

**Town of Watertown
Planning and Zoning Commission
Special Meeting
April 16, 2008**

Minnich: I would like to call this special meeting of the Planning and Zoning Commission to order on April 16, 2008 at 9:05 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

Minnich: **Next item on the agenda is Communication and Bills. Just bring to your attention the first one which is the withdrawal of the superior court of a lawsuit filed against the Planning and Zoning Commission by Distasi Catering on April 2, 2008 so that lawsuit has been withdrawn.**

Masayda: Dave did you come by clarification on that. The decision has already been made by this Planning and Zoning Commission to certain things that they need to do up there which generated that lawsuit. What is the intent here? I don't understand. Are we going to disregard the previous Commission's vote on what we decided that needed to be done and come up with something else or I don't understand where you are going with this.

Minnich: Me I am going nowhere. He being the applicant has made a another proposal for the gazebo this Commission voted to accept that application for review and to establish a public hearing which is scheduled for our meeting on May 7th and we further asked the applicant what the status of the lawsuit was in terms of what they were planning on doing. And that they are expecting us to review something to which they have in court. He stated he being the applicant was going to withdraw the lawsuit and as you see this evening they have done so. So there is a public hearing scheduled for next meeting May7th on the gazebo.

Masayda: What has changed? This Commission made a decision for them not to use the gazebo and submit the proper procedures in order to amend their special permit. If nothing has changed why are we listening to this again? We already made a decision on what needed to be done. Why are we going to hear it all over again? If it is the exact same.

Blais: We don't know what he is going to present right?

Minnich: I believe I understand what he is going to present he wants to keep it where he put it which we did not want it there. But the issue is that he has a right to make another application we have a right to accept that application or not accept that application. He does not have a of right to do it because he has filed a lawsuit in court and that stops all the requirements we have to accept his application for review. We voted as a Commission to except his application for review that was the Commission's decision. So therefore we have now accepted the application for review as a Commission what we do and what exactly he is going to present to us. I only heard from his presentation that he was going to ask us to consider keeping the gazebo where it is whether we have that after public hearing or not was all one sided conversation. I can add we voted to accept the application for review. We did not have to but we did.

Mulcahy: Under law once an applicant applies you have to accept the application and hear it.

Minnich: No we don't. The issue is we do not have to accept the application for review as we would in other cases. This one because he has filed a lawsuit in court that stops the requirement that we have to mandated hold a public hearing and consider his application.

Masayda: You said we have to.

Minnich: Normally if somebody presents an application to us and the application is complete or finished and complete as we call it. We are mandated by law to accept that application for review in the instance of the gazebo because he has filed an application which is the subject of a lawsuit of a previous decision that was made. We

are not required to do anything to it and say let it all be handled in court. This Commission as I mentioned to you decided that we were going to accept his application for review and you asked the question.

Masayda: In the last meeting you predicated on now that the town does not have a lawsuit that we have to deal with and you voted yes I am just thinking you have taken away one lawsuit but all the neighbors are going to submit a another lawsuit so where do we win here?

Minnich: You can ask other members how they voted.

Masayda: It is too late now I just wanted some clarification.

Martin: Basically this is a horse before the cart, here the fact that we knew they were going to be withdrawing the lawsuit. Whether they withdrew it first and came back to us tonight and said put in an application before us. We still have to review that application if that lawsuit is gone.

Minnich: There lawsuit is gone we must accept.

Martin: You are talking about a meeting or two.

Minnich: If it is complete.

Masayda: You just said we did not have to accept it.

Minnich: He is asking something different. He is saying because they withdrew their lawsuit now that if they now came in and made an application we would have to accept the application if it is completed. And the response to that is yes. If it is complete.

Mulcahy: Even if it is not complete you have to accept it set the public hearing, have the hearing closed again.

Minnich: Does anybody wish to respond to Mike's question? If not we will move on. For purposes of unanimous consent is there any disagreement to place in the Communication and Bills on file. Hearing none. That is so approved.

Text of Motion by unanimous consent place on file.

Minnich: **The next item on the agenda is application for the Board of Education Joe DiCarlo, Kaestle Boos Special Permit #239 for site plan modifications for educational use Addition and renovations to Watertown High School at 324 French Street, Watertown in R12.5 zone.**

Let me say two things before we go too far into this one I just want to remind members of the Commission there has been a lot of discussion about dollars and cents and issues about that. All of that as I wrote when Kevin McClean made the comment regarding Commission member Glen Dupliese some time ago questioning about the cost of that fourth field in the back. I said to them that we cannot consider cost in the final decision but you can ask any questions you want and the same as the case with the Board of Education the applicant can make any comments they want regarding cost but I remind you at this point that you may not make a decision based on cost. That is not our role and that is the role of others in town that is the processors.

The second item is our Town Attorney Paul Jessell made some, a letter we received regarding the bonding. And I had done some research and telephone calling which I wish to relay to you about the proposal. The proposal was by Mr. Jessell and what happened to the proposal was we modify our bonding. Paul Jessell proposed through them which are their proposal that the bonding is part of the performance bond of the contractor and that then we would be part of that performance bond.

To insurance agents as well as a Vice President of a insurance company who deals in performance bonding as well as our other Attorney Mr. Hess all have said that the attachments or conditions of performance bond in the manner to which is being talked about is highly irregular and quite frankly they have not seen it done in that matter. And here is the issue the insurance company is bonding the performance of the contractor to do the work under the contract on behalf of the owner in this case the Town of Watertown.

If the owner decides that they do not want to have certain parts of a project and they can do that at any time then there is no requirement that insurance company has or can make on the individual contractor to do that work. In other words you are going to do all the work you are suppose to, hear all the documents and you are going do it certain standards that are defined. If the owner says we don't want you to do this work anymore, there is no means under the performance bond that all of the people that I have just mentioned to you including Warren Hess say that we can require work done that the owner does not want done at a later date.

Therefore the issue is that the end result of the conversation as well as Warren Hess is that the reason and rationale to which we have a performance bond is we always have the avenue of going to court. But the state law has permitted and is well used that instead battling all these issues in front of a judge and all of that. That you can require a bond if you so desire we set up regulations and it is those regulations to which determine how that bond is applied if we so decide to do it.

The short story is here the proposal that was made by the applicant as well as the Town Attorney regarding a modification to that policy is not one that the insurance company would want to consider for the very reason their insurance is for the work of the contractor to have done that what their insuring the performance for. If the town says the owners says don't do that work there requirement is over that's what they are insuring there is nothing for them to pay off on.

So we are back to the bonding issue then on the way that it is in our regulation which is a cash bond or a letter of credit. The letter of credit presents a cost and that's about 1% but we don't require or mandate either of them it is up to them as we do on all bonds we never require either one of those bonds on any one. They could do whatever it is they want to do on terms of the bond. Did I explain all well enough to you? So what Paul proposed is not functional from

the perspective of the insurance company to who get the full response.

Martin: Just for clarity sake on my thought process here so basically the bond we would be requiring that you are discussing would be protecting us from the Board of Ed deciding not do some of the project that there are telling us they are going to do? Is that correct? Is that it?

Minnich: That is correct. There are two purposes for a bond one is that and the other which I don't feel is applicable in this circumstance. But is the other reason is the quality of the work that is done. That is already getting handled very easily on another side so it is just a matter of work.

Martin: The quality of work will be handled by the bond that they are getting from the contractors. We are talking about the bond that would be held to make sure that everything that we are being told is going to be done for this project actually gets done.

Minnich: That is correct.

Dupliese: So that the school does not drop anything, they don't drop well we don't have enough to do this so we are not doing that. Not dropping anything that we are Okaying to.

Minnich: The mechanisms to do this in place we already have in our regulations and then we would just need the expense to all of us is our Town Attorney's time to draw up the document other than that there is no cash difference it is our own cash.

Blais: Is it fair to say that this Commission has never done what they wanted us to do before. This never happened before.

Minnich: We don't have it in our regulations and we never had the construction contractor of a subdivision for example his insurance company guarantying in the last meeting you predicated on the performance on behalf of the Commission that has never been done before. Okay I just wanted to relay that information to you. The staff has spent a lot of time and almost full time on this project in terms of reviewing these applications. I want to thank you very

much Chuck and Roy and Ruth, Carol and Jennifer and Musa before you is a motion of approval the draft for purposes of the record has been prepared by Ruth reviewed by Chuck this afternoon. I reviewed it other than that there is no one who has seen this until this time this motion of approval until this time. In keeping with our practice let's just go through the highlights of what is here. The eight items to which we agreed at a motion on April 9th are part of what is being reviewed and that is the subject of this hearing.

In summary for us in discussing is the field #1 the artificial turf with the given the comments by Chuck today we are approving as suggesting here just for purposes of conversation of approving.

Field #2 the natural turf we are approving the artificial turf we do not have the drainage and under drainage systems so the wording here is not to approve that.

Field #3 for the natural grass is suggested to be approved.

Field #4 with 2 to 1 slope at 75 foot high is proposed to be approved.

The outdoor lighting in some applications and underground medical surfaces we briefly talked about at the first hearing for fields 2, 3, and 4 to which we did not approve our also a condition of approval.

The issues of the raised islands at the intersection of French Street. The suggestion here is that 110 foot strip they shall have that either as a paver or a stamped concrete and that would be subject to review and approval by the Town Engineer and that we understand there is another island that is a little beyond that also on that main road station 1.5 to station 5.5 the wording here suggests that be eliminated and that be stripping in its place.

Regarding #8 proposed here is the sidewalks that be concrete that extends onto French Street and ties it in the existing sidewalks on French Street that the bituminous concrete. The sidewalks to the South and West of the school building maybe bituminous and all the other sidewalks are proposed here to be concrete.

Next is the roof mechanicals proposed here that we eliminate the screening roof top mechanicals and not require that and that the mechanicals need to match the trim or the roof collar and that is subject to approval of the Town Engineer and The Administrator of Land Use.

Masayda: I was not here maybe you can explain why were eliminating the screening if it is visible to the side of property or the entrance way to the school.

Minnich: I am not sure that we made any decision at all. The reason it got here and this all subject to review is that the conversation seemed to appear whether it changes now is another story which this is the final time for approval.

Masayda: What I am saying it would be up to the Town Engineer whether if it be screened or not.

Minnich: Let me address directly it has been very rare that I have been sitting in this seat that subsequent to our decision that the staff contacted me the two people that you are talking about in Ruth speaking very clearly. Given what is in their judgment the perception and the reality of internal pressures from the organization they both did not wish to part of that subjective decision and it is not a decision quite frankly it is subjective. It is special permit decision and they both were very clear that they did not wish to part of that decision and wanted us to make that decision.

Dupliese: Also Mike in response they put up a couple of slides and they showed the site lines I don't think you were here for that one. And it showed coming in from French Street that you had to be at 800 feet out in order to see the mechanicals on the roof and then from the other positions from the back of the school on this one here.

Masayda: I have no problem as long if the property could visually see it from their home or like the gateway or the entrance to the school. You can't see it driving on that driveway. Other than that I have no problems.

Dupliese: That is what they presented to us on the meeting you were not here for.

Minnich: I am not I sure if I just heard that. I think what I heard and you correct given what's there now and what they are going to putting there that the height of what really need everybody attention. Ladies and gentlemen it is very hard to run this meeting when there are a lot of conversations. I thank you. Given what was going to be there the height was not going to be different than what it was now. That there would be some more mechanicals and it was our judgment under special permit as to whether that was something we wanted to put screening on.

Dupliese: Correct. But they were also making them the same color as the roof line and the existing ones were being replaced which made a big difference. Because the existing ones are in your site line and the new ones will be further back from the site line. It increased the site line is probably what I should say. So it made it a lot more palatable they are at certain distance you will see them. But what you are looking at will blend into the roof line because it going to be the same color that far away distance. From a thousand feet when I look at it I don't really care. But I don't want to see it ten feet from the edge of the roof line and it was in the roof line it is not sitting on the edge of the roof it way back into the roof line. They have taken that into major consideration, they have made it the same color as the roofs so you are not going to have brown mechanicals sitting on the edge of a white roof line they are going to make them the same color so that will blend. And then they have taken into consideration the ones that were there they are moving them and moving them further back to a central location. And the other thing was the screening they gave us proposals on cost. And again we cannot take that into consideration but the costs were astronomical.

Masayda: My only issue was the entrance way to driveway you can't see the mechanicals from there any contiguous residential home that they would not be able to see from that property is that confirm that.

Minnich: No.

Masayda: No you can see them but not on the edge of the roof.

Blais: Not significantly.

Mancini: You would not be seeing any more than what you are seeing now.

Masayda: I am sorry I missed the last meeting. I just don't want to be disappointed when it is done and driving down.

Minnich: The rest is all routine stuff. Is there comments on this before I read it?

Masayda: You don't have an issue with that gate is it resolved.

Minnich: What we did last time and we can always add or revise it. Let me back up a step. The issues that are before us are what the applicant proposed we can add things to that. What we wanted very much not to do is to open up the entire application again that starts the clock again. So we are being particular on here on only opening the issues to which we have agreed to and that means everything else which included the gate which no one brought up here it is not a subject of this application. Is there any other conversation? Okay hearing none let me read the motion.

Whereas the Watertown Planning and Zoning Commission (hereafter Commission) received a Special Permit #239/Site Plan application to modify the conditions of approval to pave the landscaped island, approval of Alternate "Field No. 4" and the slope as modified, approval of artificial turf Field No. 1, approval of synthetic turf Field No. 2, approval of natural grass fields southwest of the high school, elimination of concrete sidewalks, elimination of screening of rooftop mechanicals, and elimination of bonding at 324 French Street in a R-12.5 Residence District on 43.7 acres which includes a Title Sheet, Site Information Plan L0.01 dated 2/21/08 with a final revision date of 2/25/08, Property and Topographic Survey B1-B-5 dated 10/05/07, 10/12/07, 11/13/07, 11/30/07, 10/12/07 & 10/30/07, Site Demolition Plan dated 2/21/08 with a final revision date of 2/25/08 L1.01-L1.04, Site Layout Plan L2.01-L2.01-L2.04 dated 2/21/08 with a final revision of 2/25/08, Site Materials Plan L3.01-L3.04 dated 2/21/08 with a final revision date of 2/25/08, Site Grading Plan L4.01-L4.04 dated 2/21/08 with a final revision date of 2/25/08, Site Planting Plan L5.01 – L5.04 dated 2/21/08 with a final revision of

2/25/08, Alternate Bid Item #1 Synthetic Turf Field, Layout, Materials, Grading, and Detail Plans L6.01 dated 2/21/08 with a final revision date of 2/25/08, Site Enlargement Layout Plans L7.01 dated 2/21/08 with a final revision date of 2/25/08, Site Materials Plan Enlargements L7.02 dated 2/21/08 with a final revision date of 2/25/08, Site Details L8.01 – L8.05 dated 2/21/08 with a final revision date of 2/25/08, Grand Stand Layout Plans L9.01 – L9.05 dated 2/21/08 with a final revision date of 2/25/08, Civil Utility Plan C1.01 – C1.04 dated 2/21/08 with a final revision date of 4/9/08 prepared by WMC Consulting Engineers, 87 Holmes Road, Newington, Ct, Erosion Control Plan C2.01 - C2.04 dated 2/21/08 with a final revision date of 4/09/08 prepared by WMC Consulting Engineers, 87 Holmes Road, Newington, CT, Civil Construction Details C3.01 – C3.05 dated 2/21/08 with a final revision date of 4/9/08 prepared by WMC Consulting Engineers, 87 Holmes Road, Newington, Ct, Erosion Control Details C4.01 – C4.03 dated 2/21/08 with a final revision date 4/9/08 prepared by WMC Consulting Engineers, 87 Holmes Road, Newington, CT, Roof Plan A3.01 dated 2/21/08 with a final revision of 2/25/08, Overall Exterior Elevations A5.00 2/21/08 with a final revision date 2/25/08. Building Elevations I through V A5.01 – A5.05 dated 2/21/08 with a final revision date of 2/25/08, prepared by Kaestle Boos Associates, Inc, 416 Slater Road, New Britain, CT;

Whereas the Commission convened public hearings on 4/9/08 and 4/16z/08;

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **APPROVES** Special Permit #239/Site Plan application to modify the conditions of approval (1) to pave the landscaped island, (2) to approve alternate “Field No. 4” and the slope as modified, (3) to approve artificial turf Field No. 1, (4) to consider approval of synthetic turf Field No. 2, (5) to approve natural grass fields 2, 3, 4 southwest of the high school, (6) tying walks from school to French Street and concrete sidewalks, (7) to consider eliminating screening of rooftop mechanicals, and (8) to consider eliminating bonding at 324 French Street in a R-12.5

Residence District on 43.7 acres with the following modifications and conditions:

1. Field #1 north of school is approved as an artificial turf field subject to final review and approval of the Town Engineer, Director of Public Works and Administrator of Land Use.
2. Field #2 is approved as a natural grass turf field subject to final review and approval of the Town Engineer, Director of Public Works and Administrator of Land Use. Field #2 is not approved as an artificial turf field. The applicant did not provide required documentation for drainage and under drainage systems.
3. Field #3 is approved as a natural grass turf field subject to final review and approval of the Town Engineer, Director of Public Works and Administrator of Land Use.
4. Alternate Field #4 located at the south west corner of Watertown High School is approved with a 75' high slope subject to final review and approval of the Town Engineer, Director of Public Works and Administrator of Land Use.
5. Outdoor lighting, sound amplification, and underground electrical services are not approved for Fields #2, #3, and #4.
6. Follow the recommendations of the Town Engineer in a memo dated 4/16/08.
7. The raised island at the intersection of French Street shall be paved with stone pavers or stamped concrete from the French Street intersection to approximately 110' into the property and shall be subject to review and approval of the Town Engineer and Administrator of Land Use. The island from approximately station 1.5 to station 5.5 shall be eliminated and the pavement striped subject to review and approval of the Town Engineer, the Director of Public Works and the Administrator of Land Use.
8. The sidewalks proposed to French Street shall tie into existing sidewalks on French Street along Watertown High School property and shall be concrete and in conformance with the Town Sidewalk Standard Detail. The curbing adjacent to the concrete sidewalks shall also be concrete. Sidewalks to the south and west of the school building may be bituminous. All other sidewalks shall be concrete and be in conformance with Town Standard Details for Sidewalks.

9. Roof mechanicals shall match the trim or roof color subject to review and approval of the Town Engineer and Administrator of Land Use. The elimination of screening roof top mechanicals is approved.
10. A bond shall be posted for all public site 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. According to Town bond policy, the Bond provided shall be a Letter of Credit and/or a Cash Bond. The form of the bond shall be approved by the Chairman or Commission.
11. All conditions of approval from the February 20, 2008 and April 16, 2008 approval shall be listed on the final signing Mylar's except the conditions of approval that have been modified by this approval.
12. Any approval or condition of approval on February 20, 2008 and April 16, 2008 are subject to Town Engineer, Director of Public Works and the Administrator of Land Use review and approval are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
13. Prior to Town Official signing Mylar's, 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.

Minnich: Is there such a motion? Is there a second? Any further discussion?
Hearing none.

Masayda: Why are we not approving outdoor lighting in fields 2, 3 & 4?

Minnich: Well A is not requested and B the conversation that under our special permit reviews that would not be in conformance but we thought that the neighborhood in that area should have. Any further conversation?

Dupliese: No. 4 it says alternate field #4 that the high school is approved with a 2 to 1 steep slope 75 foot high subject to final review. When you say 2 to 1 steep slope we approved the 15 foot drop with the 8 foot elevations and that has not changed. We are stating it as a 2 to 1 we are not approving an actual 2 to 1, 75 foot drop we are approving it as was presented.

Minnich: Why don't we change that then?

Dupliese: I just want to make sure we are not changing it to 2 to 1 because that is a major difference. It is not a 2 to 1 it is a tiered.

Minnich: Why don't we make this the suggestion then #4 read the alternate field #4 located at the Southwest corner of Watertown High School is approved as presented by the applicant with a 75 foot high slope subject to final review and approval of the Town Engineer , Director of Public Works and Administrative Land Use.

Dupliese: As long as it is going to be what we agreed that terrace slope. I just want to make sure we are not going to have continuous 2 to 1 that are all.

Berger: The detail as described is attached to my memo you got tonight that shows the 2 to 1, 15 foot bench with all the other details.

Minnich: And what they presented is what you approved. Correct. The person who made the motion was who? Would you amend your motion to include the amendment that we just made for item #4?

Mancini: I will amend my motion to include the condition #4.

Minnich: Is there any further discussion?

Martin: Yes Dave if I may, on the sidewalks so we are saying now that it is concrete sidewalk all the way to French Street?

Minnich: Yes.

Dupliese: We had talked about the French Street whatever they were going to build on French Street as being concrete and that the front of the school was going to be concrete but I did not think that from the school out to French Street was concrete.

- Mancini: I thought that was concrete and the back and sides was going to be asphalt.
- Dupliese: We had talked about the plowing and we agreed my recollection of the discussion was that the front entry of the school will be concrete. The new sidewalks that tie into French Street left and right would be concrete.
- Minnich: Let me put for clarity if this is not a fair statement correct me there were a few people some members of the Commission who spoke on that topic. There were other members of the Commission who didn't say anything with regards to it. There was no vote taken there was no consensus taken. Everyone said what they were going to say. Tonight is the time to take the vote.
- Martin: So if we want that changed now is the time to make your recommendations. Also the bus drop off area was all concrete too. That was proposed and that is what they are saying. That is still in front of the school whatever effects French Street but what is in question right now is just the sidewalk from French Street to the school. I recommend doing that in asphalt. I don't think there is a problem doing with asphalt. That would be my amendment.
- Minnich: Is there a second? There is an amendment second to on the area from a little ways into French Street that is into the school bituminous. Well my discussion is that our regulations say concrete we have been we all know what happens with bituminous concrete it terms of its maintenance. My view is that going into the school and everything that is being done at the school this is the gateway that people see what they have. And our standard and we have well before me coming on this board and you have also heard the issues and discussion that this Commission has had and all our predecessors about concrete sidewalks the appearance and functionality we have spent a lot of time and defining what those are I think this obviously this is the gateway to the school and I think my own view is that should stay that way as concrete.
- Masayda: I agree with Dave and also the long rimmed projected cost it would probably be cheaper.

Minnich: It probably would.

Russ: I agree.

Mancini: I agree to it is the gateway into a brand new school area and I think that we should be proud of the way it looks and everything else and in the back I really don't care about the asphalt in the back or whatever but someone coming in for the first time. I think it should be concrete where it is not going to get chopped up with a plow and look terrible in a couple of years and we are going to have a brand new artificial turf field there, synthetic field out in front and I think it would just enhance the appearance of the whole building and I know it costs more money but.

Minnich: Is there anybody else who has a comment?

Blais: I think for safety purposes these sidewalks are going to be used more than any sidewalks and as far as safety they should be concrete.

Martin: Does anybody remember the cost differential between the two?

Dupliese: And since we don't go by cost then the long term effects on the money don't come into the equation is my recollection of the conversation that these are not city plows that come in these big tri axles that come in here to plow. The Board of Ed has their own plows if I am not mistaken. I mean these are small trucks that plow taking the curbs away was not a major deterioration of the bituminous asphalt curbs.

Minnich: Any other comments? Hearing none. Do we all understand the motion? We do. We are running on the amendment only. Carol would you please call the roll. The amendment is that we have asphalt from a little ways in from French Street to interior to the school. That's the motion.

Minnich: On a vote of 2 in favor and 5 opposed the motion is not approved.

Minnich: We are back to the main motion is there any further discussion? Mike is you going to vote or not.

Dupliese: I did have a comment before we voted. But I did have on more comment. Was in #2 it says field #2 is approved as a natural grass turf field but they the option to come in as a synthetic field if they come to us for approval.

Minnich: They have to come to us for approval and the same rules apply as they came now. We have to consider whether we want to accept their application so forth and so on. As you recalled just for clarity for the record there is no obligation on the part of this Commission to accept any application and resubmission of an application within six months of having made judgment on the prior application. Any further discussion? The vote is on the main motion. Carol would you please call the roll for the purpose of recording our votes.

Minnich: On a vote of 7 in favor non opposed the motion is approved.

Text of motion is approve special permit #239. Motion made by C. Mancini and seconded by R. Russ. All in favor and none opposed.

Minnich: Let me for the record and one who wishes to take this opportunity may do so we are required under state law to indicate the reasons if we wish to place on the record as to why we have not approved an item one of which is the artificial turf on field #2. My reason for doing it for taking my vote for the record in case there is judicial review is the applicant did not provide the required documentation for the drainage and under drainage systems. Further the requirement for the bonding is that the request does not comply with our regulations that we have established for bonding projects and that the proposal made by the applicant was not bound to be functional by the bonding company as well as our Attorney Warren Hess. And also the concrete sidewalks all of which we approved part of it but the reasoning for that is under our special permit requirements or review is that the public safety and of the sidewalks as we have presented is why I approved the issue so it is under special permit that I did those approvals. Anyone else want to make comments?

Blais: I agree with your comments.

Minnich: Is there anyone else who wishes to make comments for the record?
Hearing none.

Text of Motion to have asphalt in front of school on French Street.
Motion made by G. Martin and seconded by G. Dupliese. All in favor and none opposed.

Text of Motion to approve special permit #239. Motion made by C. Mancini
and seconded by R. Russ. All opposed and none opposed.

Minnich: **The next topic which is item #2 which is the Board of Education Joe DiCarlo, Kaestle Boos, Special Permit #241 for site plan modification for educational use additions and renovations to Polk School, 435 Buckingham Street, Oakville at R-12.5.**

Before you is a draft motion for Polk School that was prepared by Ruth Mulcahy and reviewed by staff and this afternoon I reviewed it. No one else has seen this motion of approval before tonight. The reasoning for making that statement is that we are not allowed as multiple Commissioners to review these plans of approval prior to the evening and that the courts have ruled that negotiating this plan. Also the reasoning what we read is long for the section whereas and define all the plans and so it is clear to all and be on the record as to what document we are approving so that when there is further review by all that is the document to which we use for our judgment and consideration.

On here there were on Polk School 4 items, three which were originally presented to us we added the bus loop which I understand tonight is the school also was adding that at least that was what they made in their presentation. The concern is for the 4 issues regarding sidewalks that the sidewalks along Buckingham Street in front of the school are concrete and those that are to the west and south of the school building may be bituminous.

That the parent drop off loop for Buckingham Street to the parking area shall be one way and a proposed traffic sign shall be submitted to the Director of Public Works.

On number three issues was the roof mechanicals be eliminated for screening that is approved and that roof mechanicals should be painted or should match the trim of the roof collar.

Next the issue of the bond is the same we discussed that in the last motion.

And the rest are all straight forward. The rest are standard language any comments on any of these?

Martin: This student drop off but I am telling you that, the schools are moving forward to be completed locked down even at the start of school having everybody coming in a central location it's the way of the future. Unless you force that issue and to force that issue you got to give them a cueing area to drop the children off it really ought to be going out and not coming in. I cannot stress that enough. I guess I will just let this vote go the way it is on no.2 and I will vote against it.

Minnich: Is there any other discussion before I read?

Masayda: The mechanicals they are not seen from Buckingham Street and French Street?

Dupliese: Again it was the same thing Mike they gave us a nice presentation

Blais: His reasoning is the preexisting school. You are limited to what you could do. If you were building a brand new school then you could do it as you request but this is an existing school with existing streets.

Martin: You are changing the traffic direction now with this project you are changing the traffic direction this is your opportunity to make it the right way you are already doing that you are making this bus drop off you making the parent drop off. I am telling the future is going to be that way and you are going to be sorry that you are not forcing everybody into one door. You will come to that conclusion at some point in time.

Russ: The school bus drop off at Polk School already exists and no parents were allowed to go in where the buses go. What we just added on is a lower parking system so that the cars still can't go back into where the cars are coming in from it cuts out the confusion.

Martin: It does separate the two.

Whereas the Watertown Planning and Zoning Commission (hereafter Commission) received a Special Permit #241/Site Plan application to modify the conditions of approval to change the sidewalks from concrete, to define the rooftop screening, and to eliminate bonding which includes a Site Information Plan L0.01 dated 2/21/08 with a final revision date of 3/3/08. Property and Topography Survey B1 – B3 dated 10/5/07, Site Demolition plan L1.01 dated 2/21/08 with a final revision date of 3/3/08, Site Layout Plan L2.01 dated 2/21/08 with a final revision date of 3/3/08, Site Materials Plan L3.01 dated 2/21/08 with a final revision date of 3/3/08, Site Grading Plan L4.01 dated 2/21/08 with a final revision date of 3/3/08, Site Planting Plan L5.01 dated 2/21/08 with a revision date of 3/3/08, Alternate Bid Item #1 Athletic field Layout Materials and Grading Plan L6.01 dated 2/21/08 with a final revision date of 3/3/08, Site details L8.01 – L8.03 dated 2/21/08 with a final revision date of 3/3/08, prepared by Kaestle Boos Associates, Inc. 416 Slater Road, New Britain, CT;

Whereas the Commission convened public hearings and held meetings on this application on 4/9/08 and 4/16/08;

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission APPROVES Special Permit #241/Site Plan application to modify the conditions of approval (1) to change the sidewalks from concrete, (2) to define the rooftop screening, (3) to eliminate bonding, and (4) clarification of driveway travel direction

located at 435 Buckingham Street in an R-12.5 Residential District with the following modifications and conditions:

1. All sidewalks along Buckingham and French Streets and in front of the school shall be concrete and comply with Town Sidewalk Standard Detail. Sidewalks to the west and south of the school building may be bituminous.
2. The parent drop off loop from Buckingham Street to the proposed parking area shall be one way in and a proposed traffic signage plan shall be submitted to the Director of Public Works and the Town Engineer for final review and approval.
3. Roof mechanicals shall be painted to match the trim or roof color subject to review and approval of the Town Engineer and Administrator of Land Use. The elimination of screening roof top mechanicals is approved.
4. All conditions of approval from the February 20, 2008 and April 16, 2008 approval shall be listed on the final signing Mylar's except the conditions of approval that have been modified by this approval.
5. Follow the recommendations of the Town Engineer in a memo dated 4/16/08.
6. A bond shall be posted for all public site 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. According to Town bond policy, the Bond provided shall be a Letter of Credit and/or a Cash Bond. The form of the bond shall be approved by the Chairman or Commission.
7. Any approval or condition of approval on February 20, 2008 and April 16, 2008 are subject to Town Engineer, Director of Public Works and the Administrator of Land Use review and approval are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
8. Prior to Town official signing Mylar's, 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.

Minnich: Does somebody wish to make that motion? Is there a second? Is there any discussion?

Mancini: On #2 I have to agree with Gary I don't think the Board of Education has a problem either way of getting in or out. It really does not make a difference with them to which way we vote on this. But I had in my mind for months now that I wanted to avoid stacking on Buckingham Street and I understand Mr. Cavanaugh's concern about kids walking out in front but I am concerned about the stacking if you are having the entrance way coming in off of Buckingham Street the first car is going stop right as soon as they get there the close for their kids to get out and run into the school everybody is going to be stacked up in back of them whereas if we came the other way they will be able to go around and they would not have the stacking problem I do not agree with #2 I think it should be out not in. I would make my motion to amend.

Minnich: Item #2 so that the drop is out instead of in reversed. Is there a second to that motion? Is there any further discussion?

Martin: If you look at the distance between French Street and where this entrance is there is a traffic light there. You start stacking cars somebody is coming down Buckingham Street trying to make that light not realizing that people have parked there waiting to get into that turn. I mean you are asking for rear end collision there it just don't want to back traffic up that close to an intersection in that area of the school. You should be coming in the second way down and that's the last I will say about that.

Masayda: During peak school hours you don't want to have two driveways approximately 50 feet apart from each other you are asking for trouble. Buses will not be able to get out because parents are probably are trying to get out. I think this is way our Professional Engineer staff of the town has decided, that this is the best solution I

think we should go with their recommendations. This is their expertise this is what they do and I feel they made the right decision on this to avoid potential accidents with the two adjacent driveways next to each other.

Russ: I also believe town staff made the right decision with two lanes of traffic coming off Buckingham Street into the drop off for the parents and their cars; it gets traffic off of Buckingham Street actually better I don't believe they are just going to pull off the road and stop. I think they go down as far as they can to get the kids off and out of the car and continue to go to work. I watched this traffic volume for years working across the street and really in the best interest and safety of the kids to have one way in and let the cars go down and one way out. You have to go both ways; it could have not been said better. The way Mike put it if a car is trying to come out and buses trying to come out and the buses are going to go right and the car wants to go North you are going to have a real issue of blocking up that entrance and you will have stacking on Buckingham Street. So I think you are just reversing what town staff has said.

Dupliese: In a funny way I kind of agree with Mike but for a different reason. I agree with you there should be two driveways 50 feet from each other. Unfortunately this site did not lend itself to any other configuration and there ends up to be two driveways 50 feet from each other and whether there is one coming in and going out or both coming out or the reverse it still makes for a nasty situation. If the cars are stacked up on Buckingham Street then buses cannot get out. So the buses are going to be stacked out on French Street trying to get in to the parking lot but they cannot get in to let the kids off because the cars will not let the bus out. So I think the thing is we want to funnel them all in one place and if we make it that there is no entrance to the school outside of the front door and no more drop off on French Street. Because they are not going to drop them off on French Street if there is nobody there to walk them to the front. And we force them all to come in the southern end of that parking lot and drive out so that it is an exit back out onto Buckingham Street rather than an entrance. I think that's the way we should force them so that all the kids will all go in get dropped

off. The bus kids and the drop off kids will all come into the front door rather than the side door. I think that would be the perfect world. Force everybody to go one entrance and that way it ends all the confusion.

Blais: I think Mr. Cavanaugh put a lot of thought into this and a lot of common sense and agree with him and I agree this proposal.

Martin: If I remember I have just two things. One Mr. Cavanaugh came and presented it to us his thought process he gave us was the hazard of children getting out of the back of the vehicle and exiting into the path of cars coming through. I did not hear him say anything about the area at Buckingham Street if I heard him correctly. But here is a potential way to make everybody with this thing is. The exit if you turn it around and go with what my proposal is and put a right hand only turn at that intersection where you are forcing all cars to go right it is easy to go around the block to get back going the other way and you put a sign there so anybody does goes out and tries to make a left hand turn the person at fault in that accident if there is an accident going to happen is going to be the person making that turn.

Russ: I would just like to reinter ate French Street the way I heard it. School staffs that are going to have people out there bring the kids in from French Street into the side entrance of the school. I still believe if you can eliminate the amount of cars that go into one congested area in the front and have a lot of the people exit their children on French Street you are going to eliminate that congestion.

Mancini: What Ron is saying I don't believe I heard that from the Board of Education or from Kaestle Boos that there is going to be someone there on French Street to walk the kids around. I did not hear that.

Martin: I think their goal is to get everybody entering the same location which is really what is happening at all school systems today.

Minnich: I think we are ready to vote on this. Let me restate this clearly the motion is to keep the proposal as presented in the original motion except that the words one way in be subject one way out. Carol would you please call the roll for the purpose of recording the vote.

Martin: I would like to make another amendment. I would like to go with the same amendment that was made by Mr. Mancini except having a right turn only arrow.

Minnich: You may not. The chair will rule that you may not have another vote on the fact that is one way out. That decision is done. You may make a motion for a right turn but you may not repeat the motion again. We have already voted and it is not to be repeated again. We have already voted and it is not permitted to vote again.

Martin: That was the reason I voted no was because I felt like there was a need to have a right turn only arrow there to get a away from what Mike is saying and to make it a safe exit nobody is trying to cross traffic. Then can I have it reversed.

Minnich: No you cannot do that but the Commission by a two thirds vote.

Martin: I want to go on record as saying I changed my vote to yes. That I go with Mr. Mancini and Mr. Dupliese because I think it is going to be an accident waiting to happen doing it the way you are asking.

Minnich: That is in order because we have not gone to the new topic. So changing the vote now is 3 yes and 4 no. The amendment is not approved. No we are back to the main motion. Is there any further discussion? Hearing none. Carol would you please call the role for purposes of recording the vote.

Text of Motion to keep the proposal as presented in the original motion except that the words one way in be substituted to be one way out.

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

On a vote of 2 in favor and 5 opposed, the motion is not approved.

Text of motion the same amendment that was made by Mr. Mancini except having a right turn only arrow.

Mr. Minnich said this motion is not allowed.

Mr. Martin changed his vote from no to yes – because he thinks it is going to be an accident waiting to happen.

Note now is 3 in favor, 4 opposed the amendment is not approved.

Text of Motion to approve special permit #241.

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

On a vote of 6 in favor and on opposed - the motion is approved.

Minnich: We need to take a moment to talk about things for the record. Before we go to the next one here. The reason why I did not regarding the requests for all the sidewalk relief I gave the same reason I gave the last time is that I believe it is in the public safety under special permit authority I did not approve all of the applicants request. Also regarding the bond policy that is the policy of the town and under our guidelines that is what we follow and repeat the same reasons I gave in the prior main motion of approval.

The bus drop off motion of #2 I approved under special permit review and also that was in my judgment in the best interest of public safety.

Dupliese: My first concern here is the health and safety of the kids. And the kids go into the school and I think this is a major accident waiting to happen. If it is ever going to happen is a matter of when. I want to go on record I voted no I don't know what we would do in the future to change this or how difficult in the future to change this from out only to an in only.

Martin: I voted yes because I believe in the project but I absolutely agree with Mr. Dupliese this is a mistake that we are making on this entrance.

Minnich: Is there any other comments for us and the potential judicial review?
Hearing none are we ready to move on to the next?

Minnich: **The next item which is the application of the Board of Education, Joseph DiCarlo, Kaestle Boos, Special Permit #240 for site plan modification for education use addition and renovations to Judson School, 124 Hamilton Lane, Watertown, in a R-30 district.**

Using our same process before the northern section of the island on proposed bus loop connecting the adjacent sidewalks to the north, additional sidewalks shall be constructed at the northeast portion of the island of the proposed bus loop connecting adjacent sidewalks. Sidewalks adjacent leading to Hamilton Lane and leading to Hamilton Lane shall be concrete, concrete curbing, and the sidewalks to the east of the school building may be bituminous all this adjacent to Hamilton Lane and Hamilton Avenue shall be concrete. We talked about that landscaping with a 12 foot wide island within the bus loop that shall have a fence or be landscaped subject to review and approval by the Town Engineer and so forth and the twelve foot wide island shall be paved with stone pavers or stamped concrete to review and approval of the Town Engineer. Ruth I do not understand how it could be both. Could you help us a moment with that.

Next the 20 foot wide island shown on #2, the 20 foot wide island shown in the parent drop off area shall be landscaped in a detailed landscaping shall be submitted and subject to review and approval by the Town Engineer then a detailed landscape plan remaining required 22 foot wide landscaped buffer and you will show us where that is. Shall be submitted for review and approval by the Town Engineer.

The traffic island located at the entrance driveway shall be paved or stamped concrete.

Roof mechanicals are eliminated at the request to have eliminated to have them is approved and the same issue with color of them with the trim.

And the parking plan is approved which includes the reduction to with a six feet along Hamilton Lane.

Then the parent drop off and faculty parking access way onto Hamilton Lane shall be reduced to a right turn only and the driveway width shall be reduced 6 feet to accommodate this change to be in harmony with neighborhood as requirement of special permit.

Next the bus loop and visitor parking area shall be limited to one lane in and one lane out and the width shall be the minimum necessary to accommodate and allow a school bus to enter next the property. And that shall be in harmony with the neighborhood as required under special permit.

Number 11 is the bond issue and the rest are all standard stuff.

This one we had on Judson 5 or 6 issues and I think we have addressed all of them. Are there any comments before I read the motion?

Martin: I was told at the last meeting it was 6 foot wide it is twelve foot wide?

Ruth: Six foot on each side if they put up a fence it was twelve feet wide on the plan.

Dupliese: Six foot wide on each side of the fence. My recollection of that is was a twelve foot wide island and it was going to be separated in the middle with the fence and it was going to six feet on each side that being the case.

Minnich: Could you tell if it is twelve foot wide or that is the issue whether it is six foot or twelve?

Dupliese: 8 feet total.

Mancini: What is the width on the parent drop off island?

Dupliese: 8 foot spacing it's twelve foot.

- Russ: The bus drop off was reduced to no planting. This one here is reduced.
- Minnich: The question if it is 8 feet wide and were suggesting that the fence and landscaped. Ruth could you help me with the second sentence which says that same island shall be paved with stone pavers. How can it be both?
- Mulcahy: It is giving you the option if they want to put in a fence or plantings they can do.
- Minnich: I understand that but the second part of it there also saying can be paved.
- Blais: With stone pavers only.
- Dupliese: To put it in the layout position and they call that a stone paver.
- Minnich: So what we saying in this motion is here is that it is saying they can do fence, they can do the landscaping or they can do the paved pavers that is what they are saying in so many words. Eight foot wide island.
- Dupliese: I would like to ask this I know I like the option I know that the parent groups like to put flowers and stuff like that. I am only asking that it be done with stone pavers because if we do the stone pavers and the parents group wants to put flowers and stuff you can always pick up the stone paver and do plantings but if you pave it we have no option to do that. We can't do that at a later date.
- Blais: Kids can pick up stone pavers to.
- Martin: It would be difficult.
- Minnich: I thought that the issue was the reason that they last talked to us regarding the fence was to assist in guiding people to use the

crosswalks rather than doing that. I was convinced of the idea of the fence the rest of this I am not following.

Dupliese: Rest of what. There is an island like this they are putting a fence in the middle of it.

Minnich: Let me be real clear on this. They are not necessarily putting a fence they don't have to put a fence. And what I am trying to get at that we require the fence. Right now it is not required. They proposed it with a fence I am suggesting to keep that proposal our statement here does not say it is required.

Dupliese: It shall have a fence or be landscaped subject to review and approval of the Town Engineer.

Minnich: And or the next sentence says.

Dupliese: And or be stamped pavers or stamped concrete.

Minnich: So I was narrowing in on the only on the fence I was saying it should have a fence. I don't know about the rest of it.

Dupliese: That was my understanding that there was going to be a fence whether it be landscaped or not was going to be to direct them to one side or the other.

Minnich: I think Glen you and I are saying the same thing we are not listening to each other. The fence is what they proposed I am suggesting keeping the fence. The language that is here does not require the fence. I think we should change the language prior to this. Now the rest of it I will leave up to you guys whether it should be paved or landscaped or whatever.

Russ: How high would this fence be?

Blais: Three foot, two foot.

Russ: Didn't they say something about we can only get reimbursed if it is a six foot fence?

Dupliese: No that was a different spot. In this one I believe in Mr. DiCarlo's words were that it was going to be a 2 ½ foot high like a guard rail type fence to try to get the kids to go one way or the other. And the only thing I am saying is I like the idea of the fence but I just don't want to pave the area I like it left open to the concrete pavers only that if a parents group wants to put shrubs in at a later date at their own expense that the possibility is there rather than having another paved island in the front. I much rather have plantings.

Minnich: I hear your point. Anyone else?

Martin: Can we mandate them not using like the guard rail fence but use the posts?

Minnich: We can if we wish?

Martin: 12 by 12 posts with dowel through.

Minnich: Low stockade kind of fence.

Dupliese: Like they have at Sylvan Lake. The 12 by 12 with the wooden rails through it so that it is not...

Martin: I mean this is the front of the school you want it to look. I think that and we should put pavers.

Minnich: I am going to need once again remind people in this room there is one conversation only please. Thank you very much. Is there anybody else who has comments on this?

Mancini: I think you have to do is say shall have a fence and whatever type and be landscaped subject to review and then on the bottom this wide island shall be paved with stone paver or stamped concrete.

Minnich: I think that last sentence should be incorporated in the first so that it can be. If I understand our conversation and needs to be a fence, a wooden fence, approximately three feet high and that it can be landscaped or stone pavers.

Mancini: It can be landscaped subject to review or paved with stone pavers or stamped concrete.

Minnich: Anything else? Alright let me read it then. Nothing else then.

Whereas the Watertown Planning and Zoning Commission (hereafter Commission) received on March 19, 2008 a Special Permit #240/Site Plan application to modify the conditions of approval to change the sidewalks from concrete to pave the landscaped island to add a parking sketch for 240 feet of parking along Hamilton Lane, to eliminate rooftop screening and to eliminate bonding of the project located at Hamilton Lane and Hamilton Avenue, for Judson School, 124 Hamilton Lane, Watertown, Ct, Applicant Todd LoFrese, 10 DeForest Street, Watertown, Ct in a R-30 Residence District which includes a Site Information Plan L0.01 dated 2/21/08 with a final revision date of 2/26/08, Property and Topographic Survey B1-B3 dated 10/05/07, Site Demolition Plan L1.01 – L1.02 dated 2/21/08 with a final revision date of 2/26/08, Site Layout Plan L2.01- L2.02 dated 2/21/08 with a final revision date of 2/26/08, Site Materials Plan L3.01 – L3.02 2/21/08 with a final revision date of 2/26/08, Site Grading Plan L4.01 – L4.02 dated 2/21/08 with a final revision date of 2/26/08, Site Planting Plan L5.01 – L5.02 dated 2/21/08 with a final revision date of 2/26/08, Alternate #1 Athletic Fields Layout and Materials Plan L6.01 dated 2/21/08 with a final revision date of 2/26/08, Alternate #1 Athletic Fields Grading and Under drainage Plan L6.02 dated 2/21/08 with a final revision date of 2/26/08, Site Details L8.01 – L8.03 dated 2/21/08 with a final revision date of 2/26/08, Turning Radius Study Judson Elementary School dated 4/9/08 prepared by Kaestle Boos Associated, Inc. 416 Slater Road, New Britain, Ct;

Whereas the Commission convened public hearings on 4/9/08 and 4/16/08;

It is therefore resolved that the Watertown Planning and Zoning Commission Approves Special Permit #240/Site Plan application to modify the conditions of approval (1) to change the sidewalks from concrete, (2) to pave the landscaped island in the bus loop, (3) to add a parking sketch plan for 240 feet of parking along Hamilton Lane, (4) to eliminate rooftop screening, (5) to eliminate bonding of the project and (6) to review the entrance ways and curb cuts in front of the school accessing Hamilton Lane and Hamilton Avenue, Applicant Todd LoFrese, 10 DeForest Street, Watertown, Ct, Inc. in a R-30 Residence District with the following modifications and conditions:

1. Sidewalks to the east of the school building may be bituminous. All other sidewalks adjacent to Hamilton Lane and Hamilton Avenue shall be concrete constructed to the Town Standard Sidewalk Details. An additional sidewalk shall be constructed at the northern most section of the island of the proposed bus loop connecting adjacent sidewalks to the north. Sidewalks adjacent to Hamilton Lane or leading to Hamilton Lane shall be concrete with concrete curbing. The concrete sidewalks shall be constructed to the Town Standard Sidewalk Details.
2. Landscaping will not be required for the 8' wide island shown within the bus loop. This island shall have a wooden fence approximately 3' high and may either be landscaped or have stone pavers only subject to review and approval of the Town Engineer, Director of Public Works and the Administrator of Land Use.
3. The 20' wide island shown in the parent drop off area shall be landscaped and a detail of the landscaping shall be submitted and subject to review and approval of the Town Engineer and the Administrator of Land Use.
4. A detail landscape plan of the remaining required 22' wide landscape buffer shall be submitted for final review and approval by the Town Engineer and the Administrator of Land Use.

5. The traffic islands located at the entrance driveways shall be paved with stone pavers or stamped concrete as approved by the Town Engineer and Administrator of Land Use.
6. Roof mechanicals shall match the trim or roof color subject to review and approval of the Town Engineer and Administrator of Land Use. The elimination of screening rooftop mechanicals is approved.
7. The parking plan for 240' along Hamilton Lane to Hamilton Avenue shall be reduced to a width of 9' along Hamilton Lane for parallel parking area.
8. Follow the recommendations of the Town Engineer in a memo dated 4/16/08.
9. The parent drop and faculty parking access way onto Hamilton Lane shall be reduced to a right turn only and the driveway width shall be reduced by 6 feet to accommodate this change and to be in harmony with the neighborhood as a requirement of Special Permit subject to final review and approval of the Town Engineer and the Director of Public works.
10. The bus loop and visitor parking area shall be limited to one lane in and one lane out and the width shall be the minimum necessary to accommodate and allow school buses to enter and exit the property and to be in harmony with the neighborhood as a requirement of Special Permit and the final plan will be subject to review and approval of the Town Engineer and the Director of Public works.
11. A bond shall be posted for all public site 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. According to Town bond policy, the Bond provided shall be a Letter of Credit and/or a Cash Bond. The form of the bond shall be approved by the Chairman or Commission.
12. Any approval or condition of approval on February 20, 2008 and April 16, 2008 are subject to Town Engineer, Director of Public Works and the Administrator of Land Use review and approval are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

13. All conditions of approval from the February 20, 2008 and April 16, 2008 approval shall be listed on the final signing Mylar's except the conditions of approval that have been modified by this approval.

14. Prior to Town official signing Mylar's, final plans shall be submitted for approval and accepted for approval by the Town Engineer and the Administrator for Lane Use/Zoning Enforcement Officer, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

Minnich: Is there a motion? Is there a second to that motion? Is there any discussion?

Mancini: I think we went a little fast is there anything else? #7 I brought that up at the public hearing I was wondering if any of the other Commissioners wanted to discuss this or not? As far as the 8 foot wide instead of 6 foot wide? I think for safety reasons we should stick with the 8 foot wide instead of the 6 foot wide. Like I said 6 foot wide the car is wider than 6 foot wide it goes on the outside of the car to the road to get into the car it's an accident waiting to happen there as far as safety is concerned. So I would recommend we change that 6 foot along Hamilton Lane to 8 feet.

Minnich: What would that result in terms of the trees? Are we going to lose a couple more trees?

Martin: I think it will wipe out every tree that is there where I am standing if I remember correctly.

Berger: I believe it requires the removal of 3 more trees for a total of 6.

Mancini: If you could remove 3 more trees you have 2 feet of width more and it is that much safer for children I think it is worth 3 more trees.

Blais: I agree with Carl. I love trees but I agree to get those cars off the travel portion of the road.

Minnich: Is there anybody else on comment on this subject?

Dupliese: Parking space and the parking lot are how wide?

Berger: Nine feet.

Dupliese: And we are proposing adding 6 feet which means that the cars that are going to park there are now going to be pushed out further into the road that's tight already. In my opinion I say forget the parking spaces on that row just widen the road to six feet because it is already a tight road to begin with, I think we are just asking for problems. I know we want the parking spaces either we make it a full parking space or we don't. We do not want to make that road any more narrow, Hamilton Lane is narrow to begin with either we move it out to the 10 feet which is a proper parking space and get the cars off and not make that road any narrower or we just eliminate, make it the 6 feet and just make the road wider for parking spaces.

Blais: Based on your comments I did not understand that we were reducing the road we were just talking about the parking plan.

Dupliese: The parking plan is that you have the road here and there are making an access way over here. And they are making it 6 feet but when you park a car there the car is going to be parked what is the existing road because a car cannot park in 6 feet unless you are driving a Hyundai.

Minnich: What I understood is that it says here is for parallel parking area.

Dupliese: Yes so when you are parallel parking your car is not enough. You will be sitting in the travel portion of the road.

Blais: It is a new regular line he said an average is 6 foot your car is going to be in the travel portion and then they are going to open the door and the door is going to be further in the travel lane.

Dupliese: Part of your car is going to be in the existing travel lane of the road that it is now. Me I much prefer again I am on the side of safety either we go for the 10 feet and take the trees out and we will plant new trees. If I have to I will go get 6 more trees and I will plant them. I will stay on the side of safety make it 10 feet with the cars there off the road or take the 6 feet and make the road wider to make it safer for the buses and cars traveling on that road.

Martin: I would agree in making the spaces wider. If we are losing more trees than I would also ask for some trees to be planted along to continue the buffer that exists there from the houses there on the other side of the street. In other words now we are taking down now 6 trees instead of 2 or 3. I asked for some evergreens or something to be planted along.

Minnich: When you are thinking of that isn't, that whole field is a playing field so why would we want to plant trees further in outside of the roadway in the playing field?

Martin: I believe you have got the road to be able to plant some trees in that area to give a buffer, if you are going to take out all those trees now the people who live on the other side of the road are not open to it.

Minnich: I understand your position I am only making the comment that I thought the trees that are there now are all in or near the town right of way for the road. Your suggestion is obviously for those to go but replace them by putting trees further in the property. And my comment is that is a playing field.

Blais: If there is room.

Dupliese: I just want to see the site plan we don't have one in front of us? If I remember correctly there is a good barrier there. Can I take one second to look at it and everybody will be clear.

Cavanaugh: For the record Roy Cavanaugh the Director of Public Works. Do I have an opinion on the parking spaces and the width?

Russ: The actual width of the road where we are talking about cutting the trees the actual 6 feet and where it is represented is widening the road 6 feet or parking lot 6 feet. I think there is some confusion here on where the distances are?

Cavanaugh: I know what the intent was I don't know which is shown on the plans before I address the question. I would like to see what they actually proposed. I can say for the record that that the road width there right now does meet our standards that we were looking to do it. I can state for the record that the residents living across the street who we talked to did want the trees to be left in place of the maximum set possible. I can state for the record a at least one of those trees out there is almost in the road right now and regardless what happens that tree should probably come down for safety reasons. There is room off the exited road there is a screen of trees and there is an interior like parking area and then there is a wooden fence and then there is the playing fields. So should the Commission decide to require new screening trees to put there? I do believe there would be room and last but not least the reason we are seriously pushing for the idea of getting parking, numerous members of the public expressed the concern about parking Hamilton Lane and Hamilton Avenue in that area during athletic events in particular. We are trying to provide them some relief to the best extent that we could without destroying the park like atmosphere of it. And I don't know if the drawings show it my intent to widen out the road plus get the parking so you would have the actual parking place plus the shoulder and then the travel width, but I don't know if that is what shown on the plans right now I cannot make that representation.

Minnich: Does that answer your question Ron? Does anyone else have any; does somebody want to make an amendment to this because the motion is on the floor as it stands in front of you?

Mulcahy: This looks like it.

Russ: Can we look at the map for a second?

Mancini: Reduced to 6 feet.

Mulcahy: If have to remember there is no landscape buffer for the land use.

Minnich: Are we all set?

Martin: If we want to make an amendment to 7 we should be making it now?

Minnich: Yes. Carl wants to try to do that. Carl do you want to make a motion to amend?

Mancini: I am going to make a motion to amend #7 to shall be reduced to width of 10 feet along Hamilton Lane for parallel parking.

Minnich: It is proposed as 8 so you would be additional 2 feet.

Mancini: Instead of 8 feet extend it to 10 feet.

Minnich: So that the parking plan for 240 along Hamilton Avenue shall be 10 feet along Hamilton Lane for parallel parking area.

Dupliese: If that is what the code is for parallel parking I ask for parking in a parking lot but you know the codes better than I do is 8 foot acceptable for parallel parking?

Minnich: If it is 8 feet we just need to eliminate.

Berger: The regulations say 9.

Mancini: I will amend my motion against parking plan for 240 feet along Hamilton Lane to Hamilton Avenue shall be extended to 9 feet along Hamilton Lane for parallel parking.

Minnich: Let me be clear, it is not extended but shall be 9 feet along Hamilton Lane for parallel parking and 8 foot white pine to replace the trees that were removed.

There is a motion and a second does everyone understand the motion the amendment and the second. Carol would you please call the roll for the purpose of recording our votes.

Text of Motion is to amend width of parking to nine feet. Motion made by C. Mancini and seconded by: G. Martin. All in favor and none opposed.

Text of Motion to approve special permit #240. Motion made by R. Russ and
Seconded by G. Dupliese. All in favor and none opposed.

Minnich: Let me for the record indicate reasons in case this goes to the judicial review. I approved the concrete sidewalks under special permit in that sidewalks are as approved are a public safety to the project. I approved the landscaping in items 2, 3, 4 and 5 also special permit in that they would improve the appearance of the property from the street and adjoining neighbors. Same comments on the bond policy as I talked about in the other two application that we approved and lastly that the approval for the bus loop and visitor parking is also I approved under special permit in that they would be done the way proposed is in best harmony with neighborhood and safety.

Is there any other comment?

Dupliese: I voted yes on this one and I know I voted no on the previous one but just for the record I would like to make note that I like to thank the Engineers, the Architects, the School Board, our Acting Superintendent, our Assistant Superintendent there was a lot of work that went into these plans and appreciate all the work that goes into this. It is our kids that are going to benefit from this and I really want to thank you for all the hard work and listening and for bringing us your comments. Thank you.

Minnich: Is there any further comments from the Commission?

Minnich: **The next applicant is Walnut Grove Farm, Emily Jones, Civil One, Special Permit #238 for activity in a 100 year flood plain on Bunker Hill Road and Sandbank Road, Watertown in R-70 zone. Is there a motion to table? Is there a second? Is there any further discussion? All those in favor please say I all opposed please say no. Motion approved.**

Text of Motion to table. Motion made by C. Mancini and seconded by G. Dupliese. All in favor none opposed.

Minnich: **The next one is the application for Walnut Grove Farm, Emily Jones, Civil One, 22 lot subdivision to be known as Southridge Estates at Bunker Hill Road/Sandbank Road, R-70 zone. Is there a motion to table? Is there a second? Is there any further discussion? All those in favor please say I all those opposed please say no. Motion approved.**

Text of Motion to table. Motion made by C. Mancini and seconded by G. Dupliese. All in favor and none opposed.

Minnich: **The next application is Max Larlee, Merger of two lots at 18 Deanna Court and 0 Linden Street, Oakville, Ct in a R12.5 zone. Does the applicant have a presentation?**

Max Larlee 18 Deanna Ct.

I am here in reference of the merger of the two lots 18 Deanna Court and 0 Linden Street.

Mulcahy: Mr. Larlee thought the lot behind his house it came to my attention that they were not merged by deed. I suggested because they were 2 sub division lots that he come to you to look at boundary lines adjustments. He is applying for a pool right now he is just asking for acceptance of the merger. He has filed as of now they have done the deed it is now one lot. And this is just merely an acceptance of his merger of two existing lots.

Russ: Can we make a motion? I would make a motion to accept two lots as becoming one.

Martin: I will second that.

Minnich: Is there any discussion?

Dupliese: One question once this is merged into one lot is there a possibility of re sub of this lot or would this stay as one lot now? Would it re qualify as a re sub at a later date?

Mulcahy: Yes. He would have to come in and re sub divide it. I did not look at the numbers here I am not sure if the lots are qualified to be re sub divided. But he would have to come back. Once you merge lots you lose the two lots and that's exactly what he is doing at this time.

Minnich: Mr. Larlee owns both lots?

Mulcahy: Yes. He bought the one back there so he can have, he is proposing a pool and accessories buildings on it and it is just a simple merger.

Minnich: Is there any further discussion? Hearing none. All those in favor please say I all opposed say no. Motion approved.

Text of Motion to accept application for merger of two lots on Deanne Court and 0 Linden Street, Oakville, Ct. Motion made by R. Russ and seconded by G. Martin.
All in favor and none opposed.

Minnich: Next item on the agenda is item g, Joseph Polletta, Charles Spath, Lakeview Estates Subdivision Application for modification of Lots 2,3 and 4 and elimination of sidewalks within the Lakeview Estates Sub division, 492 Echo Lake Road, Lakeview Drive, Watertown, Ct in R-30/R-12.5 district.

Joe Polletta Oakville

I am sorry my engineer could not come here tonight but I have some plans to give to all the board members. Are these different than what we received.

Mulcahy: Carol made copies of them for the packet Joe. I am sorry I thought this was maybe a different one than the one he had given us for this file. I will take one for the file and look at it here.

Polletta: I spoke with my attorney at that time 2005 Franklin Pilicy, in regard to the road. If it was accepted he told me it's not filed or recorded until the road approved by this Commission and by the council. So nothing is filed or anything.

Minnich: So you have not filed the...

Polletta: Nothing gets filed or approved to the council until the road gets approved by the council.

Minnich: So at the moment you are contingent is that you own the land and not the Town of Watertown.

Polletta: I check with Franklin Pilicy 2005 when it was ...

Mulcahy: We just look at the documents today during a meeting there were some deeds to the Town of Watertown that are not recorded.

Polletta: It is not recorded until the road gets approved by the council.

Dupliese: Is it approved or the road gets accepted?

Polletta: Accepted. I am sorry.

Blais: By the Town Council.

Mulcahy: So the deeds do not transfer.

Polletta: Right

Minnich: I think this matter if it is okay with the Commission I will refer this to our Attorney Paul Jessell to confirm the fact that Town of Watertown does not own or has been deeded the land where the 50 foot width from your road and Lakeview Drive to Mallory Court. That has not yet been deeded to the town. We need to know the fact base first in order to determine whether you can sub divide land and you obviously cannot.

Polletta: The reason of the public hearing last month was that we eliminate the road and we straighten up these lots. But before I did that Frank Pilicy, I asked him if this was recorded and he told me no.

Minnich: I hear that but we need to confirm that is indeed true.

Mulcahy: Can you show Joe where sidewalks are that you want eliminated on this plan.

Polletta: Whatever sidewalks were approved because of the road is no longer there that is not needed but my main concern is that from the beginning when this sub division was approved Town Council they wanted the land around the lake to be donated and construct a trail. At that time I said I was going to do one thing or another I could not afford to both of them. And I do have a motion from the Park and Rec that they suggested we were going to build sidewalks along the road if I was going to donate this land and create the trail.

Minnich: Could you read that to us so it's in the record.

Polletta: I would like to give to each one you.

Mulcahy: I am just wondering which one it is from? Is this from Town Council I did not hear what he said.

Polletta: I will read it says: Ms. Adams made the motion seconded by Mr. Ebert that the Town Council approved a resolution that allowed use of sidewalks from dollars to construct sidewalks from Adams Road to Icehouse Road to Echo Lake Road contingent upon Planning and

Zoning accepting in lieu of sidewalks on Echo Lake Road and Icehouse Road that the developer will be responsible doing the trail around the lake. The Park and Recreation and Town Engineer staff specification and approval and subject to the Town meeting approval. This was a motion done in second and I agreed to that. I said I will do that but I could not do both of them.

Minnich: This is approved by the Town Council?

Polletta: Right. Basically what I am here tonight for is to eliminate the sidewalks, look like I got stuck with two things and I said from the beginning I was going to one thing or another. But at this time I would like this Board to make some kind of decision tonight so I can go on with this.

Minnich: Let me ask a couple of questions. Is that the end of your presentation? What I am reading here is and it is just not ours this is the Town Council. The issue that I understand you are requesting is the relief of doing any sidewalks along Lakeview Road. That the Town Council by this motion has agreed will do the sidewalks along Echo Lake Road and Icehouse Road so that portion of what is not really before us because those sidewalks are going to be done not by you but by the Town Council and in trade of that or in consideration of that you were going to build the trail. Now the issue you have before us I don't believe has anything to do with any of those things but rather has to do with whatever we did and we have to remind ourselves of what we did for sidewalks along Lakeview Road. We can go whenever we had our hearing we agreed that the sidewalks along the Mallory Court extension were eliminated along with the road but we took no discussion and took no action regarding what I understand you are here before us which is Lakeview Drive sidewalks which were never part of any consideration of the Town Council either so that is what my understanding is. Is that a correct understanding?

Russ: If I remember right when the project was first presented to us there was an issue over distance of the road and Mallory and then the width of the road. And we all agreed on the width of the road back

then. It should be in the minutes a 26 foot wide road that he would not have to build sidewalks on Lakeview Drive.

Minnich: Can we confirm in our minutes if that is the action we took? Because I do not recall what action we took regarding what is before us is the sidewalks along Lakeview Drive? And if we already eliminated them then you don't need to be before our us to eliminate them again. But let's confirm that. Do you follow the logic that I have here?

Russ: Part of the decision making was you could build the sidewalks on Lakeview Drive and build the trail and give up the land or do both. So what was decided in our decision making was that he didn't have to do the sidewalks on Lakeview Drive but he did have build the trail and donate whatever land necessary to do that.

Minnich: I don't recall it that way I recall which is that we talked about Echo Lake and Icehouse Road those sidewalks we wanted to have done. The Town Council said we will do those sidewalks and we agreed that was in our motion the trade so to speak or the consideration for him doing the trail. The issue of the sidewalks on Lakeview Drive if I understood my memory and I need to be corrected on this is that we agreed not to do the sidewalks on Lakeview Drive because of the width of the road. That may be wrong and if that is the case then you don't need to be before us.

Dupliese: At the same time when it came in front of the Wetlands Commission we approved it with just the road without sidewalks because we did not take into consideration any of the water from the sidewalks. So we approved it as just Lakeview Drive with no sidewalks because again of not doing the sidewalks either doing the sidewalks here or do them around the lake and again we agreed to the lake rather than the sidewalks over here.

Minnich: So how to proceed here in getting to the late hour we need to ask staff and asking staff to confirm or to give us copies of the motion we approved in regards to the sidewalks along Lakeview Drive that will be a starting point for conversation. The second issue though

that is also before us for a lot line revision within the sub division in order for us to do any further on the issue my judgment is up to the Commission obviously we need to confirm with the Town Attorney Paul Jessell what you said that the Town of Watertown is not the owner of the 50 foot strip. If the town is the owner of the property then that presents a whole other dilemma. So we need to have Town Attorney confirm that.

Masayda: My recollection the sidewalk was not proposed for Lakeview Drive and the elimination of Mallory Court connection to Lakeview Drive is that the developer no longer has to develop the expense of the road however there is approximately 200 feet of sidewalk that we are currently paying for the sidewalk fund that he could put elsewhere on Echo Lake Road to retain that money. I also remember the discussion during the sub division that we did discuss the connection from Mallory to Lakeview Drive and not have any connection from Mallory to Lakeview Drive and that the sidewalk was discussed that pedestrian circulation should be provided even out the road. That the sidewalks should be provided within a town right of way from Lakeview Drive to Mallory Road for people at the upper ends of Adams Road in that neighborhood up there. If they wanted to go to Echo Lake Road they would not have to be cutting through properties and go down the portion from the upper neighborhood up there down to Mallory Road and then having an access way to get to Lakeview Drive. And likewise say the people on Lakeview Drive wanted to go to the high school they don't have to go all the way down Echo Lake Road up Adams Road they can have a access to the Mallory Road up to the high school. So there is a potential to having a pedestrian access for circulation between the two neighborhoods with a sidewalk there or he can take the sidewalk and use it for part of Echo Lake Road so that he can retain some of those funds for the sidewalk fund.

Polletta: Mr. Masayda are you saying to have a sidewalk from the next neighborhood through the new sub division to go to Echo Lake Road, is that what you are saying?

Masayda: No I am saying that either take the sidewalk put it along a portion of Echo Lake Road which the town is going to use the sidewalk fund for the 300 feet that were are going to construct anyway. Or maintain a sidewalk connection, connecting Mallory Road to Lakeview Drive for pedestrian circulation for going to high school or the residents going to Echo Lake Park.

Polletta: I was never against putting sidewalks, if you remember correctly I just want to know that I said from the beginning even to the Park and Rec either I give all the land around the lake including the trail in lieu of sidewalks. And when I said in lieu of sidewalks I meant everything but when I came before P and Z, I stuck with both of them. When the vote on it on that time I got sidewalks which I never proposed. I don't want to put sidewalks in at all. But this board put down let me put in sidewalks from Echo Lake Road to Mallory. Those sidewalks were not part of my proposal. And I said from the beginning I will take back the trail and I will take back the land and I will put in the sidewalks but I can't do both so I want everybody on this board to know really what is up. Because they voted the other way and the road went the other way Joe Polletta proposal was never to do both including the sidewalks that go from Echo Lake to Mallory.

Masayda: Part of your original approval is having the road connection from Mallory to Lakeview Drive Right?

Polletta: Yes

Masayda: Part of that approval of that road was to have sidewalks connecting from Mallory Road to Lakeview Drive.

Polletta: The board voted that time that way but was not my intent.

Minnich: I think to sum this up one further question before I make a statement here. Ruth this does not nor does it need a public hearing?

Mulcahy: Well you are modifying a sub division so at any time you can set a public hearing.

Minnich: We are not required to?

Mulcahy: No you are not required to unless you are adding a lot.

Martin: We took this property because we are putting a road in we voted to get rid of the road why are we even worrying about. Just give him his lot revisions and why did you hang on to the property.

Minnich: The issues to which on lot revisions we cannot in my judgment make a decision tonight. Because there is an issue to who legally owns the strip the 50 foot strip from Mallory Road to this. We cannot give lot revisions to land he does not own.

Martin: But what I would say is if we had not reverse that decision and said we don't want Mallory Road, as soon as we said Mallory Road was no longer required we then gave him back that land.

Minnich: No.

Martin: Well then that makes no sense to me.

Minnich: Wrong the issue was approved at that was to eliminate the road and eliminate the sidewalks your requirement to construct them, It has nothing to do with the ownership of the land this is the issue that is before us now to find out about the issue of who owns the land to which you want to sub divide on.

Polletta: If you want to know for sure I just call my attorney now and I will find out for sure. That's what he told me. But I understand.

Minnich: We need to get our attorney.

Mancini: I just heard you say and I agree with you we said at the last meeting that we were going to eliminate the road and eliminate the sidewalks. So what are we even talking about sidewalks for.

Mulcahy: These are not the sidewalks he is talking about.

Mancini: These are sidewalks we are supposing to put for Mallory Road to Lakeview okay.

Mulcahy: He is not talking is not talking about those sidewalks Carl.

Minnich: We are only talking about Lakeview Drive sidewalks all the other sidewalks discussions is not the discussion it's all extra that is getting us confused. On the issue of Lakeview Drive we need to confirm this my understanding is we did not require sidewalks however we may have and this is where my memory is wrong required sidewalks from Mallory Court to Echo Lake Road.

Mancini: And that is because Mallory Road was going to be coming down extended into Lakeview. That road is not being extended any longer. Why is the need for the sidewalks there any longer?

Minnich: Correct. So we need to amend this, which is his request to amend.

Mancini: I can understand how the sidewalks were put in because of Mallory Road. Mallory Road has been eliminated we voted on that last time so wouldn't the sidewalks along with Mallory Road be eliminated also?

Minnich: We only approved the elimination of the sidewalks along Mallory Road we did not do anything on sidewalks on Lakeview Drive and that is what he is here for.

Mancini: Sidewalks along the road from Mallory Drive down was because of Mallory. Because I remember before I even ran for Town Council on going to council meetings that Mr. Polletta did say one or the other. The town council said that they would put the roads in along Echo Lake Road and up to Icehouse and all that. And Mr. Polletta was responsible to donate land to the town I believe and make the trail only.

Minnich: Correct. All that discussion that Mr. Polletta has had regarding the sidewalks on Icehouse Road, Echo Lake Road and the trail is all

confusing to this issue because it has nothing to do with the issue the only issue that is before us is the sidewalks along Lakeview Drive and the lot revisions due to that he would like to make because of the elimination of Mallory.

Minnich: So I will contact the Town Attorney and determine who owns the 50 foot strip of land on extension of Mallory Court to Lakeview Drive and I will also ask staff here and now to get us a copy of the motion that we approved for this Lakeview Drive project and it will tell us what we did for the sidewalks.

Polletta: Before you make a motion can I ask something if it is possible? Because my attorney guaranteed me this is not filed can the board vote tonight and if it is not filed I will come back it can be done.

Minnich: No. All I know is every time that we make a decision on land use the decision is binding so on us. So we can't make any decision contingent on others and other actions. So it is incumbent upon us to make sure the information is right and then vote.

Polletta: The reason why is because when does this board meet again?

Minnich: I would like to proceed but I am only one person.

Mancini: Especially if the deeds are not filed yet that I feel the land is still his if our attorney rules it is his it's is done. Isn't it?

Minnich: If it is his then we would probably I don't want anybody to make a judgment we have no legal issue as to why not sub divide.

Mancini: Why can't we do it tonight and get it over with.

Mulcahy: Except the fact is that on other sub divisions you do keep 50 foot right of ways as you just saw one tonight that was offering a 50 foot right of way on Caruso Drive you kept a 50 foot right of way so that in the future if he wanted to develop a through road so that I don't know if you would ever considering the fact that you already voted

not to but those are some of the things that you have accepted from other sub divisions.

Polletta: But if it is not filed and recorded that means that it's not the town yet.

Minnich: I think there is a legal issue here and we need to get.

Martin: Motion to table.

Minnich: is there a second? Is there any further discussion? All those in favor of the motion to table to please say I all opposed say no. Motion carries. I will promise you we will put it on the agenda on May 7th.

Polletta: Thank you for much.

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

Minnich: **Next item on the agenda is David Jean Site Plan and Special permit #245 8 x 10 building for restrooms at Mosgrove Field at 0 Davis Street, Oakville at R-G district.**

David Jean Watertown Lions Club

And I am joined here by Greg Gaber with the Water Oak Little League. And we are looking to construct a bathroom at Mosgrove Field to accommodate all the players, spectators, handicap accessible for the challenger league. So in working with the members that are here tonight we have determined we need to be understand a minimum of 50 feet from the property lines because it does abut up against the residential so we looking at constructing a 8 by 10 bathroom.

Blais: Is there sewers and water?

Jean: There are sewers and water in the concession stand and that what we would tie into. Of course all subject to inspection by Water and Sewer.

Minnich: And how many bathrooms?

Jean: Actually there will be two there will be handicap accessible bathroom and then there will be a smaller bathroom which will be a toilet and a sink.

Minnich: So both are unisex?

Jean: Correct.

Minnich: Either sex can go into either bathroom.

Jean: Yes.

Minnich: And this is interior to your property more than 50 feet from the property line?

Jean: Yes. You will forgive the rough drawing there was a time in my life when I wanted to be an architect but I went a different course. Yes it would be a minimum of 50 feet from the property line because again it is our understanding that what code calls for.

Minnich: So it would be at least 50 feet from the property?

Mulcahy: Currently it is located behind in the parking area is that correct?

Jean: Correct.

Minnich: What materials are you building this from just for my curiosity?

Jean: Again it is going to be cement slab 5 inches thick pitched to the drains so that we could hose down the floors if need be. The regular construction will be wood insulated without heat primarily it is not

used in the winter time. But all of the plumbing and the pipes would be below the frost lines. So that would be all done in accordance with code.

Dupliese: Winterize the toilets and what not. And the access to this from the?

Jean: We are probably looking the best way to do it to have access from the outside which would be butting up against the parking lot so that it would be easy for spectators as well as ball players to access it both. We are looking at again not just the players but also the spectators. There would be two access ramps again one bathroom would be handicap accessible with all the rails and the other one would be smaller even though it has a ramp.

Minnich: Two further questions I have this is in as of right correct Ruth?

Mulcahy: Yes it was just site plan approval.

Minnich: No special permit then. And lastly Ruth do we have a letter from Watertown officials saying that the applicant before us can give something on our Town property.

Mulcahy: Chuck Frigon called me today to make sure I had gotten the letter.

Minnich: And you have.

Jean: I was just going to say do you have a copy of it.

Mulcahy: I said you would be handing it in.

Jean: I have a very brief note here.

Minnich: Could you read it in the record for us.

Blais: Would there be lighting?

Jean: There will be lighting in this correct. Yes. This is dated April 14, 2008
To Whom It May Concern,

It is my understanding that the little league has requested community assistance for the construction of restroom to be located within the lease portion of Mosgrove Field. I am pleased to learn this project from what I understand to be long in the planning and have progressed to the permitting and construction stage. It is with respect to the permitting that I am offering my endorsement and support although in not having seen an actual plan it is my understanding that construction of the restroom facility is planned to be constructed entirely within the lease property and as such consistent with lease. Should you require any additional support please don't hesitate to contact me 860 – 945 – 5255, Signed Chuck Frigon, Town Manager, and Town of Watertown.

Minnich: Thank you and you have a copy for us. Are there any questions or comments of the Commission?

Minnich: Hearing other. Is there a motion of approval before you? No changes.

Whereas, the Town of Watertown Planning and Zoning Commission received an application on April 16, 2008 titled Mosgrove Field, Davis Street, Oakville, Ct, and Site Plan application for a Sanitary Bathroom, Application Watertown Lions Club, and P.O. Box 281, Watertown, CT in an R-G General Residential which includes a Map Showing Property of Scovill Manufacturing Co. To be conveyed to the Town of Watertown dated October 1962.

Whereas, the Commission heard the application presentation on April 16, 2008; and

Now Therefore Be It Resolved that the Watertown Planning and Zoning Commission approved the Site Plan modification application for a sanitary bathroom located at Mosgrove Field, Davis Street, Oakville, CT, from the applicant Watertown Lions Club, P.O. Box 281,

Watertown, Ct in an R-G General Residential District subject to the following conditions:

1. Exterior lighting shall comply with the Town of Watertown Article VI Section 61.4 Outdoor Lighting.
2. The final Mylar and final plans shall be approved by the Town Engineer, Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.

In accordance with section 8.3i of the Connecticut General Statutes all work in connection with site plan shall be completed within five years after approval of the plans a five year period shall expire on April 16th 2013. Is there a motion? Is there a second? Is there any further discussion? I think this is unanimous I will ask it this way. All those in favor please say I all those opposed no. Motion carries unanimously.

Jean: Thank you very much.

Text of motion is approved. Motion made by C. Mancini and seconded by G. Dupliese. All in favor and none opposed.

Minnich: **Next item on the agenda is the consideration of amending the subdivision and zoning regulations and establishing a public hearing for: (1) the intersection and separation distance (2) intersection site line distances (3) section grading and roads.**

I have prepared for your consideration based on our conversation last time and I have copies of them regarding the 400 foot distance issue the following proposal for amending the subdivision regulations of the Town of Watertown amending section 5.3.7a. No more than two streets shall intersect at one point intersection shall be spaced not less than 400 feet apart that is in the current language and suggested to continue and then added to that The Commission may waive the 400 feet spacing and change the spacing to a different number of feet with three quarter

six member vote of approval to waive. The Commission shall determine public safety by waiving spacing intersection requirements. That's the proposal we talked about is. What the process here is this it would get by our motion would get sent to public hearing and then at that point we would hear comments and consider approving this, the approval of this is done a simple majority.

Russ: I will make a motion for a public hearing.

Minnich: Is there a second? Is there further conversation? So the Commission shall determine public safety issues when waiving spacing intersection requirements. I am suggesting that the Commission shall determine public safety issues when waiving spacing of intersection requirements.

Masayda: Determining a safe and efficient system.

Mulcahy: The public safety will not be compromised by waiving spacing of intersections.

Minnich: Well I was trying to get away from that compromising harm.

Dupliese: I am suggesting make that the Commission shall determine public safety when waiving spacing of intersections.

Minnich: That is fine. So the Commission shall, the last sentence the Commission shall determine public safety when waiving intersection spacing.

Blais: How about consider. It will leave it wide open.

Minnich: No I think we should make a determinate on the record that what that means but determination means that we have to state why it is we think is public safety. Consideration means we don't have to say a word. My own view is if we are going to change this at the time we do it the reason to do it is for obviously public safety issues whatever that maybe.

- Mancini: Tonight's vote would be just a simple majority tonight to send to the public hearing right?
- Minnich: Yes it would be a simple majority to approve it after public hearing. It is a simple majority to approve this for the regulations. Then that changes the regulation then to actually do it on a when an applicant comes before us for a specific site that what requires the three quarters votes.
- Masayda: I agree with Jim that the determination should be considered in the event so that it reads better. Determine was good when you had the other stuff it is not harmed. But the Commission shall consider public safety when waiving spacing of intersections.
- Blais: That is putting an obligation on us to show good faith for the public.
- Minnich: Maybe I am being too subtle here I was suggesting by this we make a determination which means that by making a determination we make a statement as to the issues of public safety. A consideration does not mean we have to make any statement we just have to consider that in our vote. Maybe I am being too subtle.
- Masayda: We are considering the public safety end as part of our vote. That is why we are making to vote because we are considering the public safety we are going to waive it.
- Minnich: I agree but I was only suggesting by the word determine that we have to also put on the record why we did what we did. That is all I am suggesting.
- Dupliese: How about the Commission shall take into consideration the issue of public safety when waiving intersection spacing.
- Minnich: That's fine but it does not. We can change this wording when the time comes later on but does not address the issue that we got to put on the record what we determined.

- Blais: Public Safety. We are trying to determine public safety.
- Minnich: I will end my little problem here. Consideration means we vote and then we are done. Determination means we have to state why we made the decision. I am suggesting if we are going to do by two thirds that we need to state on the record why we made the decision that's the difference between the two. But we can determine the wording later on.
- Dupliese: So do you want to make it the Commission shall determine the issue of public safety when waiving the intersection.
- Mulcahy: You can combine the two the Commission shall take into consideration public safety and state on the record the reasons for waiving the intersection spacing.
- Minnich: That sounds good. Do you have that Carol? All those in favor of motion please say I all those opposed say no. That is approved unanimously. We do send that to public hearing and we will set the public hearing for next week.
- Mulcahy: Preferable to the region. They have 35 days and they have already called me and I have been chastised for not sending these in 35 days.
- Masayda: If you look at the state of Ct manual it says that it intersection should be preferable at least 400 feet apart and the reason why that it is not hard numbers because you have to use judgment when your allowing something like this and here we are saying there shall be spaced lots less than 400 feet apart. Why don't we have it more consistent with what the state manual calls for.
- Minnich: Where are you reading the word less? There is no less in this whole thing. Is says the Commission may waive the 400 feet spacing and change the spacing to a different number of feet with three quarter six member vote.
- Masayda: The intersection shall be spaced not less than 400 feet apart.

Minnich: That is our existing language.

Masayda: But I am saying that also should be changed to be more in line with the state manual.

Martin: But that is what we are going to discuss when we get to that point right?

Dupliese: We are giving ourselves the ability to change it. On a specific basis.

Blais: Mr. Cavanaugh explained it leaves the door open for judgment even the state mandates because the state could end up buying the land if we don't approve.

Minnich: This particular issue is obviously we have established a public hearing under state law the regional planning agencies have 35 days to review this. This kind of change typically one that regional agencies send us a postcard and says thank you, you have submitted it and you are not going to make a comment. I understand the issue and the larger issues of 35 days is there any objection to the Commission if I contact the Regional Planning Agency and ask them if they would consider doing this so we can get a response from them by May 7th. Is there any objection to that? Hearing no objection that is so ruled. So we will set the public hearing for May 7th and get the issue of the referral from the Regional Planning Agency that night and then we can make a decision on this issue and as you know we can't close the public hearing until we get that referral from the Planning Agency but we will. I will take the initiative to ask them to do it for us.

Masayda: Why in certain cases do we have referral from the Planning Agencies on engineering issues?

Minnich: They are going to pass on it. They usually do. Almost always they send us a postcard and say you did what you are required to under law under section 8-23 I think it is and you are done.

Mulcahy: You have two and three here.

Minnich: The other two issues Mike are you going to have some wording on this. These other two were initiative we have discussed them briefly. I really did not want to spend my own time putting the language that needed to be done. You can do that for us.

Masayda: Just matters of going from 6% to 3% as current issues are. It could basically be as simple changing the numbers from 6 to 3 within 50 feet of intersection. That is basically what the state regulations call for. Ours call for 6% it just does not give any definition and just a matter of changing to 3% within 50 feet of intersection.

Minnich: Are we set to establish a public hearing on that.

Dupliese: Is that on intersection grade?

Minnich: This is an amendment to our zoning regulations correct on this. Oh it is sub division regulations. Could we look up the section where that is so we are on the record as to doing this right? That we reference what we are sending.

Minnich: The motion then is to bring to public hearing an amendment to the sub division regulations section 5.3.5 which says at stop controlled intersection. The maximum grade shall not exceed 6% within 50 feet of the intersection.

Masayda: That is the current.

Minnich: And you are suggesting to change that to 3%. Is there any motion to send that to public hearing?

Blais: What is the reason why you wanted to change that?

Masayda: Acceleration, stopping during wet conditions, ice conditions the deceleration and acceleration at an intersection. And have a better landing to take of the snow conditions.

Dupliese: So if this is the intersection and you are going within 50 feet of that you are going from a 6% grade to a 3% grade within 50 foot. Then you can go at 8%. You have a maximum grade of 8. So within 50 feet of the intersection.

Blais: That is like 3 or 4 cars the 5th and 6th and 7th car can still be on the 6%. And slam into those other cars.

Masayda: The standards for an Ashtel calls for and the State Manual Calls for 3% or less.

Dupliese: Which is safety so what you are doing is at least the first 2 or 3 cars are coming into a flatter landing.

Minnich: So do we have a motion. Did we vote on that yet? So there is a motion to send this to public hearing with changing the current 6% to 3%. Is there any further discussion? All those in favor please say I all those opposed no. Motion carries.

Dupliese: Yes, the intersection site line distance this is number two on the list.

Minnich: Do we have anything to recommend at this point?

Dupliese: Mike was the one who brought it up.

Masayda: To go in accordance with the state highway design manual.

Dupliese: Is that what we use currently?

Masayda: That is what pretty much every town in the state uses. They should be used anything from the state manual comes out of Ashtel it's the design standard...

Minnich: For me I think the design standards that the state has is probably where we should end up going. The problem is that what those standards are I guess that what you included in these handouts. The issue is that I am having a problem often times we think we are doing intersections and we refer to a state manual and all of

sudden you got 17 other things that are in conflict with other things. My preference is to be real specific as to what we are taking out of the state manual and if we need to reference that fine or if it is small enough we include it in our own. But simply to reference the state manual without knowing what the state manual says I have a problem with that.

Martin: That could be dangerous.

Berger: I apologize if I am not completely clear on my recollection from last meeting but I thought we had talked about replacing the appendix in our sub division regulations that contains the site line table with the 2 or 3 pages. A maximum of actual repeating these highway design manual in our appendix, I believe it is appendix E.

Masayda: Our we just going to reference it?

Martin: I think we are going to replace Appendix E with those 2 or 3 pages.

Minnich: So replace Appendix E with the three pages.

Masayda: If the manual ever gets updated then our sub division regulations will not be updated but if just reference those tables then they get updated.

Minnich: That is one way to do it. My head game is that we should probably be doing what the state says our state guideline is we ought to know what that guideline is before we are changing our regulations. Otherwise why don't we let the state of Ct do it and we walk away which is probably easier too. I am not against what the state boards is suggesting I am just saying we ought to know what it says. There are so many conflicts all the time no matter what you do in this stuff. So we are not ready to go forward with that second piece then. Is that correct. We will move forward.

Text of Motion is to Amend Section 5.3.7a – no more than two streets shall intersect at one point. Intersection shall be spaced not less than 400 ft apart which is the current language and suggested to

continue and added to that – The Commission may waive the 400 ft spacing and change the spacing to a different number of feet with a $\frac{3}{4}$ - 6 member vote of approval to waive. The Commission shall take into consideration public safety and state on the record the reasons for waiving the intersection spacing.

This is the proposal talked about and the process would by motion be sent to public hearing and hear comments and consider approving. The approval is done by a simple majority. When an applicant comes before us for a specific application that is when a $\frac{3}{4}$ vote is required

This will also be referred to the Regional Planning Agency.

Text of Motion By unanimous consent there is no objection to Chairman Minnich contact the Council of Governments and requesting a response from them by the May 7, 2008 public hearing.

Text of Motion to schedule a public hearing. Motion made by R. Russ and seconded by J. Blais. All in favor and none opposed.

Minnich: **Next item Windmills is next Carl and his committee has worked on that. I have a draft of I don't have one for everybody but we can share it of what Carl's committee discussed.**

Mancini: There is a subcommittee for Planning and Zoning for windmills and for wind turbines. And there are a few different regulations.

You start off with 7.2651 /wind turbine is permitted in zoning in district R30, R70 and R90. We took out land on residential lots as having minimum of two acres only. So on R70 and R90 only for purposes of generating electricity pertaining to these regulations.

7.262 Wind turbine might generate electricity to a maximum of 10 kilowatts and is prohibited from supporting more electricity than assuming residential buildings on lots where wind turbine is located.

7.3 The same maximum wind turbine for a lot.

.4 was changed minimum setback from property lines is twice the wind turbine height for use of 65 feet.

.5 was changed maximum height was fine article 1 section 5.2 shall not exceed 55 feet it was 65 feet.

7.3.6 Has changed audible sound shall not exceed 45 decibels the uc55 decibels.

Blais: How far away is that 45 decibels?

Dupliese: He said the base of the wind turbine support structure.

Mancini: I did not say that only because the rest of it is exactly the same. All we did is recommending a change of 55 back to 45 feet and everything else in the regulations stays the same. I just tried to make it a little faster.

7.2.7 Wind turbine may be may be located in site yard and rear and this is the change and prohibited in front yards and in yards where the side yard and rear yards are adjacent to front yard of another residential property. That's so that interiors do not have rear yard windmill in their next neighbor's yard in their front yard.

.8 is the same.

.9 is the same.

.10 is changed prior to special permit approval, applicants must provide to the Commission conditional and connection approval from Connecticut Light and Power Company.

Blais: How about utility company in case somebody buys it out? I mean it changes the name of Connecticut Light and Power Company.

Dupliese: Local utility.

Mancini: Does anybody have a problem with that on the committee.
Minnich: Change to local electrical utility

Mancini: .11 is something that we added wind turbine not continuously generating electricity for 90 days must be disassembled and this is the difference at property owner's expense. Must be disassembled within 90 days. So we just adding that it would be done at the property owner's expense.

Dupliese: Is that only if it is like an abandonment of the structure but what is there is 90 days and there is not enough light to generate electricity.

Mancini: I think that would be highly unlikely. We were trying to say if it was abandoned or also something broken and they are not going to use it. They are not going to want to fix it and it is going to cost them a lot of money. It got to come down at the owner's expense.

.12 is the exact same thing as in now.

.13 electrical cables will change must be underground and concealed from view under support structure and wind turbine.

.14 was the same.

And this was added. .15 The Commission shall consider the effect of wind turbine will have on property values. A special permit for wind turbine shall not be accepted by the Commission for review until the real estate appraiser licensed in the state of Ct is selected by the applicant and Commission to perform and appraisal on the wind turbines property and nearby properties. And the appraisal report is submitted to Commission. The appraisal expenses shall be paid by the applicant. The applicant and Commission are not obligated to accept the final appraisal report.

And .7 and .8 are the same as what we have now.

Minnich: So the action tonight we consider is to send to public hearing for revision to our zoning regulations.

Mulcahy: Don't you need a legal review on this. When you do an amendment don't you usually pass it by your Town Attorney? Do any of these before the public hearing do want them signed for review.

Minnich: I don't need this.

Masayda: There are a few issues I have on this. The first one is where the minimum setback of the property line, twice the windmill turbine height. Point 4. Again we have a lot of properties that have contiguous to wetlands that are contiguous to unbuildable area. Say I have a wetland at the back of my property or ledge cliff that is on the edge of my property where no one is going to build on. Where I live adjacent to the State Forest and I want to put my windmill 20 feet away the property line. It is not bothering anybody this does not allow for me to do that.

Mancini: You're right. The reason why we did this Mike is because it is right now 65 feet and we thought that 65 feet could be too close to a neighboring property. Especially if their house is right there.

Masayda: I can see your point here but this should be expanded to include those other cases unless there is as I mentioned state property, forest property, wetlands, dedicated open space that is not going to bother anybody. There could be a lot of reasons why you could put a windmill closer than that.

Blais: You also need a fall zone.

Masayda: You don't need a fall zone. You have telephone poles and lighting poles and parking lots if it is a designed properly you don't need a fall zone.

Blais: Your telephone ones have fall zones. Especially this, if it breaks and this is a wind thing it could be driven.

Masayda: It is an engineered design you don't need falls zones.

Dupliese: I agree with him you do not need fall zones you have telephone poles four feet from a house.

Blais: If this thing is moving.

Masayda: It is designed to take that.

Mancini: If I may say the reason why, there is a fall zone most of the regulations we saw from the different counties and states all a minimum fall zones of at least the height of the windmill. And that's what we had set at 65 feet that was the maximum that we allow for a windmill and with the fall zone it would have to be at least 65 feet. But we found out that 65 feet is still too close to a property line.

Masayda: Maybe we can just table this and I could think about something? And the other concern I had was # 15. I feel that puts this Commission in a bad position. Say something comes in and the value is 50,000 and then another comes in and says it is 100,000 dollars or 20,000 we cannot judge decisions. It will put this Commission in a bad position to use numbers we should not be doing that based on property value.

Minnich: I agree with you Mike but here what was trying to be accomplished and perhaps there is a better way to do it. The reality was not the applicant but somebody opposing it came with an appraisal of 100,000 dollars. We do not have a way of agreeing with the appraiser in terms of picking them. He picked the number the applicant outsmarted himself because he did not want to keep the application open and he closed the application and so what we have before us was a certified appraiser saying this is a 100,000 dollars value. What was trying to be addressed here is let's require that we mutually agree like with open space when given money in lieu of who the appraiser is going to be and then they come back and give an appraisal. Then what we do with it afterwards.

Masayda: That is my question what do you do with that after? We should not be even dealing with numbers where we are going to prove or demise something based on value of property.

Minnich: I know we discussed about putting in a number and that's why there is no number here as to what value was acceptable now.

Masayda: Right that number is going to come to us we should not be deciding on an assessment value.

Blais: We can listen to expert testimony.

Masayda: You know the thing is we are putting ourselves in a bad someone with influence, someone prominent influence.

Dupliese: The appraisal is picked by both the applicant and the Commission. If you reach an agreement on appraiser that you both agree on. I think if the appraiser comes in says it going to be a substantial decrease in the value of the abutting properties then you really can't give somebody permission to make somebody value less. I think that it what they are trying to get at by having both being appraised.

Masayda: Like those outdoor wood stoves things or someone putting in a new telephone pole say you don't live in a new sub division it is all underground now but someone could put a pole anywhere. You know what I am saying.

Blais: Just listen to it.

Masayda: Can we just table it for the next time and maybe I can think of something.

Martin: If I might say though because I think I brought this up a when we had our subcommittee is what dollar value is the right dollar value is it 20 or you don't know. I brought up the issue up and it does cause a problem and I don't know what that figure is going to be.

Minnich: We also attempted to address part of that but might not be addressed the right way by that last sentence which says that the report neither side is obligated to accept. But the only thing in designing this was trying to be presented was let's have somebody we agree upon a certified appraiser somebody professional telling us in their judgment what it is they think this is and whether we accept it or the applicant accept it that another concept and an end. The reality of what was presented to us of 100,000 dollars from even the applicant but somebody else I had no faith in that number but that was all that was before us.

Martin: Unless he came back with something else we could not contradict that figure.

Minnich: Is it a motion to table?

Dupliese: 7.261 Wind turbines are permitted in zoning districts R30, R70 and R90. Morrow Street in Oakville what zone is that?

Mulcahy: It is not any of those?

Dupliese: R12.5. I have two and half acres there and I am seriously considering putting one in but it is not a 65 foot. Even if it is 35 feet I cannot put a windmill in my yard?

Minnich: Under this you better convince everybody?

Dupliese: That is what I am saying is that I am not saying but I do have 2 ½ acres and I have met all of the requirements except I am not in your little box of R numbers.

Mulcahy: You can change it to or on residential lots.

Minnich: But just taking off what we deleted would satisfy him being able to get it. Because what we deleted would satisfy him be able to get it. Because what we deleted won't let you get it.

Dupliese: I have two acres and I have more than enough room in my yard.

Mancini: What happens to the person who has 1 ½ acres.

Dupliese: No I am asking the questions because I will abide by the rules if they say I can't put one in me can't put one in.

Blais: But the ethics you better look at those ethics.

Dupliese: I am in open meeting here.

Mancini: We did have one person on the committee that opposed to point 1 right Ron.

Ron: The same reason.

Dupliese: One more 7.267 in side yards and rear yards and is prohibited in front yards and in yards where the side yards and rear yards are adjacent to a front yard. But there are properties and especially in these older farm yards or these farm houses that have given away their property what happened was that the farms typically located way inside the property and what they have done is sold the property around them. He has got his house here and he has six acres in front of him and your saying because his house located on the back of the property facing forward he can't the turbine in front of his house.

Mancini: If it is going to be facing someone else's house.

Dupliese: He has seven acres it is hidden in the middle of seven acres.

Mancini: It can't be in the front yard.

Martin: They can always come to us for a variance.

Mulcahy: Not for you but ZBA.

Martin: Move to table.

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

Text of Motion to table. Motion made by G. Martin and seconded by J. Blais.

All in favor and none opposed.

Minnich: **Next Guernseytown Farms Estates Phase I – release of one year maintenance bond.**

Masayda: I request that be tabled.

Minnich: Is there a motion? Seconded? All those in favor please I all opposed say no. Motion carries.

Text of Motion to Table. Motion made by M. Masayda and seconded by: G. Dupliese.

G. Martin abstained

Minnich: **Next Lakeview Estates – bond reduction**

Minnich: Is there a second? All those in favor please say I all opposed no. Motion carries.

Text of Motion to Table. Motion made by C. Mancini and seconded by: M. Masayda.

All in favor and none opposed.

Minnich: I have no report. Motion to adjourn.

Dupliese: I would like to make a motion that our meetings go no further than 11:00.

Minnich: We got that coming at next meeting. Motion to adjourn. All those in favor please say I all opposed please say no. Motion carries.

Text of Motion to Adjourn at 12:00 midnight. Motion made by M.
Masayda

And seconded by G. Dupliese. All in favor and none opposed.

Michael Masayda _____
Secretary