

Town of Watertown  
Planning and zoning commission  
Special Meeting  
March 19, 2008

Minnich: The special meeting for the Planning and Zoning Commission will come to order for the meeting of March 19, 2008 7 pm.

Carol would you please call the roll.

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

Members Absent: M. Masayda, G. Dupliese, D. George, R. Rondeau

Kenny Demirs will you please sit in for M. Masayda

Demirs: Yes.

Minnich: Next item on the agenda is Communications and Bills. Is there any objection for placing the Communication of 3a on file? Hearing no objections so ordered.

Text of Motion: By unanimous consent, place on file.

Next item on the agenda is the applicant Sal Deluca Agent is Dennis O'Sullivan for a 4 lot residential subdivision to be known as Regina Farms former re subdivision of Deluca Subdivision on Hinman Road, Watertown, Ct in R-70 zone. Do you have letters? For purpose of the record Ruth prepared a draft of motion of approval. I ave revised that and no other members of the commission have seen this draft until now. Do you have the copy for the applicant?

Minnich: We left off last time with one issue remaining although there maybe some which is the agricultural land. In this motion of approval is a discussion of that. That is needs to be used for active farming or active agricultural use. When it is not then it is dedded back to the town of Watertown as open space. In the mean time we will consider that as land in compliance with our open space regulations.

Martin: What if it goes dormant for ten years and they sell the property and somebody buys it. Are we going to put an end to it if it goes dormant and not farmed, it ends.

Minnich: How this is suggested it could be worded any way you like it is the commission's decision in determination is when it is not any longer being used for agricultural use. At that time it would be by already placed in the land records it would be deeded to the town of Watertown as open space.

Martin: Okay. Do you have a time frame?

Minnich: I did not put one. It would be the commission's determination at that time. It is always going to be tough to know when it is going to be farmed or not but if you want you can. Going through the motion as we normally do no sidewalks, or utilities underground all these are fairly standard. Street trees as we talked about. Spent some time talking about terms of wording on number 9 which is the agricultural land parcel is open space. And the rest is pretty standard stuff. Is there anyone who has anything else to add to it?

If not let me read the draft motion.

**Whereas** the Watertown Planning and Zoning Commission (hereinafter "Commission") received a re subdivision application on February 6, 2008 for a 4 lot residential re subdivision with one agricultural lot not for building titled "Regina Farm", Watertown, Connecticut, with a total of 19.23 acres of land located on Hinman Road a.k.a. Town Line Highway owned by Salvatore V. & Margaret N. DeLuca, 412 Hinman Road, Watertown, CT that included plans consisting of 6 sheets with a title Sheet, Sheet 1 – Topography Survey Showing Existing Conditions Property of Salvatore V. & Margaret M. DeLuca Parcel 2, Sheet 2 – Property Survey Showing Recorded Sub division, Sheet 3 – Overall Site Plan, Sheet 4 – Site Plan Showing Lots 1 & 3, Sheet 5 – Site Plan Showing Lots 2 & 4, Sheet 6 – Soil Testing Results & Detail Sheet all dated 1/5/08 prepared by Dennis O'Sullivan, P.E., 238 North Street, Watertown, CT and Gary Giordano P.E., LS, 19 Terrell Farm Rd., Bethlehem, CT;

**Whereas** the Commission convened a public hearing, and held meetings on this application on February 6, 2008 and March 19, 2008;

It is Therefore resolved that the Watertown Planning and Zoning Commission APPROVES the re sub division application for a 4 lot residential re sub division of Deluca Subdivision, Hinman Road a.k.a. Town Line Highway, Watertown, CT with an agricultural lot of 7.277 acres and one interior lot on a total of 19.23 acres for the re sub division in a R-70 Residence District titled "Regina Farm" prepared by Dennis O'Sullivan, P.E., 238 North Street, Watertown, CT and Gary Giordano P.E., LS., 19 Terrell Farm Rd., Bethlehem, CT with the following modifications:

1. A comprehensive sedimentation and erosion control plan, consistent with the Erosion and Sediment Control 2002 Guidelines; and a detailed construction sequence shall be submitted to the Town Engineer and the Administrator of Land Use for review and approval.
2. Lot 2 shall contain a minimum square touching or crossing the front setback line as presented to the commission on March 5, 2008.
3. All utilities shall be underground.
4. No sidewalks are required.
5. All rear and side lot pins shall be placed before the issuance of a zoning permit.
6. All map requirements of Section 4 of the Town of Watertown Sub Division Regulations shall be completed and approved by the Town Engineer and Administrator of Land Use.
7. Site lines shall be shown on final maps submitted for review and approval by the Town Engineer and the Administrator for Land Use. Any necessary sight line easements these Commission staff requires shall be provided with the final plans.
8. Street trees shall be planted as proposed. It is proposed by the applicant. A list of proposed tree species shall be submitted and approved by the Land Use staff and the Tree Warden. The trees shall be of a size specified in the Town of Watertown Sub division Regulations. A street tree bond must be posted for a minimum of three (3) years.
9. The 7.277 acres agricultural parcel shall satisfy Commission open space requirements. Prior to a zoning permit issued for any development on this re sub division the development rights of the entire 7.277 acre agricultural parcel shall be assigned or alienated in perpetuity to the Town of Watertown in a document in a form approved by the commission land use attorney. In the event the agricultural parcel is not actively used for agricultural purposes, "not actively used" in the opinion of the commission, the 7.277 acres agricultural parcel shall be deeded in fee simple to the Town of Watertown and its use is restricted in perpetuity as "open space", as open space is defined by commission regulation. This modification must be recorded in the land use records of the Watertown Town Clerk prior to Town officials signing re sub division Mylar's. The re sub division map filed in the Town Clerk's office shall designate the 7.277 acres agricultural parcel by caption: "This is not a build able lot, its use

is restricted to active agriculture, and thereafter deeded to the Town of Watertown as “Open space”.

10. The following is a list of required easements, deeds, agreements and documents to be provided to the Administrator of land use and the Land Use attorney for review and approval:
  - a. Common Driveway agreement between lots 2 & 4.
11. Prior to Town officials signing Mylars, final plans shall be submitted for approval and accepted for approval by the Town Engineer and the Administrator for Land Use/Zoning Enforcement Officer, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
12. A bond shall be posted for all public improvements in accordance with the bond policy adopted by the Commission. A per unit price estimate of all improvements shall be prepared by the applicant’s engineer and shall be submitted to the Town Engineer for review and approval. This estimate can be emailed directly to Charles Berger, Town Engineer at [berger@watertownct.org](mailto:berger@watertownct.org), and Ruth Mulcahy, Land Use Administrator [mulcahy@watertownct.org](mailto:mulcahy@watertownct.org). According to Town bond policy, the Bond provided by the developer will be a letter of credit and/or a cash bond on a separate tree bond to be reviewed and approved by the Land use attorney.
13. A preconstruction meeting is required to be held with town staff, the sub divider, the on site contractor, and the site design engineer prior to any on-site activity.

Is there anyone that would like to make that motion? Is there a second? Is there any discussion?

Martin: My issue is with nine. Let me just get clarity on this. The open space we are saying stays with the owner of the property just as long as he continues to agriculturally farm the land. Correct.

Minnich: The agricultural land stays as agricultural land it satisfies our open space requirement and doesn’t become open space in as we have defined open space in the regulations until such time as it is not actively farmed but in the opinion of the commission.

Martin: In that scenario the owner is capable of agriculturally farming it but pays no taxes on that. Am I correct?

Minnich: Yes he does pay taxes on it. The farmers do pay taxes but not much.

Martin: Is it worth our wild to put down if its not farmed for a period of one year or two years or when is it appropriate for us to take over the land as open space?

Mancini: You want it more defined.

Martin: I think it should be more defined. If it is going to be agricultural farmed then fine. But once it stops being farmed or used as agriculture it should be turned over to the town and be able to be used by town people as they wish. The things I want to try to avoid is if he farms it for three years and then all of sudden he is done with it and he does not want to farm anymore goes a couple of years and then maybe decides to sell the property or goes ten to five years decided to sell the property the new property owners come in and we wants to start farming. Could it always stay in the limbo of never being open space for the town.

Russ: I think as long as it is within the family defines it. Once the family does not farm it anymore then it is up to our discretion to have it opens space. Not to go up for sale.

Martin: I understand but not tying some time frame of farming we might as well say forget the open space keep the land forever and do whatever we want to it.

Minnich: I don't know if the latter is that extraordinary but the problem with agricultural land in determining when it is not used for farming it not as easy as it sounds because part of the agricultural cycle is to leave land. I don't know how to measure that. I don't know if it is a year or two years depends on what they are doing and we know what the condition of the particular land that is out there is wet.

Martin: Is it really worth our time even putting this in there? If you are not going to set a time frame or a time line of any kind it can always be their property and be done with it.

Russ: If you don't put something in there then you can't take it as opens space.

Minnich: There is a timeline it is up to the discretion of the commission of the future Planning and Zoning Commission.

Martin: The Commission will never go back and look at this property. Will never.

Russ: You never know who will be sitting in your seat.

- Martin: No one is ever going to give this thought. I'm thinking of what the proposal is if it doesn't get farmed then at least he should be paying the greater taxes on the property if he is going hang on to it. There is a separation here that has got to be made at some point in time. In my opinion maybe I'm wrong.
- Minnich: If you carry forward the discussion of the taxes it always going to be agricultural land and he is going to pay on those taxes based on agricultural land the only allowable use of this property because we said this not build able lot. It is restricted for anything the only other thing it can be is open space. When it becomes open space is becomes property of the town and does not become taxable. So he himself does not have any difference of taxes during the time he owns it, it is agricultural land and it comes off the tax rolls.
- Martin: Maybe I am thinking too deeply in this and just leave it alone.
- Minnich: The other scenario is when you talk about it being a number of years in terms of this and the concern you had before is the Commission was never going to review it becomes open space: Well the same scenario goes with the fact what staff of ours is going to out and see that this isn't done. So your concern is going to get done for the Commission is not going do it is probably the very same scenario we would apply to our own staff. But the real issues is that this agricultural land is going to remain agricultural land and when it not it is deeded to open space. It is not a build able lot it is required that he put in the land records.
- Martin: Utilization of the land is agricultural and he cannot build any kind of barn there. There is nothing that can go on there.
- Russ: It is too wet anyway to do anything anyway.
- Minnich: Is there anybody else who has any discussion?
- Berger: It is regarding item #2 in the draft motion. And I was not present March 5<sup>th</sup> 2008 meeting. But I did meet with Mr. O'Sullivan yesterday to review options for providing that build able square touching the front setback line. And he has presented to me what I believe is different than what he presented on March 5<sup>th</sup> I believe on March 5<sup>th</sup> he presented that build able square touching the front setback line as part of the agricultural lot.
- Minnich: Yes.
- Berger: He is now proposing it between lots 1 & 3. In a map dated March 19<sup>th</sup> 2008. It does touch the front setback and I can share a map with you if you would like.

Minnich: If that is what you think he would like to do my suggestion is we have not had an opportunity to review that and you happen to know. I know this is a little outside of your jurisdiction. We closed this hearing last meeting so we have 35 days to make a decision. Close this on the 5<sup>th</sup> what is our next meeting?

Carol: April 2<sup>nd</sup>.

Minnich: So we are still within our legal timeframe to make a decision on this. So that's the scenario and the only other option is I guess is to table this.

Russ: Does it actually change going from lot 1 to lot 3 instead of lot 2?

Minnich: We can because we going to be doing this again.

Russ: We can probably make the decision.

Minnich: We have not seen it. Staff has not reviewed this. We have the land the document we just read does not reference this document.

Martin: This is not the same thing.

Berger: We has build able square over here with an easement coming out this way in effort not to impact or encumber that agricultural lot with a build able square and an easement here. He put that build able square right away over here and then this would be a common driveway.

Martin: Did he have the common driveway originally correct? That does not change anything?

Minnich: So the applicant came to us for review of what he wanted to do. He now wants to change his application after the public hearing is closed. Technically we should be denying this application. I suggest to table this but Ruth take a look at this and we will bring it back at our next meeting. But none of us had a chance to look at this, Technically this application should be approved as submitted or denied. If he wishes to withdraw his application and beginning a new. Application closes at a public hearing. Nothing further can change.

O' Sullivan: Mr. Chairman I would like to stick with my submittal that you have reviewed and if there is any changes I will come back a separate entity as a separate item and I think that would make it cleaner for everyone. Thank you.

Minnich: The motion is made. If he wants to come back he can always come back and revise this plan.

Martin: I actually liked what he had on there better though than the original.

Minnich: Let me be clear for the record here in case there is an issue later on here this is going to be reviewed elsewhere. The application that is submitted and at the time of the closing public hearing the applicant can make no substantially changes to that application other than those technical issues that need to be addressed to conform to the regulations. This is not an technical issue this is an issue that changes the application. Our role is either to approve the application as submitted or to deny the application or third is for withdraw the application. He is saying to us we wishes to go forward with the application now as proposed and that is where we are. Is there any further comments?

Russ: I will keep my motion.

Mancini: I will keep my second.

Minnich: Is there any further discussion? Hearing none. Carol would you please call the roll for purpose of recording our votes.

Carol: D. Minnich, R. Russ, G. Martin, C. Mancini, J. Blais, K. Demirs.

Minnich: On the vote of 6 in favor. None opposed the motion is approved.

O' Sullivan: Thank you.

Minnich: Next is a series of applications that have to do with the Board of Education before we begin these let me make just a few comments that relate for the record on all three of these.

The commission has approved these applications in a form that was originally submitted with modifications. Those notices of approval were published in the paper. Their is an accordance with state law in our regulations a period of appeal to the superior court. That period of time expired so as of this moment the application that we approved is binding on all parties. The applicant has the right to come back at any time to amend his application his site plan and his special permit which is the subject of the agenda items this evening. The point that needs to be clearly understood is that the state law says that it is the discretion of the Commission at to whether it will accept those or any portion of those for review within a six month period from the time that it took action previously. The technical issue that is involved it deciding which of the other issues are going to be subject for review. Now the jeopardy that any

applicant comes before us to place on an application to which a modification from existing application is the state law and our regulations that the entire application is subject to be reviewed at the discretion of the Commission. There are several items that we have read in our packet that the applicant wishes to have addressed. Those we will consider as to whether we will consider those for review but in addition to that this Commission who I was going to make the determination of that. This Commission may add any other issues that it has even readdressing issues to which it has already approved. In coming to that determination the Commission has required to have a public hearing may receive other comments from other members of the public who want to review what has been done before or have new items for review to which the Commission then decides whether it is going to review it or not. Having been long winded it won't be until we have the public hearing as to what we then will listen to and decide as to what is to be heard for review. Once we decided those issues that we are going to have to review and determine whether we approve or deny the modifications.

So that those in public who would like add or modify or help us to come to some understanding of why we should only be reviewing certain things they will have an opportunity to do so at the public hearing. Our roll tonight is to listen and understand what the applicant is requesting for us to review and then for us to establish a public hearing. Then at that time during the public hearing to come to some understanding as to what we are going to be reviewing. What we has the Commission want what I think at least from view once it is void we do not want to be doing the entire application because what we do not have subject for review is not appeal able to the superior court. It is only those things to which we review is appeal able in accordance with state law and our regulations. So we will from my view and it will be the Commission's determination we will define what it is we are reviewing so that it is only those things to which is part of this process. However anything is open at this point for whatever they wish to discuss. I want to make that all for the record and then go to item 4b.

The applicant is the board of education agent is Joe DeCarlo, Kaestle Boos regarding Special Permit #239/site plan request for modification of conditions of approval for Watertown High School, 324 French Street, Watertown, Ct. in R12.5 zone. Does the applicant have a presentation?

**Todd LoFrese – Assistant Superintendent for the Watertown Board of Education**

Thank you for allowing us yet another opportunity to come before the Commission for the review of our school projects. We appreciate your previous efforts in regards to helping our initial deadline with state department. We have a few outstanding items that need to either approved

or have another look taken at then before we finalize our bid package which needs to go out this spring. I would like to take an opportunity to summarize why we are here again this evening.

Specifically there are items for each school that we would like the Commission to consider and you can see them before you. You also have a copy of this presentation before you this evening.

Specifically the Watertown High School the paved raised island in the entry way. Mr. DeCarlo will touch on the reasons why we are looking to have them re looked at.

All of the fields at the high school were not approved in our original application and this a critical item that we need to look at and again to move forward with these projects so we can have successful bid day.

Concrete walk requirements and roof top screening at the high school is another item that we are going to explain in detail why we are looking for relief for these items. The last item is bonding. One of the conditional approvals was that we have a performance bond on this project and we feel that since this is a town project the contractor who is responsible for the project O & G will be required to take out a bond. And we felt the need for the town to take out a bond for town projects an unnecessary step and we had that concurrence from the Town Attorney and will be presenting information at a later date to formalize.

At Judson Elementary School similar items to Watertown High School relief from all concrete requirements. The paved bus loop island in the middle of the bus loop. A parking plan that was at the request of the Commission that we submit a plan. We will submit it this evening. screening on the roof top mechanical units and again the same bonding requirement that I just spoke of.

At Polk Elementary School the concrete walk requirements. Screening of the mechanical units and again the bonding.

We felt it was important for the commission to have an understanding of where the projects currently are in regards to cost estimate. Watertown High School are latest cost estimate is showing that the project is has a potential cost overrun of 2 ½ million dollars. At Judson Elementary School our estimates are showing a cost overrun of 1 ½ million dollars. At Polk Elementary School approximately 750,000 thousand dollars. These cost estimates were performed by two firms O & G our construction manager and Leech Consulting a separate cost estimating consultant that has been brought in to help with the projects.

We are taking steps to address these cost overruns as you can see before you a list of alternate items that we are considering for each of the schools projects to attempt to bring them in line. At the High School some of the items include auditorium there's an alternate for an additional seating up in the balcony area this is a high priority with the Board of Education to maximize the number of seats in the auditorium. We have items such as rubber flooring in the corridors. Again a life expectancy with the flooring materials we like rubber flooring as opposed to vinyl tile. An alternate in the rear of the school being the synthetic turf field some other items such as LED lights which are energy efficient lights for the exterior of the building. All of these items are being considered to help bring the project costs in line with what was approved by the taxpayer.

At Judson School the field improvements is listed as an alternate again flooring material inside the school, efficiency of lights and then the material of some parts of the addition.

At Polk School some similar items such as the field improvements, again the rubber floor tiles, the efficiencies of the lights we are looking at lockers, classroom carpet, and some waterproofing on the exterior of the facility.

We also had O & G and Leech do estimates on some of the conditional approvals on the ones we have received and these items are before you. As you can see at Watertown High School the conditions of the approval that were granted by the Planning and Zoning Commission on 20<sup>th</sup> of February in our estimates Watertown High School range from 848,000 thousand dollars to 881,000 thousand dollars for the variance conditions. Again I would like to point out that we were not seeking all of these only specific conditional approvals. But if as you notice the concrete sidewalks are close to 178,000 thousand dollars and the roof screening if we were to roof screen all the mechanical units is upwards of 500,000 thousand dollars.

At Judson Elementary School similar items the concrete sidewalks coming close to 70,000 thousand dollars and roof top mechanical units in the neighborhood 55,000 thousand dollars.

And then lastly Polk Elementary School similar items such as the roof screens being in the neighborhood of 55,000 thousand dollars and concrete being in the range of 100,000 thousand dollars.

So you can see with the conditional approvals and our cost overruns we have some concerns about coming in on bid day at our budget. We are taking steps in looking at alternates which we are considering for trying to reduce this overage and avoid a potential issue on bid opening day. We felt it was important for the Commission to see some of the other items we

are considering as an alternate or as sacrifice for the school and we felt that in light of those items we thought that the entire package be looked at the sidewalks being part of the package. As this is a community project and the concrete walkways the inside of the school all these are important items we felt it was in the best interest of the community that the Commission consider all of the various items we are looking at in regards in making a decision.

At the conclusion of Mr. DeCarlo's presentation we like to request that the Commission consider setting up a special public hearing to approve these items we again are on a short time frame as we are looking to get out to bid in essence the end of April so we begin construction this summer. With that I would like to turn it over to Mr. DeCarlo unless there is some questions?

### **Joseph DeCarlo – Landscape Architect with Kastle Boos Associates**

I'm here to discuss some of the issues as they relate to the site plan and the conditions in the approval. We have certain of them that we are working with and have worked and changed which are not causing us a concern at this point. By the time a public hearing could be scheduled the certain minor items technical details with the engineering calculations will be in and reviewed by Mr. Berger.

A special permit #239 which is the high school the first items is the raised island. There was a condition with the first 110 feet of the raised island be landscaped while this is certainly not impossible to do. I can tell you professionally only three feet wide the curbing are each six inches wide on either side that makes the planting area only two feet wide it's a very narrow strip. Certainly we can put low growing Juniper's in there but my experiences been, sitting out in the middle of the asphalt with a lot of heat and a lot of sun very little survives over a year and in a year you got mud and weeds so we would prefer to leave that as a paved island as we have shown it in our plans. The others involved seeking approval of the athletic fields. Field #4 and its adjoining slope we have been working with Dr. Welty's office and following his recommendations for some additional safety measures as far as soil stability goes and we would seek approval of natural field grass field #4 and the adjoining slope. As well we are seeking approval of the artificial turf fields up in the stadium and initially Mr. Berger was looking for some additional catalogue cuts and data about the type of system to be installed and we have this ready for submission to him for his approval. As I stated earlier in my earlier presentations pretty much it's the same specifications materials that are currently in the Swift School it follow the same format and the same systems. Again also the alternate for field #2 which as an alternate if funds are available would be a synthetic turf field also. My item #5 is a slight typo we are seeking

approval of all the natural grass fields southwest of the high school again part of the condition was that they were not approved because there was insufficient information about under drainage which has now been corrected and about to be submitted to Mr. Berger. And the regulation states very clearly that all sidewalks must be concrete and as Mr. LoFrese explained this is an expense we are hoping to get away from. We are hoping that we could do concrete sidewalks in the vicinity of the front of the school and the parent drop off areas and out to the handicap parking. But that all the other walks on the periphery would be bituminous or asphalt. In addition all the curbing immediately joining the area around the school would be concrete curbing as well as the island down entrance road but we were hoping to use bituminous concrete on the peripheral curbing back edges of the parking lot something similar to that. Mr. King with our office will get into a little more detail with the screening of roof top mechanical units and as Mr. LoFrese mentioned the issue about bonding needs to be resolved.

**Dave King – Vice President and Principal in charge from Kastle Boos**

Just briefly with regards to roof top units and the request to back off from screening all the units. What you see here is a roof plan and all of the dark rectangles are roof top units. Let's go back for second on the site plan you have in front of you will notice some blue arrows and some blue circles with numbers on them. What those are the vantage points from which we have taken site lines to show what you would likely see or not see with regards with roof top units from those vantage points. In case of the high school we are out at the entrance drive at about the forty or fifty yard line on the football field. Either in the center of the field in the back or the very back end of it and then #4 is down way low at the lower parking lot. Again here is the plan of the building with those roof top units and then these elevations which shows the units dead on. This is not the view you would see from those particular vantage points but this is you can see site lines 1, 2, 3a, 3b, 4 to indicate in most cases that there is no real vantage of the...

Blais: From Main Street it is dead on the elevation Main Street looking right across.

King: If you look at site line 1 you will see a couple of things. First of all the grade see this line up here, this line represents the finished grade at the street. This little bump here is a person.

Blais: Which street?

King: This is French Street. This is actually up in the driveway. This is not all the way back at French Street it would be even more obscure. And then

when you come down here you see a roof top unit that is all that is visible from this line. And on your drawing there indicates the distance.

- Blais: Up on Main Street you see the top of the school perfect the elevation of Main Street.
- King: We don't have a vantage from Main Street or from further off to the West beyond the immediate confines of the school. And then at site line 2 this is the football field again looking back. Site line 3 is the new play field in the back of the building from about half way down and way at the end of it and then it sits down in the lower parking lot down here on site line 4.
- DeCarlo: The second facility we wanted to discuss was the Judson School and again very similarly were are looking for relief from requirement for all concrete walks and again the walks adjacent to the school shown in sort of a gold hue on your plans would be concrete. Which are these walks immediately adjacent to the bus drop and the parent drop off in front of the school we were hoping that the remaining walks could be asphalt. Again concrete curbing adjoining all concrete walks and immediately adjacent to the school. There is a raised island again in the middle of the bus loop this island is to separate the visitor parking from the bus loop in attempt dissuade parents from pulling in here and dropping the kids off and letting them run in between the buses to get into front. We are proposing this island be paved with a fence to stop cutting through. And again we felt that if we attempted to plant this narrow island the plantings would probably not last. We have in conjunction with Mr. Cavanaugh and the department of Public Works who met out on the site with head of the Police Commission they discussed a parking plan for the area. Down here along the athletic field where all the trees are and the people pull off and there's a small sketch in your packet there was a result of his meetings and his decisions with me as what he was recommending could be done. It is a parking plan for that area it presented many challenges and complications not the least of which ironically was that obviously this commission does not allow parking in the front set back yard. So we certainly played with that idea played with pushing the parking in further there was several safety issues with turn radiuses cars coming out onto the street. Cars coming out at the intersection of Hamilton Lane and Hamilton Avenue and so again with the head of the Police Commission and Mr. Cavanaugh this was the plan they felt addressed the parking plan requirement. And we are hoping that that is acceptable. Again we go back to the screening of roof top units which I will let Mr. King speak about again.
- King: On the Judson plan we have vantage point A which is to the South way at the back of the playfield. Then vantage points B and C which are along pretty close to the main entrance drive. Again here are the roof top units for the building we have several way in the back but here and here and the

view point would be this way when you get to look. Here again you can see from the elevations what the roof top units look like full on. And then here you can see what the impact is from A 650 feet away. This is a little bit of a blow up of that because it is so hard to read this one particular area. For B along Hamilton Avenue where at the media center of course there is a unit behind it. Because of the pitch of the media center roof that is not visible and then a little bit further over closer to the administrative area where we have a unit much farther back you can see where that look is at about 115 feet away.

DeCarlo: Our final application is in regard to the Polk School some what similar concerns requesting relief from all walks being concrete. Again the gold on your plans is what we are proposing to do is concrete and the gray ones would be asphalt. We are talking about walks are at the bus loop and at the parent drop off loop as being concrete. With the peripheral and rear walks being asphalt. Similarly all the curbing abutting concrete walks would be concrete also. We have a minor clarification item that didn't make it on the letter here and that was in our submission on September 20<sup>th</sup> we showed parent bus loop being one way exiting onto Buckingham Street. The approvals as it will be one way in from Buckingham Street as shown on the applicant's plans. That is a little confusing that is not what we showed so we need a clarification one way in or out. The next item again goes to the issue roof top screening.

King: On the Polk plan we only have one vantage point off of Buckingham Street which is A. As you can see on there we only have a very few roof top units in the new addition we don't have much of a new addition. This plan shows it your copy there is probably easier to read but you have some of the units visible here and that's the only elevation from which they are visible. And again site lines A 240 feet away most of the unit is obscured and only very small amount that shows.

DeCarlo: In summary we seeing modifications or amendments to the previously approved conditions as listed in our application and requesting a public hearing be scheduled as soon as possible to discuss this. Thank you very much.

Minnich: Is there anything further from the applicant?

LoFrese: Just if there are any question I will be happy them this evening?

Minnich: Just let me ask a few staff. This commission received a communication from your boss Chuck the Director of Public Works stating that your time assisting this commission in review is going to be limited. Regarding this project or these three projects are we to expect that your time is the same as it always been. Not applicable to these three projects? Where I am

going with this is that the reason that we did not approve this last time was that we needed to have some further review done. If you are going to be doing that, that is what I would like know if you are not going to be doing that. Then we will need to get some third party review because it is certainly not my expertise nor would say of my colleagues to do that. Being long winded what's your response?

Berger: I will be completing the review on all 3 projects.

Minnich: Thank you. For one I thank you for the presentation. I think that was very good and cleared up a lot of things regarding probably the most costly issues you have there, which we now understand that a lot better. The one issue that I would like to suggest that we ask staff to work again with the applicant on and quite frankly to add to their list is to readdress. I do not know if it is just me and if we are going to decide if we are going this way so don't let this be if I am speaking for all of you. I like to address again the issue of the Judson School curb cuts and it says specifically the large amount of the curb cuts I know there is a ZBA variance that has been granted on this. And as that stands that is certainly what we are required to do under the circumstances of the last application. But this is a give and take here back again to have some relief. I would like to suggest to the members of the Commission that we request staff to visit with the applicant again on reducing the size of the curb cuts on Judson School to lesser amount not defining what that is right now but a lesser than what they have approvals for anyway.

Martin: When you say lessening the curb cut are you saying lessening the width of the curb cut not lessening the quantity of the curb cut?

Minnich: Not the quantity the width of the curb cuts. Yes. What do my colleagues think about having this readdressed again?

Martin: Chuck have you not reviewed the curb cuts on this?

Berger: There was a preliminary review I believe what is shown in the plans is what the Fire Department requested and the applicant without a lot of detail reviewed with us went to ZBA and got the variance. There may be an opportunity to minimize more. We did not do a detailed review because they were on there way to ZBA because the Fire Department wanted them show them the plans.

Minnich: Does anyone else have any comments on this? So may I suggest a unanimous consent do we want to break from that?

Martin: I have not addressed the parking issue do you want.

Minnich: Just on this one issue I want to get this resolved. It is not just me speaking to make sure we are speaking as a Commission for purposes of unanimous consent is there any objection to adding to the list of issues to which is going to be reviewed in this application that of the size of the width of the curb cuts at Judson School?

Martin: Could I ask one more question? They have gone to ZBA and they have been given a variance on the size so that is what was requested by the Fire Department is not what's being provided its something smaller I am assuming?

Berger: I think it was ZBA gave them was what the Fire Department requested and that what is shown on the plans that was my understanding.

Martin: Okay. So what is were looking to make sure that Chuck reviews that to verify that that is a good size curb cut?

Minnich: The size of the curb cuts that are there now that have been approved are not in conformance with the regulations. So the if this is the first time that I am hearing about the Fire Department involving this issue but no doubt would love to have wider curb cuts as well I would imagine. But that begs the question as to why a road of twenty feet wide is our standard width of road in town is adequate every place in town for the Fire Department and this is why they help to design or help go through this but when we come to this particular facility it is many more than 20 feet? I am not suggesting we change it I suggesting we request our staff to review the issue and have it on the list of the things we will consider for review in this application.

Martin: But does this slow down the process?

Minich: I don't know how this slows it down. Like any of these issues each one will be taken up on itself in terms of a discussion and we review it as we do. For purposes of unanimous consent is there objections on members of the commission for adding to the list of those things that will be reviewed the width of the curb cuts at Judson School? Hearing no objections that is so ordered. And you will work with the applicant to do that. Thank you.

Russ: The duct lines, are there sewer lines go from where to where for Watertown High School?

DeCarlo: The ductile line sewer lines are as shown on the plans.

Russ: They are to go from point A to point B where is that?

DeCarlo: It is roughly out of the rear portion of the school where it exits now down the embankment into the trunk line down by Steel Brook. If the slope is

approved the existing line would get so buried that it we would be a concern about it ever having to be maintained. It is going to be relocated around the slope.

Russ: Is it possible to. I know it cheaper to use PBC has that been considered?

DeCarlo: One of your conditions of approval was that the sewer and water commission insisted that it be ductile iron.

Russ: But the town approves PBC. I worked in water for 26 years we approved PBC so if it is consideration if it is the safest money.

DeCarlo: It will save money but as I said the sewer and water authority told us it needed to be ductile iron and your motion said that it needed to be ductile iron and were not sure if we wanted to argue that point.

Martin: Are we able to revisit that?

Minnich: If we wish to revisit it we can revisit it?

Martin: Can they put together a cost comparison between the two if it is worth their effort?

LoFrese: We included that in the power point and it is before you this evening on one of the slides the initial slides there was all the cost impacts of the condition of approvals. However it was something that we weren't seeking relief from this evening. We were only seeking relief on the certain items. But obviously it is up for discussion.

Martin: I am just curious as to why I understand the logic of it but why you would be putting a fence between parking spaces in that bus loop area and the access into the school. I understand people pulling in and getting out of their cars and letting kids cross in front of the busses but why isn't there a better way of doing it?

DeCarlo: And I know people that walk at right angles but if you look there is a sidewalk across the front of the parking space over towards to a crosswalk that leads directly in the front door on the right hand side if you are looking at it. The concern was the neighbors were very up in arms that no one wants to wait to drop their kids off. They are looking for the shortest and cheapest route and so we wanted to defer that or detour it by doing that.

Martin: What kind of fence are you planning on putting in there?

DeCarlo: It is intended to be a decorative fence?

Martin: Is it chain link fence?

DeCarlo: Not chain link it was going to be a decorative metal fence simulating wrought iron but it would actually be made aluminum.

Minnich: Does anybody else have any questions? One of our tasks tonight is to establish a public hearing date in order to do that we have as our practice as been that the application needs to substantially complete at the time of the beginning of the public hearing. The items to which we have discussed last time which were not completed. I know you received some of those recently Chuck. Do you feel you would have adequate time to complete those by the suggested date the applicant is suggesting for our public hearing which is for April 9<sup>th</sup>? Have you received enough information or are you not able yet to tell us you received everything you need to do the meeting.

Berger: I have received the week ago Monday we had a meeting and I received a substantial amount of information on that day. Yesterday I received e-mail versions of Dr. Welty's geo technical engineers review of the issues and as heard tonight there is are some other outstanding items that I do believe that April 9<sup>th</sup> public hearing we will have all the data in and we will have reviewed prior to that.

Minnich: That is a hearable date from your perspective of what you received?

Berger: Yes, assuming that I get the stuff in fairly short order here. They are making good progress and have been addressing the issues and I don't doubt that they will continue to?

Martin: Should we be asking questions now for issues for example the sidewalks and they are asking for variances on that from us. Should we be asking questions pertaining to that now or is that come down?

Minnich: You can but whatever we talk again on those issues we are going to talk again at the public hearing. So if you want to have Chuck get something prepared for that.

Martin: The only point I am talking about the sidewalks are presently behind Polk School are all asphalt are they not? Or are they concrete?

DeCarlo: I believe the front entrances have a concrete sidewalks there are the three steps the rest is all asphalt.

Martin: So the rear is asphalt around Judson is all asphalt except for the front entrance.

DeCarlo: Also here when you walk out to French Street is asphalt.

Martin: Did we change our regulations between Polk School construction and where we are today?

Minnich: No we made the determination. Of course we will review this again if that's what the Commission wants to do but our statement has been and we can always change it. It never again that this school will comply with the regulations as everybody else in town. And that has been our position since we granted it several times. So we may wish to revisit that again which is something we can do but the reason it is the concrete sidewalks because that is the regulation.

Martin: We do have the ability now to go over to a school like Polk School and see the condition of the sidewalks that have been there for fifteen years look like?

Minnich: Correct:

Blais: Is Swift renovation all concrete?

DeCarlo: No. The major walks are concrete the rear and peripheral walks are asphalt.

Blais: My concern is still the parking is does not look like any where near the amount of parking there has to be for the enlargement of the schools and the handicap parking which is almost non existent now at this school there is two handicap parking places one in front and one in back. At Swift right now there is none. At the Munson House there is none. At Judson School there is one. It looks like this issue is not visited at all.

DeCarlo: I would beg to differ with you. The state has a regulation which requires a number of handicap parking spaces. Swift school complies, there are off top of my head there are four parking spaces for handicap spaces for individuals at Swift right now.

Blais: I don't see any signs. I was down there March 5th.

LoFrese: At Swift Middle School the project is not completed yet and given weather conditions the final paving at the middle school did not occur until after Veteran's Day. The ability to mark the spots and paint the spots has not been available to us yet due to weather conditions. So those spots will be painted.

Blais: There is a No Smoking sign, Crime Stoppers zone sign, One way stop sign, but no Handicap signs.

LoFrese: The parking plan has not been completed yet they haven't changed it.

Blais: Wouldn't you think the handicap signs would be done first?

LoFrese: I understand I think there is some problem with coordination between painting.

Blais: The Munson House has none. Terrible for handicap people. Absolutely terrible. Nobody is watching it no supervision.

Minnich: So Jim was suggesting is that we revisit the issue of handicap.

Blais: Absolutely.

Minnich: So you have a parking plan you can revisit with us.

DeCarlo: I reiterate that the state is very particular about that. And obviously I do not need to remind the amount of parking is at the discretion of this Commission. And I can tell you that I have worked long to get as much parking as possible on all these sites. There is not much room left and in fact we had to go for a couple of variances because we encroached on the landscape setback with some our parking to get as much as we did. We are increasing the parking at this school with this plan by about approximately 80 cars, Judson we are increasing by 40 cars, at Polk it's about the same because there really isn't much room you can do.

Blais: How many proposed total at the high school?

DeCarlo: There are presently are 305 now we are proposing approximately 380 and the handicap again is very stringent review at the state level it has to meet a certain state code and the American Disability Act and the Uniform Federal Accessibility Standards and they do.

Martin: Am I correct to say that you have 6 spaces at the High School I think that is what I am seeing on your plan here.

DeCarlo: Six are out front I think there is 1 in the back by the other fields. There are actually two back there. There is one down by the baseball diamond field #4 and #1 across from field #2.

Martin: It is just not coming out.

DeCarlo: It maybe hard to see on that small plan.

Martin: I see the ones in front I do not see the ones in back. Are there any that are going to be going into entry by the back entrance to the gym.

DeCarlo: No. The ones you see those six that are gained there are as close as they get. I'm sorry there is one up against the building where there is right now in the corner there.

Martin: Okay there is one there good. I think there should be one there.

Minnich: Perhaps in the area of parking Jim. It probably would be best to spend some time with Chuck and Ruth regarding what those are. I know we had to spend some time on this and we have reviewed it. I think perhaps many of the questions that you may have may be able to be addressed that way. I remind the Commission as we know we are not permitted to talk with the applicant on this matter nor is the applicant permitted to talk to us. You need to work through staff. You can meet with Chuck without the applicant being present. Get your questions you have and I am sure he will relay that to them and just inform them. I know you have worked some time on it.

DeCarlo: Yes we have.

Minnich: If there are any other issues that you have to deal with Chuck and with Ruth and get these addressed so that at the public hearing we could move along. Are there any other comments this evening? Yes Chuck.

Berger: I don't know if it is appropriate but I would like to talk a little bit about the roof top screening in the original approvals. It has left some discretion to the applicant to propose something for Ruth and I to look at. I have had a couple discussions with the applicant and I don't if we are proposing to eliminate all of them. Some of them and I don't know if the Commission has any further guidance you would like to give to myself and Ruth as we move forward towards the public hearing on a tight time schedule. How much time and effort you want to devote to looking at that issue? The Commissioner Blade has brought up the issue of Main Street how far do we reach out to looking at these things? I like to get a little bit of feed back from the Commission as to how far you want to go with that issue if at all.

Martin: Personally I would like to see is much of it eliminated as possible. I would like to see your review it and give us your opinion of. If you feel something is necessary give the most critical. I know screening on the roof can be a problem there is no two ways about it the wind shear it can cause all kinds of problems. If we don't need it I say don't put in just for sake putting in screening.

LoFrese: Our plan was originally to present it as an alternate in the project and this Commission interestingly enough that item never came up during the public hearing and it was not until the public hearing was closed and the discussion occurred. Otherwise I think we would have had a more fruitful discussion about this.

Minnich: Perhaps this is another one of those topics that in terms of providing some guidance to you it's kind of at least from perspective I certainly appreciate what was done tonight. I understand a lot better. However the detail of that which is what you are asking for is really not in a position, myself to give much guidance now. This may be another topic such as with the Jim and the parking that individual Commissioners may want to take some time more volunteer time and visit with the Chuck and Ruth individually on this. I also remind the Commission you are not allowed to meet between two of you with Chuck and Ruth. You can only do it as individual otherwise it is a meeting under FOI. But if you do that in preparation perhaps many of the questions you may have you can get addressed through Chuck so maybe that will some guidance. I will take some time myself to visit with you those plans and provide my own comments.

Berger: And just to close that up. If anyone has specific areas of concern that they would like to me to visit with them to take a look at. I would be happy to do that. As far as vantage points to be looking at make sure we get it all covered.

Martin: So there is no screening plan we received then or are there? Do we have a screening plan we received? So we can look at it and say reduce it if its there if not then.

Minnich: I am not clear of the detail, although I am clear as to what the requirement is and what they can say. On the plans originally there was screening but as relayed to us that was considered by them as an option. I did not have that understanding I had an understanding that it was going to be done. We countered that understanding by saying we are going to leave it up to staff to determine where exactly it is going to be. And I think through all this discussion it probably is best given the financial impact of this to have understanding that we are doing that as a Commission and I think that is what Chuck is trying to end up saying. The applicant has suggested April 9<sup>th</sup> as the public hearing that is not one of our regular meeting it is not our scheduled special meeting the 2<sup>nd</sup> Wednesday April 9<sup>th</sup> of the month. And Chuck has told us that he feels based on what he has now and expected to get that he will have his review done in time. Is that an appropriate night for Commission to sit on a public hearing and also a special meeting afterwards to take action on the this? Any further comments this evening?

LoFrese: Just again to thank the Commission and hopefully you have better idea of where we are as a community in regards to the project budget and comments such as the ductile iron pipe are appreciated and we hope the entire Commission can take a look a the complete school project not just the site plans into consider when making your determination.

Martin: One issue I noticed you are saying is you are looking to put carpets into Polk School?

LoFrese: That is something we are looking at in some certain areas in regards to reading area for students.

Martin: Not normal classrooms but in specialty areas.

LoFrese: Depending on where the budget comes in specific classrooms third grade classrooms a portion of the room only not the entire room for reading area.

Martin: Because the move is to take carpets out of schools not put them in.

Minnich: Can I suggest a motion? May I suggest that someone move that the Commission establish is a public hearing on the three schools projects and the special permit and site plan 239, 240, 241 for 7 pm Wednesday, April 9<sup>th</sup> 2008 at a location to which Carol will inform us of. And that the commission at this time is making no determination as to what will accept for review that it will make that determination during the public hearing. Is there a second? Is there any further discussion? All those in favor please say I all those opposed say no. Motion carries.

Text of Motion: Move that the Commission establishes a public hearing on the three school projects and special permits and site plans #239, #240, and #241 for 7:00 pm on April 9, 2008 at a location to be determined and that the Commission at this time is making no determination as to what it will accept for review and make that determination during the public hearing.

Motion made by: C. Mancini

Seconded by: G. Martin

Aye: 7 Nay: 0

Minnich: Next item on the agenda is a review of the regulations for a 400' intersection separation distance; site lines; slope grades of new roads and driveways intersecting roads. We asked staff to get some information from, I believe Chuck is also involved getting some information on this I have provided to you in the packet Mike Masayda is not here this evening, but he provided some information regarding a first cut of what he would suggest which comes out of the state manual regarding item #3 for the

slope grades in the new roads and driveways and intersecting roads. We said that we would work through this as an entire Commission and that these are three topics that we would be working on together. Did you want to present any comments that you have Chuck?

Berger: I can give you a quick overview of what you have in front of you tonight. And give you a little bit of time to scan all these memos as well as handouts. I believe in the packet I am honestly not familiar with what Mike Masayda provided, but I believe Ruth provided from the regional planning agencies a summary of what some of the surrounding towns have been doing and our doing and see if it is anywhere between no distance to up to 400 feet. Southbury and Bethlehem do have a 400 feet provision in their regulations I believe that in this evening's packet. Tonight you received a memo from Roy to Ruth regarding the site distance and intersection states the issue. Basically it reviews the three documents that we looked at being the town of sub division regulations the state DOT Design Highway manual and State Highway and Transportation Officials publication on design of the streets. The existing sub division regulations as we know looking at Roy's memo talks about 400 foot spacing in section 5.3.7a and in 5.3.7b talks about intersection site distance and reference to appendix e for the design. In the Connecticut Highway Design manual does not provide specific guidance for intersection spacing but in section 11-1.05 in quotes "all new intersections should preferably be a least 400 feet apart" and then section 11-2.0 it talks about intersection site distance and expanded design requirements a number of variables that determine intersection site distance. The actual document in the end provides very detailed design and considerations for intersection site distance and does not give any direct guidance regarding intersection spacing. And towards the back of the document on page 3 in the middle of the page intersection spacing is primarily important when you have a single intersection in order to insure adequate capacity that you don't get significant back up occurring. Intersection spacing for single intersection should be about a quarter of mile. Intersection spacing for non signal intersections like what we are looking at would be sub division in town intersection spacing is really important to discourage drivers from coming out and short cutting to take another turn encroaching the other lane. The reason for stretching intersections out so get out and you get into the correct lane before you make you next turn. The proposal presented by Attorney Brooks a waiver provision for the 100 foot intersection spacing he indicates in his memo that caution should be exercised and reevaluating any amendment to the waiver of design standards. The design standards were put in place to protect the public health and safety. However there existing waiver provision in the sub division regulations relative to street grades it does allow for a waiver of the maximum street grade when unusual topographic conditions are encountered. There is no alternatives and limits to the length of the waiver and requires complications to the

Director of Public Works. So should the commission decide to and I am on the last page if the commission considers an amendment to allow for a waiver intersection spacing distance you may want to consider similar limits such waivers shall be limited to the minimum necessary only to achieve safe intersection site distances that is determined by the Connecticut Highway Design manual and following consultation of the Director of Public Works.

Minnich: Thank you.

Berger: The other hand out I provided tonight is a summary of intersection grade standards that Mr. Masayda summarizes then I did attach copies of the documents that I looked at underlined the areas.

Minnich: Is that the one entitled Preliminary Summary?

Berger: Yes. Summary of intersection site distances. The lawyer has not looked at this yet. It just really outlining the facts for here tonight sub division standards state maximum grade shall not exceed 6% then 50 feet in the intersection State Highway Design manual states and quotes "the grading on landing area should be 3% less the actual publication states accordingly grades in excess of 3% should be avoided on intersection highways". I attached all those documents in order to present here by underlining the sections that I quoted on the front page and I put a asterisk on the margin so you can see.

Minnich: I want to take this opportunity to thank Chuck and thank Roy for their work. I know that was several pages of memos as we can see by its content took more than an hour or so to do. Obviously he has had a lot of conversations and to make sure that what we finally end up doing is something that is going to work for everyone here. I know for myself I want to reflect what is being done but we want to move this along and perhaps we will put this on our next meeting agenda although it will be a long meeting next meeting April 2<sup>nd</sup> there is a lot of activity on that agenda but we do need to move this along and we said we would. Does anybody have any comments of how to proceed here other than reading what we got and hopefully we will be in a position to begin to talk on real specifics about this I am really not at this point because I want to read what is before us?

Blais: What is our regulation 450 feet?

Munnich: 400 feet.

Martin: I agree with you, you are going to want to read through this.

Minnich: Well then I will put it on our next meetings agenda. There will be a lot on that agenda but I know we will want to spend some time and make sure this gets done. Is that okay with everyone? Is there a motion to table? Is there any further discussion? All those in favor please say I all those opposed no. The motion is approved.

Text of Motion: Table and discuss again at the April 2, 2008 regular meeting.

Motion made by: G. Martin

Seconded by: R. Russ

Aye: 7 Nay: 0

Minnich: Perhaps Chuck you could get together with whomever would like to give some input on this and you could bring that back to us prior to holding our public hearing eventually there may be helpful early on to get some of this resolved.

Minnich: The next item is job descriptions you have before you two job descriptions for both Carol and Musa that were approved by.

Minnich: A little background on this there both together in this conversation. As we are aware Mary Bartin left us suddenly a couple years back in 2006 and this commission worked with both the other two land use commissions and discussed how we needed to make improvements to the Planning and Zoning Office. And we came up with this conclusion is that the job descriptions need to a more better articulate what the jobs that they were doing. And secondly we specifically solved part of the reason for Mary's departure in part was that she was just overworked. Maybe some of that she brought on herself but we allowed it to occur it was just too much work for one person. The most significant portion of the previous way that it was is that Mary or Ruth are both the Zoning Enforcement Officers and the Inland and Wetlands Enforcement Officer. In this job description change we moved the Wetlands Officer to be that Musa would have and Musa would continue to be the Assistant Zoning Enforcement Officer and that Ruth would then be the Assistant Enforcement Officer that worked well with us and with Wetlands because Musa goes to all the Inland and Wetlands. Ruth because of should be going to all these meetings doesn't go to the Inland and Wetlands and that worked out well. Also Musa is still the staff person to ZBA and that works out well also because obviously they are appealing Ruth decisions as the Zoning Enforcement Officer. We have also needed to work on Carol's job description because the duties to which she doing were not reflected in the generic job description for the town had for the class that she works in. And so we articulated that on Carol's we knew and you have that before with us we approved after quite many months of work. We approved July 19<sup>th</sup> 2006 both of these job

descriptions. With regards to Carol's job description we are well aware that when we transmitted this to the Town Council that it is entirely up to the Town Council and union negotiations as to what is going to happen on Carol's. As it relates to Musa gets a little more complicated. It gets complicated into the extend that under state law the job description of Musa as Assistant Zoning Enforcement Officer and the job description of the Zoning Enforcement Officer are under the exclusive domain of Planning and Zoning Commission it is not up to others as a normal process is to approve those. However we had wanted very much to work with the Town Council and we are also cognizant with Musa that is also it's a union position so the union needed to decide it and our charter the Town Manager is the one that does the negotiations for that and we also did not wish to leave out the Town Council and wanted them also to be a part of this and no doubt through that union negotiation it is there. It has been many conversations and requests of where we are with it in terms of the status of this that has lead to quite frankly not anything happening. I inquired Musa to because he is the one most effected by this to contact his union and determine where they are on all of this. He said they have not been informed of these changes and have been through the manager but there negotiations are not with us directly it is through the Manager's Office. So that leaves us with trying to move forward and getting this to conclusion which is going on a year and three quarters now. The issues though my thinking about this is it would probably be helpful in terms of coming up with continuing the strategy we did before and quite frankly we didn't have to do it this way we could have acted as a individual Commission. But we involved the other two Land Use Commissions my thought process is for your concurrence for me contact the two other Chairman and to then present our request uniformly because I have done it privately and it has not worked the Town Manager and also the Town Council with regards questioning what is the status of this job description. The importance of the fact of precisely defining Musa role that we have so taken so long in doing. And given the realities of our organization here with limited staff making sure that Musa is the right job description for what he is doing is going to work out for us. Throughout this whole process and my whole discussion is we have never talked about the money part of it that is not our jurisdiction that is somebody else's. But we are strictly talking about the job description of it. So my suggestion here this evening with some discussion is your concurrence that I should go and speak with the two Chairman of our other two Land Use boards and then together we the three of us inquire of the Town Manager as to the status of these job descriptions.

Martin: Have these job descriptions been reviewed by Musa and Carol? Have they seen this yet?

Minnich: They were very much apart of the writing of it as well as the other two entire Commission voted on these job descriptions as well as ours.

Martin: Has the town manager been involved in looking at these and assessing what is being.

Minnich: The former Town Manager was at the time was involved in this as well and the comment was which was the right comment that needed to have union approval then the Town Managers changed and they still need union approval but the process is bogged down and when I have enquired the union but it is not my role but when I enquired of Musa and his response was that his union rep was not aware of these got me to believe the communication has dead ended in the Manager's Office.

Martin: But the question I am asking he is gotten both of these and has had the ability to review both of these?

Minnich: He being Chuck Frigon

Martin: And you are telling me they have died there.

Minnich: They have gone no where but there.

Martin: So what is it you want from us?

Minnich: Approval for me to contact the other two Land Use Chairman and then for the three of us to bring what we already approved. All three groups have approved as well as Musa and Carol had an input in this to the Town Manager and inquire of him what the status of this is and our wanting to get this resolved quickly.

Demirs: Where does he have to go with?

Minnich: The Manager. He is by charter the one that negotiates the union contract. And this is obviously only a piece of that whole negotiations we are not involved in any of the other aspect of it.

Mancini: A company can ask the union to upgrade job descriptions at any time. And most of the time a union will agree to it. Especially if the people involved are acceptable to in lieu of compensation. They want to know what the compensation is.

Martin: Do we make a motion on this? I make a motion to do exactly what you requested.

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

Text of Motion: By unanimous consent have the Chairman speak with the Chairman of the Zoning Board of Appeals and the Conservation Commission inquiring about the status of the job descriptions.

Minnich: Next item the sub committee made up of Jim and Ron and I for the car regulations. The committee was formed because there was a provision of the regulations which was not included in the regulations when it was retyped the reason that is was not included it that the language that was in the Town Clerks draft and also published in the town newspaper was not the regulation we approved and the wording we approved was in the minutes does not match what it was changed somehow by some people in between that process. In consulting with the Town Attorney that makes that regulation null and voided. The urgency that I had of putting it on the agenda and the first place it formed the committee as I know that BMW was going to be coming in. And to make this complicated we subsequent to the particular regulation of what we are speaking about we approved a much more comprehensive regulation and I inquired of Ruth whether the regulation which did not get included was going to effect them. It was my intend was to move along to get it corrected. It was determined that the regulation is not going to effect BMW and the Committee conclusion was that the 30% coverage which the big issue in this is already covered in the new regulation that there is nothing further we need to do and the regulation that was done incorrectly procedurally is null and voided and there is no need at this time to raise that. So I am reporting back to you we then would request to dissolve the Commission we have done our work and there no objection that's what we will do. Does anyone have any comments on that?

The subcommittee is dissolved – no more work to be done.

Minnich: Next under new business is 6a is the gate on the right of way located at Pondview and Oak Drive, Watertown, Ct.

This was Ron's request to revisit this.

Russ: When they planned to build Pondview the whole commission decided that we were going to have a pass way to go between Pondview and Oak Drive for emergency use only. And we agreed to put in pavers so this could be done. Since then the neighbors have feuded the Police Department has gotten reports of snow mobiles and quads and whatever else has run through that property it has been a big dispute. The Police Department or somebody authorized rocks to be put up there and later on they put a gate with a lock on it.

Demirs: And no trespassing signs.

Russ: Is there. Well then there is no way for emergency use at all. For what we designed.

Demirs: And the plows push all the snow up to gate and the neighbors use it as a parking lot.

Russ: We as a Planning Commission planned and agreed upon this pass way with pavers and needs to be maintained in accessible year round. So they just took away everything that we did...

Martin: Who are they?

Russ: I am not sure who they are.

Mancini: Public Works put the rocks up there.

Russ: Who put the gate up did Public Works do that do?

Martin: I think a gate might be appropriate and locked so that they can unlock it at any time. Are you saying it should be maintained and plowed through the winter?

Russ: If someone has a heart attack and the emergency vehicle is goes out he can not get to there quicker by going through that pass way.

Martin: So if that is what we approved to me the gate is appropriate with a lock.

Russ: We did not approve that.

Martin: The concern is that neighbors do not want cars going through it right?

Demirs: I don't think that was ever the issue some neighborhood kids were on snow mobiles whatever or quads when they plowed 10 feet of snow up in front of those gates. I don't care who has a key they are not getting through there.

Russ: And the neighbors park there commercial vehicles right there so you can't get through anyway.

Blais: I was on the Commission when that was approved and it was specifically approved so you would have two accesses to that Pondview. In case a tree fell down in a hurricane or tornado or something like that you don't want to have to run around for key.

- Martin: You don't need a key it is combination we do it all the time.
- Russ: The pavers were put there in case a fire apparatus had to through there when it was wet so they could drive through there. The neighbors did not want it opened because they thought they would get more traffic through Oak Drive. They didn't want any vehicles through there so someone did it. We don't know who did it but I would look at the neighbors because they never wanted it open.
- Martin: We had a requirement that was placed on this development to have a paver access way between Oak Drive and Pondview. Somebody has done something to obstruct that. So basically do we need to get the highway department to go out there pull all those rocks out of there and reopen it?
- Mancini: I think they pushed the rocks off to the side. But the gate is still there and locked.
- Blais: First thing we should do is review our archives to verify what we are talking about. The Commission wanted that open. Let's make sure the archives say that. When these people come to argue you got to show them black and white you have to show them. Then make a decision on how to open it. Do we go to the Town Council, do we go to Chuck, do we go to the Public Works Department, or do we go the Police Department. I think you ask the Town Attorney.
- Martin: But there is a question here though was our intent for this to be a cut through. But if you do not put a gate and lock that is a combination lock and they got the easy ones with four numbers and 9911 and you are done and Fire Department and Police Department all know it. When you are plowing and you open up the gate. They are not going to deal with that. To do this right what is the best way for us to approach this. To me a gate might be the right answer opened when they have to plow. Plow goes through closes it and locks it. It can't be used as an access way but it is always available as an emergency exit. Does that make sense?
- Demirs: That makes sense but it is not remotely close to what happens.
- Martin: But I know that what happens because they put stones, gate, and put snow and they do. If you don't have the stones you have a gate that the highway has a combination to they plow the thing all the time and the gate is left closed so nobody can access through that space.
- Demirs: The neighbors have put nails through boards and put them out on the grass to try and get the quads that go through to blow their tires out so they can catch who is doing it. I have lived there since 1981 and I know what is

happening. You can't get to the gate you couldn't get through their tonight.

Martin: Even with the snow all gone you can't get through there?

Demirs: You have to open the gate and maybe ask a neighbor to move a car.

Martin: But once you have opened it you have removed the stones you opened for access way now it is a police violation. If they are parked there the Police ticket's them and that's it. Two tickets and they won't park there any more. If that's not the issue then just take the gate out and open it up. If they are not worried about traffic going through then it is done. Does the highway know they have to plow this?

Demirs: I don't know if anyone has instructed them. It is suppose to be an emergency access you would think they would keep it open.

Martin: Chuck are we doing that anywhere else? So were are never plowing these access ways.

Berger: Not that I am aware of.

Minnich: I hope you are doing the one on Swift because we requird that to be done as part of the condition of approval. Perhaps the way to proceed is to put this back on the agenda with some advise from the Public Works Department and probably maybe appropriate to also make this open to the public. So those who wish to comment and we can make our determination. So we will put that back on I will get together with Chuck and as to what the appropriate time is whether the next meeting or middle of next month but one of those two we will get it back on.

Mancini: I think we should do what Jim says to look in the archives.

Minnich: Yes do so. Anything else on that issue?

Demirs: Putting a gate up there that did not have to come through this Commission? Nobody remembers that?

Blais: I remember they did not want the gate. The Commission did want the gate.

Martin: So nobody know who put this gate up?

Minnich: We will revisit this here within the next month.

Text of Motion: Table and put back on the agenda at future meeting with some advice from the Public Works Department and make the discussion open to the public for comment and review past minutes for information on this subject.

Motion made by: G. Martin

Seconded by: R. Russ

Aye: 7 Nay: 0

Minnich: Next item on the agenda is item 6b which is the request that the Town Council transfer \$1,000 dollars. What this is about is that we have 2,500 dollars in our budget this year under capitol for filing cabinets because of the move now from Baldwin we don't have any space for the filing cabinets. That we have in the budget so we have requested in next year's budget which is now being suggested to be funded this way is a 1,000 dollars for a laptop computer. The use of that would be take to prepare the motion sheets here at our meetings both for ours ZBA and Wetlands and currently now happens you know by state law all of the motions must be into the Town Clerks Office within two business days of the conclusion of our meeting. So therefore by Friday, Carol has to have that done of course the minutes get typed up later. The issue and the concern has always been you go back in the office on Thursday morning and this is just another big task. It was thought and why we put it in the budget was that as much of that could be done here at the meeting doing the motion sheets would be the best that there is not that same time crunch later on. So we are not using the 2,500 the suggestion is to transfer 1,000 dollars from the line item to line item for computers which we have in there now. Now in days when I worked for the town this was something the Commission could do because it was your own budget. But my understanding is that rules have changed so it will need to get back to the Town Council so I would suggest this motion that the Planning and Zoning Commission request the Town Council to transfer 1,000 dollars from the current fiscal year appropriation for P & Z filing cabinets and line item 5400359 to the P & Z computer line item 505610512 for the purpose of purchasing a laptop computer to prepare motion sheet at land use meetings. Is there any further discussion? All those in favor please say I all those opposed no. Motion carries.

Martin: This is strictly for Carol to use.

Minnich: Carol and also Jennifer to use at the meetings here.

Text of Motion: The Planning and Zoning Commission request the Town Council to transfer \$1,000 from the current fiscal year appropriation from Planning and Zoning filing cabinets to the Planning and Zoning computer

line item for the purpose of purchasing a lap top computer to prepare motion sheets at land use meetings.

Motion made by: G. Martin

Seconded by: C. Mancini

Aye: 7 May: 0

Minnich: One thing to report quickly. One is that perhaps in mid April is the time to get together with our former secretary who worked here for 40 some years who recently left. We are going to have a small gathering for her I know you probably have wondered where 5 dollars went. And we will do that be the meeting in mid April probably.

The other thing the sub committee has been meeting wants to meet on administrative and budget sub committee and we have some reports to make here in the future on some of the suggestions that we talked about.

This is also regarding Russell Erickson he wrote the letter I have spoken to our attorney on this matter. He tells me that Attorney Diamond is not a land use attorney. As you heard me several times this evening state that the notice of the three public hearings when this is case for the high school has already been determined published in the newspaper and there is a field period under the state law. If administratively you don't meet that you have a real tough time getting into court on any of the merits underlying it. You can always sue but your are not going to get past that point. All those appeal periods are done so his effort to try to bring this forward is not going anywhere according to Attorney he does not see it being successful. We are going to reserve for judgment when we get these three other projects before us on the public hearing as to which items we are going to review. Mr. Erickson can come to us and convince us that should be reviewed. But once we accept it for review the clock ticks at the time we then make a decision. If it is not a decision how he wants he can bring it to court and his clock has started again. Right now the clock has stopped he cannot do anything so it is going to be important for us to determine what exactly we wish to have before us.

Martin: On the issue of the lawsuit has that been settled who is handling it the rest of the way?

Minnich: I don't know Paul has not gotten back to me I have not purposely pressed the issue because I have been waiting for Paul to tell me but two things have happened his mother has died and this week he is ill.

Demirs: Who was the Attorney who started that?

Minnich: Warren Hess. I wasn't even sure what the conversation that I had with the first hearing about this from Attorney Jessell that he was going to be the one handling it this because he said his office and he has a new associate they have hired has some experience in land use. I assume that he was the one that was going to handle this. I will keep waiting and following up but that is not going to happen that appeal is not going to happen any time soon. Warren has filed that with the applet court so we got that part done. If there no objection on the issue before 1,000 dollars I will write a letter to the Town Clerk on behalf of the Commission to the Town Council requesting that transfer. I don't have anything else. Anybody else?  
Meeting adjourned. All those in favor please say I all those opposed please say no. Motion carries.

#### Adjournment

Text of Motion: adjourn at 9:05 pm  
Motion made by: G. Martin  
Seconded by: R. Russ  
Aye: 7 Nay: 0

Michael Masayda  
Secretary

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