA is hardship.

Minnich: One last thing quickly the only meeting that I am looking to have before the end of the calendar year is the first in December and that is it no other meetings at all.

Mulcahy: December 3rd.

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

Text of Motion: Adjourn at 9:00PM

Motion made by: G. Martin

Seconded by: G. Dupliese

Michael Masayda _____
Secretary