

Town of Watertown
Planning and Zoning
Public Hearing
Taft School
May 7, 2008

Minnich: Next item on the agenda is Special Permit #244, Taft School, 5,800 square foot addition to dining hall, temporary trailer, 13 exterior lights and other site changes to be known as HDT/Dining Hall located at 110 Woodbury Road, Watertown, CT in an R-20F residence district. Mike would you read the notice of public hearing.

Masayda: The town Planning and Zoning Commission of Watertown shall hold a public hearing on Wednesday, May 7, 2008 at the Watertown High School Technology Center, 324 French Street, Watertown, Ct on the following application Special Permit #244 Taft School, a dining hall to be known as HDT/Dining hall located on 110 Woodbury Road, Watertown, Ct in an R-20F residence district. At this hearing the communications will be received and such persons shall be heard a copy of the application on file located in the office, 51 Depot Street, Suite 502, Watertown, Ct dated Watertown, Ct this 24th day of April 2008 and the first day of May 2008.

Minnich: Before we begin is there somebody here from Taft School?

Ron Bomegen – Civil Engineer

With us tonight is Lou Charochetti from the Taft School, Jim Shepard also with the Taft School and William Hurt also with the Taft School.

Minnich: Could I ask you to bring the most senior person from Taft School to the microphone?
I want to ask you this question before we begin, I have as serve as Chairman of the fire district, Taft School has through its attorney has written to the fire district that you are not pleased with the fact that Taft School did not receive any of the one million dollars that was allocated in a settlement with Town of Watertown. My question to you this evening is I am also here as a member of this Commission and does Taft School has any objection to my being on this reviewing this application?

Lou Charochetti – Taft School

We do not.

Eric Svahn – Gun Partnership, Cambridge Massachusetts

The Taft dining hall HDT building renovation project the purpose of the project is to modernize the school's main food service program of the kitchen, servery, and multiple dining rooms. Modernization will bring the food service to its current health code standards and the adjacent building which is the HDT building to current fire and life safety standards. The project is comprised primarily of one a story additional that has a full basement underneath it of approximately 23000 sq ft. The new portion of the building increases the existing footprint by 5800 sq ft. Then the existing building for which the fire and life safety upgrade is approximately 2700 sq ft of building. Gun Partnership has completed previously two projects at the Taft School the Life Science building and the Library building in 1996 and hockey rink in 1998. Here is a site plan of the Taft School the yellow drawing represents the project the project is located in the heart of the campus existing. The Science Library building, The Gun Partnership worked on was this here, the hockey rink is up here, and the most recent project on the school is the new dorm on the backside of the campus. The main entries to the main campus are right off of Woodbury Road, there is 2 of them one right adjacent to where the project site is and one down from the main academic buildings. At the time the building was built in 1917 the back side of the building or the pond side of the building was where the loading dock and all the services for the kitchen came in. The project's main purpose is to provide enough seating area so that they can sit the entire school population down at one time and they do it now about once a year and they would like to do it more often, maybe once a month. With that there will be some upgrades to the loading dock and the basically to the food service which is when I show you the existing plans quite small. So I will walk you through the building plans of what we are intending and then Ron will go through the site and civil aspects of the project.

This is the current existing plan this building is a 1950 building which is called the lower dining room you go up a ramp on either side and you are into the east dining hall or the upper dining hall. Down at the bottom is the original head masters house; this is the 1917 portion of the project. The head masters house east dining room we call this the north wing and then there is the tower right here which is a continuous feature of linking the buildings throughout the project. The current kitchen is located on the main floor here the server is approximately half this space right here which is inefficient to serve the foot in today's terms. Students have to line up in

multiple lines leading all back into the other rooms there forced to put other food stations out in the dining hall which caused serviceability issues and the kitchen has not been updated since 1950. The project is not intended to add students to the school. The project is intended to seat the current student body. In 1971 there were 490 students, 1972 it went coed 564 students, and with that new plan which shows the intended seating for each of the rooms. Again the west dining hall, east dining hall, north dining hall all located around the new what they call the market place survery which has different stations for food service so that there is not a congestion, it is not a cafeteria line in which the students line up to get food. The kitchen is placed in the basement so there is one contiguous area for the kitchen that allows the cooking and the employees to work in the basement and then when it is time to come up they come to the survery area and serve on all the services kept in the back house corridor, which does not mix service and students. This portion a new dish wash facility down here in one of the existing rooms that has some nice ornate plaster work on the ceilings and wood paneling on the walls, this was made into a private dining room for either teaching and functions. And the old kitchen space is made into new offices.

This drawing is intended to show the outline of the existing building and the new footprint and the dash line represents the existing building this is the existing service dock where truck has to come in back and back into the loading dock. This is currently a dorm and the students walk out and intermix with the traffic and the drop off. This proposal moves the loading to a position which served off the main entry drive for the campus. So the area of what we are talking about is a footprint addition right here listed in 5800 sq ft. Are there any questions on the plans? The yellow portion represents new so on the north side this side faces the pond we are actually renovating and adding bays to get light into where the old kitchen was for the new dining room beyond. There is a new exit stair tower which its sole purpose is to provide current exiting requirements from these upper rooms some of which are dorms. This is the west elevation this is a new dining room, this is where the old drop off and old loading dock is right where this tower is again. The tower is used to provide exiting from the upper second floor and also taking advantage of closing in mechanical within the tower itself. This would be the south elevation this is the existing head master house, Woodbury Ave is out in front of this elevation, one of the entrances coming off Woodbury Ave center just of the side. And there are trees and bushes here; there will be a minimal increase in view of

the building beyond. And that part down there represents model shots of different angles of the proposed building.

Ron Bomegen – Fuss and O'Neill

During the renovation expansion of the dining hall there going to be approximately 300 students and faculty on the campus during the summer. And we need to maintain food service so we have some temporary kitchen trailers that we like to have set up and they are going to be outside the arts and humanities wing. This is the dining hall that we are working on here, the pond is in the back here, this shows the entire campus and this is the small portion that we are working on. The location of the trailers is going to be right outside the jigger shop right here. The jigger shop is also the new portion of this application we didn't present it last time month. The temporary trailers will be set up to provide food for faculty and staff. During the renovation of the dining hall also the renovations of the jigger shop. The jigger shop has a kitchen and a common area in Taft School plans to renovate both at the same time. During the summer months where this student population is a lot less than during the school year. So I have some handouts for the temporary trailers. The first one I handed out were color pictures of the trailers. There is going to be three trailers total. One is going to be 26 foot long kitchen trailers which have the ovens and the grills and stoves, the sinks where they are going to prepare the food. The other trailer is a walk in refrigerator and the other one is a walk in freezer. As I mentioned before the dining hall as well as the jigger shop will be renovated at the same time. The jigger shop is only expected to take about six weeks out of the summer. So these temporary trailers are only going to be in use for approximately six weeks this summer. Okay that first handout was the color pictures of the temporary trailers. The second one I handed out the Torrington Area Health District sign off on these temporary trailers they reviewed the plans, they reviewed our proposed set up, and they approved it. And the last one was information on the grease trap last month we were here you guys had some questions about what we were going to do with the kitchen waste. We are proposing this grease interceptor it is going to remove the grease and it is going to be emptied once a day and disposed of correctly. The rest of the waste will go right into the sanitary sewer. And that is the work that is going on in the jigger shop like a mentioned before they are renovating the kitchen and the dining area.

The only site work that is going on with the jigger shop is there removing a couple of windows and putting in a couple of doors, when you put in a couple of doors you are going to have access, there is going to be a new sidewalk from the new door to an existing walkway. And that is in this area here. All the other work is going to be inside the building. I am going to hand out the approvals, the sign off from Health District for the work that we are doing at the Jigger Shop. We got the fifteen foot height variance that we went to ZBA for back in February 27th. We got Conservation Commission approval on April 10th. There are wetlands on the site approximately we are not directly impacting the wetlands. We are slightly in the wetland review area only 428 sq ft. We were able to obtain approval from the Conservation Commission. Eric mentioned a lot of the existing site conditions now they have the loading dock and the student faculty basically conflicting in the same area and the common court yard. They get deliveries large trucks backing into the loading docks right now right next to the one of the main entrances to the dining hall and that is right here. Trucks will back into the loading dock and students and faculty will enter the dining hall. So that is one of the safety features we wanted to correct with our proposal. Currently there is a driveway that loops around between the Macintosh House which is a dormitory and the dining hall. As Eric mentioned the loading dock will be moved from the west side to the south side of the building along the main entrance way. The courtyard will be closed off to vehicles. It is just going to be for walkways and paths. The Fire Marshal has signed off we are providing truck access for emergency vehicles access to the back of the building there is going to be two removable bollards between the driveway and the courtyard. And that is in I believe he submitted that to town already.

Mulcahy: Submitted the I am sorry...

Bomegan: The sign off on the emergency access for the fire marshal.

Mulcahy: The fire marshal yes.

Bomegan: As you can see the renovated site will consist mostly of new lawn area. We removed all that pavement from the driveway loop there will be shrubs around the building, larger trees scattered throughout the rest of the site. We are not increasing or decreasing any parking as Erick said we are not increasing the student population. The site lighting on the site is going to match what is out there today. The current lights are

mounted on 15 feet 3" poles we are going to match exactly what is out there. There are some handouts in the application, the light bulbs they are 100 watt metal bulbs. On the site now there is gas, water, sewer and electric communication lines. We will not have to do any new connections out to the street everything is already there. Water and electrical will have to get relocated as part of the expansion here. As far as drainage goes the northern portion of the site existing currently drains to the pond that is in the back and everything from the front of this building to the south get drained off to the east all the way around the buildings. Get drained all the way down here through pipes all the way around out back to a large 60" PCP pipe which empties out into a unknown tributary. Our proposed design will take more of the drainage from the north and bring it to the south and all the around. You had some question last week for me about whether or not we increasing storm water runoff because our drainage report did show we had 2 different watersheds one watershed showed a decrease and the second watershed showed an increase. You add them together and it was a net of zero increase. He wanted me to evaluate a little bit more that was the two watersheds added up to a little over 3 acres. So we took a much larger watershed and analyzed it as one and used the single point at tributary where both watersheds come together and we analyzed it and .05 acres increased of impervious over 84 acres it had absolutely no change. The catch basins and yard drains on the site will have sumps to remove the large particles we are proposing hydrodynamic separator on the southern side of this building which will get the majority of the courtyard from here to here. Everything in the loading dock it will drain into the existing storm drainage system out to the background to the unknown tributary.

Savhn: The project we are going for lead certification we have an energy efficient design we had targeted silver and now we are into the gold with the number of credits. So the use of water collection, energy optimizing, food service, providing some programming for building learning, we hope this will be a gold level project, a silver at a minimum.

I would just like to review the intended schedule of which we hope to do and that would be to start mobilization and abatement in site planting work June 8th that is the first available day of the summer when after the students are gone from the campus and the reason I mention that is because working in the student environment we need to make the most opportunity out of the summer sessions and the vacations. Excavations and foundations the end of July and hopefully to start the building construction in the fall. We hoped we could have a vote or approval tonight.

- Minnich: Would that be the end of your presentation? Are there any questions or comments from members of the Commission?
- Martin: Your temporary dining obviously is being connected to the existing sewer line that is on site today correct?
- Savhn: Yes the trailers will be connected to existing sanitary.
- Martin: And your grease trap cleaning is daily so none of that gets into the system?
- Savhn: No
- Dupliese: Just one more question on that because that grease trap that you have from the trailer, the trailer, the trailer is not actually handling the washing of the dishes from the meals that you are serving?
- Savhn: They will be using paper plates.
- Dupliese: For the whole six weeks. Because if you are washing dishes in that then the grease trap is not adequate.
- Savhn: I believe it is just used to wash the pots and pans.

William Heard – Food Service Director at Taft

I have been at Taft since 2000 basically the trailer is just to lighten our load but their production trailers that allow you to produce food and walk it to another location which is inside the jigger shop. The trailer itself is modified to anything you need it food service approved trailer that is why we were able to get sign off from Torrington Area Health District. What we have is gray water which is just water that being used to wash pots and pans that were cooking food on and washing the food prep itself like lettuce, etc. All that gray water which is just watering grease is being dumped into Taft school into the existing grease electronic separator which shoves the grease to the side into a clear bend that gets emptied daily. It solidifies and gets emptied daily into the garbage. We have a grease company which picks up our grease called the Western Mass Rendering, so they will pick up the fryer oil as well as any other oils that comes from the grease trap. The actual use of the trailer is going to be five weeks we need a week on the beginning and the end just to set it up with the water line coming in and pumping the

gray water back into the building and there is some electrical requirements and we are actually cooking with propane. Most of the trailers kind of like around the corner out of the site line from the streets and that is pretty much what they do. And we are to provide service for approximately 300 campers all papers serviced. So everything will be disposable and it is one summer this summer and then next year we will be able to use the jogger shop which will be fully equipped and ready to go until the main project is finished.

Minnich: Is there any other comments or questions from the Commission?

Rondeau: You said that the new lights are going to be the same as the old lights are the old lights full cut off fixtures?

Bomegen: I believe so. There is a cut out in the application and I believe they are zero cut off.

Rondeau: I was going to say if you do not have any dining halls because you are in the process of remodeling everything? Where do 300 people eat?

Heard: We are actually going to be able for the summers phase it just going to be in the jigger shop. And we are hoping for beautiful weather that they will sit outside on the patio. In September we will actually have access to the kitchen upstairs again as well as the finished jigger shop kitchen so the plan is to split up the students population to both locations it actually 560 we are feeding on multiple locations.

Dupliese: When you say its 300 meals a day, is that what you are preparing?

Heard: For the summer school it is based on who comes breakfast, lunch, and dinner. So it is really 900 meals for the summer school.

Dupliese: So it is 300 per serving then.

Heard: Correct.

Minnich: Any other questions? I just had a few if I may. What are you losing in parking in this project and what being lost in terms of parking spaces?

Bomegan: There is no change in parking counts on this site.

Minnich: So what being lost is roadways which are not parking.

Bomegan: Yes

Minnich: Do we have in our file from Torrington Health District approving this project?

Mulcahy: Yes, he just handed one in. We have one from Michael Tannis.

Minnich: I meant from Torrington Health District. Anybody else?

Bomegan: Would you like me to read the letter from the health district?

Minnich: No I just needed a yes or no answer I did not want to make this longer than needed to be.

Rondeau: You mentioned currently there is 564 students and is there any regulation within the town or preventing you from having more than 564 students from now?

Charochetti: Let me answer that. It is a little bit of around about answer. We have an auditorium called Bingham Auditorium in fact the town has used it for various functions and shows regularly it holds 565 seats the trustees have said that we will only enough students that we have a space where they can all gather regularly during the week for a community meeting. And so the auditorium actually governs the number of students so that it how that number is determined.

Rondeau: So by increasing this cafeteria area in essence you are saying that this still will not permit you to have any more students than you currently have.

Charochetti: That is right. There are two issues with the dining hall, first of all we can't seat all the students at one sitting and as a community this school would like to be able to seat all the students at one time at least all together and have basically a family kind of meal. The second thing is that as Eric said that kitchen was last renovated in 1950, the health department has been very concerned with the conditions in the kitchen because of its age. We have spent a lot of time trying to take care of it but it is still very old. And we are improving the preparation of the food and the quality of kitchen. We are also improving the way the food is served and delivered when we have a cafeteria type, which we do 2 meals a day, breakfast and lunch are cafeteria.

Minnich: Thank you. Is there any other questions from the commission? Is there any comments or questions from members of the public? Any further comments or questions from the Commission?

Masayda: Motion to close the public hearing.

Minnich: Do you have any further comments you want to make? There is a motion to close and second. All those in favor please I all those opposed no. Motion carries unanimously.

Text of Motion to close public hearing

Motion made by: M. Masayda and seconded by: G. Martin

All in favor and none opposed.

Michael Masayda _____
Secretary

Town of Watertown

Planning and Zoning Commission

Public Hearing

Southridge Estates

May 7, 2008

Minnich: I would like to call this public hearing of the Planning and Zoning to order at 7:10 pm on Wednesday, May 7, 2008. Carol would you please call the roll.

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

Members Absent: M. Masayda, C. Mancini, J. Blais

D. George sat in for M. Masayda

R. Rondeau sat in for C. Mancini

K. Demirs sat in for J. Blais

C. Mancini arrived at 7:10PM

R. Rondeau no longer seated for C. Mancini

M. Masayda arrived at 7:40PM

D. George no longer seated for M. Masayda

1. Hearing of applications

Minnich: Continuation of public hearing an application for a proposed 22 lot Subdivision to be known as Southridge Estates located at Bunker Hill Road/Sandbank Road, Watertown, CT in an R-70 residence district.

I have return receipts certified mail for you. We have some revised plans for your consideration and discussion tonight for Southridge Estates. At last your last meeting the board took a couple of straw votes and we have attempted to modify the plans using those votes as a guideline. And just to review the first vote was whether or not the cull de sac in Phase II should be a cull de sac or through road and it is my recollection that it was a 4 to 3 vote that it should be cull de sac.

The second vote concerned the request for a waiver for the length of the cull de sac greater than 1000 feet. And it is my recollection I believe it might have been a 6 to 1 vote not to grant a waiver for the length of the cull de sac. So we have revised the plans so that the cull de sac in Phase II remains a cull de sac and is 1000 feet in length to the center of the circle which was the criteria mentioned at the last meeting. This has resulted in this plan with the elimination of two building lots. The lots are north, lot 21 we would anticipate coming back to your commission in the future to subdivide that lot. The reason that it is not 2 lots at this time is because of the wetlands crossing and we like to not have to start all over with Wetlands on this application but defer to a future date. If the commission see fits to approve this application.

After discussion if this is deemed to be accordance with your previous votes we would like some type of indication that it is acceptable and we could go ahead and finish up all the engineering, grading and storm drainage and those things and present them to Mr. Berger for his consideration in the near future.

The Phase I cull de sac is over 1000 ft in length and it is my recollection there was a vote in favor of granting that waiver. I believe that was 7 to 0 vote to grant that waiver so that remains as is in Phase I.

Jim Strub – Secor Cassidy & McPartland – Waterbury

On so jumping in to the next topic if there is any questions on what Curt just spoke about it might be time to do that now.

Martin: The intent then is 21 to come off of Sandbank? Is that what you are looking to do?

Strub: That is correct.

Rondeau: The piece of land that is over lot 15 there is a border there but it does not have a number on it?

Strub: That is an unnumbered parcel of land that would contain storm drainage facilities, it would go to the town of Watertown. So we would still need to design that feature and provide an access driveway down for maintenance.

Rondeau: Is that part of open space?

Strub: It is not, it is similar that application the plans that you have we had a rain garden but it was further to the South downstream so to speak. But because of the shorter road we would move it up closer to the cull de sac keep it the same relationship to the end of the road. So it is not a building lot and we would expect that to get deeded to the town which has been the practice.

Minnich: Any other questions? Thank you.

Strub: I have a letter to submit that is regarding our proposal for what is shown the undeveloped land on this parcel that we propose to have referred back to the farm parcel Walnut Grove Farm. As discussed back in November, when we came before this board for straw votes and as discussed in the last meeting we liked that piece to come back in unnumbered for the agricultural uses that are currently in historically been used for and in consideration of that and to remain consistent. We also and Chairman Minnich and I discussed it at the last meeting given the revisions of the plan a proposal for fee in lieu of open space we would proposed under the circumstances 5% family donation based on the appraisal of the predevelopment of appraised property in question. Mr. Lynn in Walnut Grove Farm used a Ralph Bionde out of Waterbury on a prior application so it would be the intention of the applicant the same appraiser if that is amendable to the board. All this is written in the letter and at the end of the letter is if given the unique circumstances that the historical major would continue agricultural use if the commission wanted to reject our 5% proposal we be more than happy not give any money fee in lieu of open space. But to remain consistent throughout our proposal would be to offer the 5%. Nothing further but I would be happy to answer any questions?

Minnich: Does any members of the Commission have any questions or comments?

Hearing none. I will turn this over to the public is there any comments on this application from the public?

Eileen Flint

My maiden name is Flannigan and grew up in this farm area. My grandfather had the Brophy Farm which was on Middlebury Road. I brought some pictures with me tonight to show you. And have some questions that I would like to ask you. First of all I think, I am a taxpayer in Watertown and I did not get any notification from the

Town at all in any of these letters that are being returned but I got no notification whatsoever that this was going on.

Minnich: Are you an adjacent property owner?

Flint: Yes I am. I am on Sandbank Road which is the road right below.

Minnich: What is the number?

Flint: 147 Sandbank Dr. & Mrs. James Flint.

Mulcahy: I guess these are the ones that did not get delivered. I did confirm that you are not in this pile of returned unopened.

Flint: Let me just go forward the letter is relevant at this point. We are on Sandbank Road which is at the bottom of the Lynn property connecting to the Colanoski property and the brook runs through the Colansoki property to the bottom of the Lynn property and over and across Sandbank Road under a culvert which comes on to our property. The problem that I have is that we have development in the area which is very normal for the farm area to have some development on the other side of Bunker Hill Avenue the brook that runs adjacent to our property when built our driveway we were told by the zoning and by inland and wetlands that we had to rip rap this brook and rebuild the whole sides of it for the hundred year flood which we did do. The man from zoning is not here but he was and he spent a lot of time out there with us telling us what we had to do and elevate the road for the flooding issues. We did all that and then last year several times last year and several times this year we have had a problem with flooding and went over to Planning and Zoning at one point in time and said there so much water that comes from the side at the bottom of Lynn hill if you know the property there is corn on one side and there is hay on the other side as you look at the farm. There is a lot

of water that comes down to the bottom of that hill and they ponding effect is formed on this side of the road which is on the side of that property which then is not able to get through the culvert. This is the picture of the resulting what happens when the water cannot get across. This is our driveway here, this is the water coming across and this is another view of what our property looks like after the water comes across and this is the water coming through here. I took these pictures they are not perfect but they are pictures. The reason that I am concerned is because if you are going to put a lot of houses up there I am happy to hear that there is a cull de sac being put in but I am little concerned about the amount of water that would be brought in and just listening tonight we need storm water management area and there is one property there that is right near the brook that you have not made a decision on that does not have the number on it. I am concerned as you can see on an everyday basis the waters pretty close to our driveway just the way it is now and this happens three or four times a year. The town came out last year because I complained there is so much silt from the run off there that brook was starting to be growing over onto our side there is so much silt that came through. So the town has already come out once and cleaned out that silt. They sent out a crew they dug out all that sand that come across from the other side and was starting to block off the brook which is a problem for us if the brook gets blocked off it is going to come up onto our driveway. I am concerned about the runoff I am concerned about the amount of water that we get just with a bad rain storm and you are seeing that pictures. There is a couple more that these pictures our on our side and you can see we elevated the brook up quite a distance with a hundred year flood which we haven't had yet. But the water is pretty high next to these stones and it is because of the amount of water that comes down off of that hill. And if you were there the town in one of those first pictures I sent there is actually a tree floating across the road because it has been uprooted from the amount of water. I am concerned about the amount of water that could come off a run off of a large project like this. I am concerned what it would do to our driveway that cost us well over 50,000 to 60,000 dollars to build this driveway to make sure that we wrapped it properly and did all the things that the town of Watertown had asked us to do. I am concerned that when our driveway gets flooded who will responsible for that. I

am concerned about the bridge that has been there since 1954. I know it has been there since 1954 because when it got built I put date in it myself. I am concerned that if you have any kind of traffic coming onto Sandbank Road it's going to have to rebuild Sandbank Road because it will not sustain the traffic that you are looking to put there. It is a very busy little road right now being a connector for Middlebury over to the Seven Hills a lot of people cut through and go the back way. I am concerned about the amount of traffic there. I am very happy the law firm is willing to give us a 5% percent donation for the farm land and whatever. The farm land has been there for a very long time I grew up there. There are people in the audience who are Lynn's who grew up there also who are now looking across the street to these houses instead of a farm. I understand that we have to have projects; I understand we have to have new places for people to live and I am not adverse to any of that at all. I am concerned about the runoff on the land; I am concerned about the property on the other side of the street as you can see this is good weather flooding. I am concerned when we put all these new houses in how much more silt will go into the brook. And it took me three or four trips over to Planning and Zoning and Wetlands to get out and clean out just once. I am not interested in doing that, which is not my job. My job is to take care of you want to have a heart attack at Waterbury Hospital just in case you want to know. I am a little worried about the water situation I am not well versed in, I am not an engineer I don't have any of that information in my pocket but I do know that I live and I know what the water is like I have an SUV and I can get through the water sometimes my husband who is a cardiologist a couple of times has not been able to get across the road because of the runoff with his car. I am concerned about all of these issues and I want you to think about it and not just judicious in your thoughts about how you are would like to handle this water problem before we go ahead and say okay this is great I heard about all the votes and 6 to 1 for no waiver, and 7 to 0 for second Phase II, and 7 to 3 straw vote and I really was not here for that but I would like you to consider this in how you are going to manage this. Water is a very important thing to the people like me who live on the other side of the street. It is also very important to the environment because you are running off a lot of the top soil. It was a beautiful farm; it is not a farm now as a lot of farms are not. It's an area we have to think

about when you build a housing development like this that we keep it in the context of that this is not downtown Bridgeport this is Watertown and we like it this way. And we like the farms and we like to look like it is. So I would like you to consider that and that is my concern and I would like to know where we are going to go with it. And I would be very happy to know when the rest of the meetings our because now I am going to follow it. Thank you.

Minnich: Chuck did you want to make any comments? Anybody who wants to talk from an engineering stand point can talk.

Terri Meyers Professional Engineer and Land Surveyor

Doctor and Mrs. Flint asked me take a look this proposal that Curt has brought forward and review the storm water hydrology. I know Mr. Berger is looking at it and with Curt doing the work after reviewing it I can see that theirs is providing a slight decrease in the amount of runoff from this project. I think with the cull de sec being shortened and one or two less lots is certainly be more beneficial to the run off situation on Sandbank Road. Just for clarification the reason Flint's were not notified is they are a little further down Sandbank Road so they don 't have property lines that are contiguous with the Lynn Farms. That is basically it.

Berger: I concur with what Mr. Meyers just said about the existing storm water plan that we have in front of us that may be changed based on what we heard tonight. I certainly understand Mrs. Flint's comments and her concerns that is very large watershed that drains to this brook other than the Lynn Farm property. There are obviously and we have been made aware of that in prior public hearings and the Department of Public Works is aware that Sandbank Road does flood on a regular basis. I guess what my charge is and the engineer and the applicant's charge is will it make that any worse but I will say that the development as proposed will not improve the flooding condition either it will vary

slightly improve. It will not have a significant improvement on flooding conditions that you see in those pictures. There is a much larger watershed appear to your driveway then just the piece that we are looking here on the plan tonight.

Flint: I understand what you are saying and that is great and I appreciate your thoughtfulness of it. But you are saying it will not improve it but you're not telling me that you are not guaranteeing that it might be worse. I am concerned again I will say for my driveway. I am concerned again and I realize that there are other places, houses on Mt. Olive Road have been built there I realize the run off there comes down to the brook. I mean I walk that area so I know and that I realize that houses up on Lynn field at the top of the housing development. I realize that some of the waters come from down there and also come into the brook. But it is extremely obvious when you are watching it that there is a huge water reservoir exactly on the bottom of that corn field no matter where it is coming from at the end of the day it's still there and it's gigantic at this point in time. I am not so sure it can withstand a lot more even a minimal amount that would make it more aggressive than it already is. We lose power, we lose our phone we lose our phone, we need our phone and we need our power. The phone is important if you are on call. Only when there is a big rain storm or whatever however with any kind of an increment and substantial increment or even minimal increment I think it will change it. And that is where my concern comes and I understand what you are saying but I think on both sides of the coin it will not make it any better but it will not make it any worse. But it could make it worse and I am concerned about this.

Minnich: You will make sure she gets noticed for the public hearings that may continue on this? Thank you. Are there any members of the public who would like to comment on this?

Jones: First of all I would like to thank Mrs. Flint for expressing her opinions. As well as Mr. Meyers and just a few comments on what she said. And I listened closely to her comments I believe everything she had

to say is consistent with what we have been telling the Commission. That there is a flooding issue in that area it's our estimation that you have to raise the road from 3 to 4 feet to elevate the flooding across the road. We would also state that were not adding additional traffic onto Sandbank Road. We are talking about one lot. Perhaps two and I hope that is some consolation there as far as the drainage itself there several things to consider. One is that yes we are building houses and there is going to be driveways and roads but we are changing a large portion of that use from corn to grass and paved area so overall what we call the run off coefficient is actually reduced in this case. So there is actually less run off by providing the sod and grass areas. It will also result in less silt load although we do have a very large drainage area any silt that runs off from the power fields is not going to run off anymore it is going to be lawn so there should be some benefit as far as the silt that builds up down by the road. But most importantly has to do is where we are in the watershed. As Chuck mentioned it large watershed we are at the bottom of the watershed and there is a concept called time of concentration and that is how long it takes the water to get from the remotes area to your point of concern which happens to be the road. So us being down in the low part of the drainage basin our water is going to get out first before the big slug of flood waters come that developed through this whole basin before that whole volume of water is concentrated it comes down. With detention and without detention we have spent a lot of time on it. If we do put detention ponds in there as normally, does it actually does make the situation worse? So in this case controlling the storm water is all about mitigating storm water quality that's why we have the rain gardens we do not have the detention basin. So we have looked closely at it we can say that our numbers show a modest decrease and we certainly do not expect to make the situation any worse and understanding to live with this situation and having to watch out for the big storm not knowing when a big storm is coming and I can assure we are not going to make her situation any worse than it is.

Minnich: Any comments or questions? You obviously have more information to give us and you gave us an extension last time. How do you wish to proceed?

Strub: Give another extension for 30 days.

Mulcahy: Are we going to have maps with the site development plan on them, this is a conceptual but when is the staff going to receive the maps?

Jones: We have submitted these lot lines maps for consideration tonight. We respectfully request another straw vote to point is in the right direction. We can have the grading plans, drainage plans to you within a matter days. And they will be very similar to what you have already seen. We did not want to give Chuck unnecessary work if we were going in the wrong direction so we thought in this particular case it's best to take a methodical step by step direction an make sure that we do have consensus with the board here. We are prepared to expeditiously get the site plans in.

Minnich: Jim, could you help me with this. You gave us an extension. What is the total amount of the extension?

Mulcahy: Today is 35.

Strub: This will be the first thirty days of the extension on the 65 you have to offer. We are trying to be very careful to make the meeting get moved or otherwise that we were covered and did not miss one day cap otherwise.

Mulcahy: This is for the whole new plan and we are in the middle and we have used up the 65 days and the 35 days and this is the new plan just to go on the record that the staff has not seen any of the other plans for and this is our first time seeing it tonight.

Minnich: So you have presented to us a request to extend this public hearing for 30 days. When is our next meeting in June? We are not automatically approving your application. I think we need to do a couple of other things if I may suggest on the suggested be the fee in lieu of as recalling our policy on this we can obviously accept or we can consider that whenever we do have a fee in lieu of we have required according to a state statute a appraisal done we have used Ralph Bionde before. I guess the first question here is do we wish to consider, we are not saying we are going to but at least consider the fee in lieu of and if we are then before we make the decision that we are going to accept it we need to get an appraisal. When that appraisal comes back the applicant can say I do not want to do this anymore and we can say the same. This is the step to determine what that 5% is multiplied by. Does anyone want to make a motion or comment on it? Unfortunately Duane, Mike came at 7:40 pm you cannot make the motion. But thank you for service Duane. So the motion is that Ralph Bionde is accepted as the appraiser for considering the fees in lieu of. Is there any further discussion? All those in favor please say I all those opposed. The motion carries unanimously.

Strub: If I can elaborate on that issue a little bit. I am little bit confused as the procedure here where you state that when the appraisal comes back then you would determine whether or not it is acceptable. And I do not believe that to be proper procedure I think the proper procedure is for you to determine whether or not a fee in lieu of is appropriate and whether or not that 5% is appropriate. The fact that we have a licensed appraiser do this then that should be sufficient.

Minnich: Let me not be argumentive with you. I will say very clearly I would suggest you consult with your cooperate counsel because your statement needs some polishing. Both parties under state law have the ability once an appraiser comes back to decide whether they wish to continue that offer. This entire first step is, it is in state law so I am not going to dwell on it.

Strub: I will look it up. I do not agree with you but I will be glad to look it up.

Minnich: The next issue is whether to conceptually we look to what they have presented to us tonight as what they are then going to do some work on. Do we have any issues with the concept to which they have presented to us this evening on the drawing?

Dupliese: I am a little confused and maybe it's because you see this totally different than what I saw it the last meeting but when we took the vote that 4 to 3 to not have the cull de sac as long as it was and then 6 to 1.

Strub: It was 4 to 3 on whether it was a through road or not.

Dupliese: Correct. And 6 to 1 to not have the cull de sac as long as it was, I just automatically assumed that it was just going to revert back to the through road but you came back with the just the shorter cull de sac. Maybe I was wrong I do not know. I saw it as coming back as a through road. It came back as a shorter cull de sac. I see things different.

Mancini: I have a question on the length of the cull de sac though. Aren't the regulations 1000 feet to the end of the cull de sac not to the center of the cull de sac? I know we can waive it but I think the regulations are 1000 feet to the end of the cull de sac.

Minnich: I think you are right but in remembering what we did on the first one. On Phase I we said we would most likely would it was only a straw vote extend the length of it. And we are going to make that decision. They asked the question whether we are going to

measure it from the center and we said yes, obviously that will need a waiver. But that is what we said during the conversation. You are absolutely right it will need a waiver.

Dupliese: That the extensions all the way to Sandbank but have it predominately the traffic coming back down towards Bunker Hill. But now we have shortened the cull de sac, we now have a lot that sits on Sandbank at some later point in time you are going to come back to us with a subdivision to make that 2 lots which will now put more traffic on Sandbank. I thought that the whole thing was Sandbank was not a good road to actually put more traffic on. We only wanted to go to Sandbank just as have it as an option was the discussion. It was nice to have that option for emergency traffic because what had happened with the buses originally on Bunker Hill. So now we said okay it is not really a good road to pass on but now this design comes back and puts 2 more driveways or two more houses onto Sandbank and it looks like what you are coming back for to put 2 more residences on Sandbank Road which already was not a good road to put more traffic on. That is why I am confused by that lot 21 going out there in the future.

Masayda: I kind of thought the same thing Glen that the last time we had a discussion that road was suppose to connect from Sandbank to Bunker Hill. That is where I thought we were going with the next submittal.

Dupliese: I kind of had that feeling but I can understand that they had difference of opinion this was actually a another option that they could come back with but I just if we don't want to put cull de sac to Sandbank because Sandbank is not a good road then I don't think we should put anymore lots coming out to Sandbank. You understand my thought process there. I do not want to put any more traffic out there.

Martin: But the thing is they are not before us to do anything with 21 there is not even a driveway to 21.

Mulcahy: They have to have a driveway they are going to be submitting plans for the staff has not reviewed yet.

Martin: So you are going to come back to us about 21 split into 2 lots.

Mulcahy: 21 has to have a driveway and it has to be shown.

Martin: And the original proposal was the driveway coming off of Sandbank for one lot?

Minnich: I am only going to recognize one person talking and no one else may talk. Thank you. Go ahead Gary.

Martin: He answered the question same lot, same driveway, and it is a big lot only at this point at time. Then it is up to them to come back to us at a future date to approve the 2 lot subdivision. We if don't approve it remains one, am I correct on that one?

Minnich: Yes, my understanding is you are not coming before us for lot 21 there is an approval for this subdivision.

Curtis: That is correct. The application before you tonight is one driveway off of Sandbank.

Martin: They are coming before us with lot 21 but one lot not two.

Minnich: Correct.

Dupliese: The intent was though I did hear though at some future date you would come back for subdivision of that lot to make it 2 lots.

Strub: That is correct but it is not part of this application.

Minnich: Is there any other conversation I will do this by unanimous consent then these folks obviously need to go forward with what they are doing is for purposes of unanimous consent is there any disagreement to the concept to which they presented to us this evening with regards to the road and layout.

Masayda: I would just like to see the road connect from Sandbank to Bunker Hill.

Mancini: The last meeting we voted not to have the consensus was not to go from Bunker Hill to Sandbank and then we voted to have a cull de sac. And then we decided we did not want the cull de sac to be as 1500 feet. So the applicant has come back with what we said gave him let him to do. Not to have the road go Sandbank to have a cull de sac and shorten it. That is what we told him to do last time.

Dupliese: That is right. I am in agreement with you on that. The only thing that I said voiced is that I am agreement with this was the opposite of what I thought it was. But I am in disagreement with the possibility of coming in and putting 2 lots up to Sandbank.

Martin: I was the one who was a proponent for going to Sandbank but once that was voted down which is no longer an option. This to me is what everybody was asking for in them coming forth. For us to now turn around and say I want you to go to Sandbank. I do not support it. Because we already said through our vote that is what we wanted.

Masayda: One of the biggest reasons were again the inclement weather, the steepness of the roads to and from that property that new road and circulation.

Dupliese: But we were voted down. I was for going to Sandbank.

Minnich: We have a lot to do tonight. Unless you wish Mike to make a motion to do something else. I will then put before us a unanimous consent that we will once again this is not a final decision of the Commission it is only a straw vote as you have requested that concept that you have presented this evening in the handout that you have given us is what we mostly likely approve. Is there any...

Masayda: What was the recommendation of the engineering office?

Minnich: They suggested having it as a through road. You are welcome Mike to make a motion.

Masayda: I thought you could not make a motion. It is just a consensus thing it is not a motion.

Minnich: Well the bottom line here Michael, I certainly do not think it is fair that this applicant has come back to us several times and we as a Commission different decisions they have a significant financial

obligation once they want to proceed here to design this and I do not think it is appropriate in my opinion for this Commission after they designed this and after we said very clearly to our straw go ahead do this. To know say we do not want it. They have not designed it yet if you wish as a Commissioner to revote again on that. You are welcome to do that. Otherwise when they come back and they give us what it is we said we fine why they should have to go...

Masayda: Again we have professional people working for us, people from our town Public Works and the Engineering Office there are just opinions. They did not have a good valid reason.

Minnich: I have a very good valid reason; I am intrigued as to why the Public Works Department would extend the road which is and know to be near and in a flood plain. We already know what that does with regards with the road structure and the under structure of that.

Masayda: What is that? I do not understand that, I did not hear anything about a flex of roads and flip plans? There are roads all over the state of Ct that are in flood plains.

Minnich: I thought you wanted to know...I will stop my Michael. I thought you wanted to know the reasons as to why it was we voted. Whatever you want Mike go forward.

Masayda: Again we have a professional opinion from our staff here. Where the professional engineers, what are some of the other reasons...

Martin: Mike the last meeting the option of that was taken away from us and they vote we lost 4 to 3 you, Glen and I voted for the through road the others voted against it. As far as I am concerned it is done issues. I agree with Dave why take these gentlemen through the ringer again. Let's just move forward with it and the way it is and be done with it.

Masayda: The vote no part of it was not very clear to me on the ones who voted no. It was just a no vote. If they could just expand on why their no vote was no.

Minnich: I started but you cut me off.

Masayda: The flip plan issue is not a good reason. There is flip plans all over the state of Ct.

Minnich: Mike I am giving you my reason I have more but if you want to articulate or criticize it you are very welcome to. I rather just be quite my vote is what I did and you are welcome Michael to make a vote to make a motion for us to consider. Otherwise I will go forward with the unanimous consent.

Then for purposes of unanimous consent is there any objection to the applicant presenting a final drawings to us on the concept to which has been presented to us this evening by the applicant. Hearing no objection that is so ordered.

Masayda: I want to hear from the no voters.

Minnich: Is there a motion then?

Russ: I make a motion to accept the plan that is presented to us tonight.

Minnich: Is there a second? Is there any further discussion? Carol would please call the roll for the purpose of recording our votes once again this is not a final vote this is a straw vote. On a vote of 6 in favor one opposed the motion is approved. Is there anything else that you would like us to consider this evening?

Jones: Nothing that has not been already brought up sir. I don't know if you wanted to have further discussion on the fee or if you would like to reserve that for future time of the 5 %. The fee in lieu of open space is the only issue at this point. You deferred that pending receipt of an appraisal.

Minnich: We have always made our consideration. If others do not want to perceive this way that is fine. In the past we have made our decision as to whether we accept the fees in lieu of after we receive an appraisal to which the applicant and us have mutually agreed to.

Jones: We will get that expeditiously as possible to you.

Minnich: You are going to get that from Ralph Bionde? That is our intent.

Rondeau: I would ask that there just be a clarification on that because it says in this paragraph about given the history and ongoing discussion and they had mentioned that they had spoken to you directly and come up with a 5% number.

Strub: For the record at the last meeting the Chairman directed me more than a discussion that if we were going to make a proposal that was on us to do so. And the ongoing discussions with this Commission relate more globally to the fact that we were here in

November and talked about the undeveloped portion going back into the farm and we talked about at that time in November back into the farm and imposing a fee in lieu. And I am just trying to be consistent through the process because we have been talking about not only cull de sac issues. And we talked about the agricultural issues for a long time too. And I just want to remain consistent throughout as well and also a response from the Chairman at the last time which is in this letter that actually make our proposal at 5%. Minnich refused to make any proposal or any number so the first time he saw 5% this evening.

Rondeau: I stand corrected where did you come up with the five percent? Because typically it is 10%.

Strub: Under the circumstances at this portion it is going to remain undeveloped that is going back into the farm will be used for agricultural purposes even though it will revert to as part of Walnut Grove Farm Inc. We thought it was a fair compromise to offer some level of fee in lieu but there would also be a portion of the property that was going to remain undeveloped and used for agricultural purposes in moving forward.

Rondeau: That land would not have been developed anyway because it is all wetland.

Strub: Portions of that would not be developed. That is correct.

Rondeau: Not portions of that. All of it.

Strub: Originally our concept was to propose all that as open space. The Commission could have rejected that we decided not to go down that route. We decided to approach the Commission about

reverting that back into the farm that was something we discussed in November.

Rondeau: I do not have any problem with that I don't know if anybody said we would or would not accept that as open space. My question is your not typically in a subdivision fees in lieu of open space are usually 10% of the value of the undeveloped land. And your proposing a 5% and I am just asking why is there, now the farmer who is keeping this land why it is not going into open space he is obviously is getting some benefit of it. Whatever benefit there may be so it is not. The town is not getting 10%, is not getting any land in open space in the subdivision which they are entitled to normally they would get 10% your willing to give 5 where is that 5% difference and whose quote unquote okayed it...

Strub: No one has okayed it we are proposing it. It's clearly up to this Commission to okay it or not.

Rondeau: But you had said if you do not accept 5% then we are not going to propose anything.

Strub: No. I did not say that.

Rondeau: Clear that up for me please.

Strub: If the Commission was amenable to just accepting what was reverting back into the farm as open space and perceiving it that way and felt that they did not need to proceed even with the 5% but 0 was okay we certainly okay with that. But we are proposing 5% in effort to be consistent from the first time we came in here through today. The Commission has worked with us on this project we have made some lefts and rights but we are still I think being responsive and I thought we were going the same way on this.

Rondeau: Thank you for the clarification.

Minnich: Is there anyone else who has comments this evening?

Martin: If I can make a statement for clarity sake, Also in your proposal is the land remains with the farm is never to be built on in the future. That will always remain as undeveloped agricultural land.

Strub: We are asking that remain unencumbered and the one of the reasons and this was talked about in November also and talked about in front of the Wetlands Commission also. Is that from a farming perspective and for tax purposes there is a better benefit for a farmer if the land is unencumbered from a tax perspective. As was stated a majority of this land we don't disagree is not going to be developed in the future whether it is encumbered or unencumbered given its location and the flood plan, in the wetlands and the slopes associated with it. It means that is something we can discuss further. That has been our intention all along that has been our hope and our desire again we would be willing to...

Martin: It was my understanding that what was going to be happening that you would never develop anything more of that property? I understand what he explained.

Jones: To my knowledge and memory that has never been stated it would be encumbered like that. I think one thing to get back to Ray's point this would benefit the town is receiving, there is a benefit here and it is widely recognized that preservation of farms is a benefit. Just by maintaining a farm for long as possible there is a benefit. Farmers are having a tough time all over the place. I think it is a norm where the farm totally disappears and I think Mr. Lynn is

making a noble effort here to preserve as much as possible for long as possible. Whatever help you can give him in doing that would be deeply appreciated. We don't want to cut off his options in the future if ever did come back we have absolutely no plans to do so then we would ask you to please take a hard look at the open space at that time. But in the mean time to please give him every consideration possible.

Minnich: The last item before we continue this public hearing is to consider accepting the request of the applicant to give us an additional 30 days to June 7th is there any further discussion? All those in favor please say I all those opposed no. Motion carries. Is there a motion to continue this public hearing? Is there a second? Is there any further discussion? All those in favor please say I all those opposed please say no. Motion carries. Thank you gentlemen.

Text of Motion to accept Ralph Biondi as the appraiser for consideration of fees in lieu of open space. Motion made by: R. Russ and seconded by: G. Dupliese.

All in favor and none opposed.

Text of Motion by unanimous consent accept the concept that was presented at the meeting which would likely be the plan the Commission will approve.

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

On a vote of 6 in favor and 1 against the motion is approved (this is not a binding vote)

Text of Motion to accept the letter of extension of time to make a decision on this application

Motion made by: G. Martin and seconded by: G. Dupliese

All in favor and none opposed.

Text of Motion to continue the public hearing.

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

All in favor and none opposed.

Michael Masayda _____

Secretary

Town of Watertown
Planning and Zoning
Public Hearing
County Line Inc, BMW
MAY 7, 2008

Minnich: Special Permit #243 of County Line, Inc, BMW for an addition to the building to expand the service department and roof top parking for 116 cars located at 699 Straits Turnpike, Watertown, CT in a B-SC, Business Shopping District. Is there any presentation by the applicant?

Masayda: The Planning and Zoning Commission of the Town of Watertown, Ct. will hold a public hearing on Wednesday, May 7, 2008 at 7pm at the Watertown High School Technology Center, 324 French Street, Watertown, Ct. on the following application. Special Permit #243 County Line, Inc. BMW for an addition to a building to expand the service department located at 699 Straits Turnpike, Watertown, Ct. in BSC, Business Shopping District. At this hearing written communications shall be received and interested persons will be heard a copy of the application is on file the Planning and Zoning Office at 51 Depot Street, Suite 502, Watertown, Ct. dated at Watertown, Ct. this 24th day April 2008 the first day of May 2008.

Attorney Curtis Titus - Levy and Drowney, Waterbury

Representing the applicant County Line Inc. doing business as BMW of Watertown. I have with me our engineer surveyor Curt Smith of Smith and Company. And Mr. Michael Logiudice a lighting expert. The purpose of this application is to add expansion on the rear of the building away from the street for a vehicle and service maintenance area. This will also improve the circulation and we are proposing to make up for some lost parking by roof top parking on the new addition. This is a special permit application in section 52.4b which covers new car sales for existing auto dealers. This dealership is opened 1985 so it was an existing auto dealer in 2005 when the regulations were adopted. We also have with this an application for site plan approval which is one of the requirements of the special permit. Now the site is known as 699 Straits Turnpike it is in a BSC zone. Here you see the site on the building now it is right here the existing building. The gray is asphalt driveways and parking. It is on 1.8 acres and the building now is 12851 sq. ft. the addition will be an 8095 sq. ft. and you will see a little later the addition will go back here. The area is one of retail auto dealers, offices, and one factory. This property is bounded on the North by highly manufacturing. On the east by vacant which is still part of the BSC zone. On the South by Stop and Shop which is up here. And by

the Saturn dealer which fronts on Straits Turnpike and borders on the west by Straits Turnpike and little piece owned by Olga Purchatick. The parcel really wraps around that little piece which is about 150 feet deep and 105 feet wide. There are no wetlands on the property you have in your file on record from Mark Barrows soil scientist who has reviewed and walk the land determined there are no wetlands there or adjacent to it. Now in usually technical requirements under 52.4 in the zone we meet those and we meet the frontage requirement of 50 feet. We meet all the setbacks on the new construction. The maximum height we are below that and 4 area ratios. As to the impervious lot coverage we are now permitted for the existing auto dealer 100% impervious coverage except for the five foot buffer around the edges. When completed with the addition we will be 82.4%. The building coverage were allowed 30% presently it is 16.3 we allowed to go up to 45% if add a service and maintenance addition which this proposal is however when that is added we will still only be at 26.3%. As the traffic there is going to now impact, there is now 21 employees with the addition it may up to 24 or 26. Normally 20 service customers each day it might go up to 23 or 25. There are 5 or 6 sales customers on an average day that is not going to change. Parts deliveries occur every day at 1am in the morning. The new cars are delivered 3 times a month and that will not change either. So there is going to be no significant difference in the traffic at rush hour on Straits Turnpike or in between. The hours are from 8am to 7:30 Monday through Thursday, and from 8 to 6 Friday, and from 9 to 5 Saturday. Starting at 8:00 it misses part of the rush hour. Now I would like to submit to the Commission elevations we had some trouble getting these for which I apologize and I can only get 4. Because the architect kept putting in the second story and it was not there. Now we have submitted the plans to the Ct Department of Transportation and I have here a copy of their reply. Which requested 2 changes and attached to that is a cover letter from Mark Reefenouser, Smith and Company formally and revised with those 2 changes on them. There are changes that only affect catch basins down on the street. The sewer and water authority were notified and given copies of the plans. And they replied by e-mail to Ruth Mulcahy that everything was good to them.

Mulcahy: They did reply that adequate water and sewer.

Curt Smith - President of Smith and Co. – Surveyors and Engineers Incorporated, 247 Main Street South, Woodbury

We prepared a set of plans which make up this site plan, there is a cover sheet, location map, the latest revision which is 4-25-08. I did deliver a set of those plans last week to the Planning and Zoning office. We have an existing conditions plan which we are looking at here and which Mr. Titus referred to just a few minutes ago. We have had a site development

sheet SP1, Site grading and drainage SP1, Sediment and Erosion control SE1, Landscaping Plan that is L1, and notes and details sheet. We also prepared a complete drainage report for the property. Mr. Titus brought you through the existing conditions very well. So you know what exists out there I think I will skip to the plan to the addition for the proposed addition. What we are referring to the site development plan SP1 proposing to add 8095 to the back of the existing building. The proposed addition is highlighted in the brown color. At the same time there is a loading dock on the North side of the building consists of about 246 sq ft that will be removed. Purpose of the removal of that loading dock is so we can improve the circulation which presently comes in the driveway on the South side of the building comes around the south side there is a parking area on the east side of the existing building where the proposed addition is shown this layout incorporates two way traffic around the south side of the building all the way to the east side of the building. And then one way traffic out along the north side of the building presently there is no exit there because of the loading dock. So we feel this is a great improvement in the circulation and the pattern for the deliveries of vehicles and parts and would also allow customers to exit along the north side. The turning radius of each of these curbs has been designed to accommodate a WB50 vehicle so that those trucks that deliver automobiles to the site can circulate around and it will also accommodate emergency fire apparatus if necessary. Parking presently there are 103 spaces, 16 employees faces down on this small piece which is also part of the parcel that south of the Bertronic property.

Mulcahy: Could I ask you a question on that, you said it is merged by deed as part of the parcel?

Smith: I will let Mr. Titus address that because he has submitted a letter regarding that a chain of title for that parcel. I think the short answer is yes. That is my understanding but I will let Mr. Titus elaborate on this when I am finished. We presently have 71 for inventory and 16 for display. Proposed are 114 an increase of 11, which would still have 16 employees parking spaces here, 53 for inventory, 30 on the roof, and 15 displays in front. Each parking space has been designed in accordance with your regulations 9 by 18. We have a 25 ft aisles proposed. Drainage we have a separate plan for drainage which I will show you. Employee parking presently has a problem there is no catch basin on the road there will be one proposed which ties into the existing storm drainage which does go in front of the property. We will also add curbing to the employee parking area. The main entrance in front will be improved not only for the curve radius but also by adding a catch basin just below entrance that will pick up the storm water that would discharge off of the entrance driveway. The main parking in the roof area the roof drains to the south would be collected in this temporary storage facility its consists of 4 48" pipes before being discharged and

collected into the existing system which comes out into the street. North and east of the building is collected down here into a second in ground detention facility ADS pipe. And all of these are designed to accommodate 5, 10, 25, 50, and 100 year storm event and have been reviewed by DOT. That portion of it has been approved the only changes they wanted were they prefer we remove a manhole here and replace it with a catch basin which we did. A coverage did Mr. Titus addressed so jump to landscaping. We do have a landscaping plan sheet is L1 and consists of a 5 ft buffer around the Bertronic property and I will point out the five foot buffer is from the back of the curbing to the property line so that will be planted and we provided for shrubbery to be planted also. There is a detail plan including all those plans. There really is not much more on the plantings for this, we feel we have met the requirements through the plantings of trees and shrubs and other grass areas on the plan. One other thing we added the sign to this site plan the previous submission had a separate sheet and so that was included on the latest plans which again are revised 4-25-08. The sign is at the northwest corner of the property.

Mulcahy: Did you add that to the application I did not see it on the application for signage and the square footage on the application? Did you revise that application to include that?

Titus: The sign was always intended to be on the plans we have filed before we had a separate sheet.

Mulcahy: So the 13 sq ft sign is what you are talking about?

Smith: I do not know the dimension of the sign we shown it on plan view and I have a set of details.

Mulcahy: This is the new one and it should be on here. This is the one that came in on Friday? This is the one revised to 4-25-08 and that is the one I got on Friday I do not see the... and you are confirming that is the 13 sq ft. I just want to make sure.

Titus: Yes the sign is the 13.038 sq ft and if you want a copy of that I have a picture that I want to submit. I was going to do it later but if you ... let's do it now. Here is the picture of what it would look it would not be on the ground it would be 7 ft above the ground. It would be internally lit. I want to submit that to the Commission. It is not a big sign and the sign on the building does...

Rondeau: Could I ask you a question while it is on the record or not there is 3 different pieces?

Titus: Yes there are 3 different pieces.

Rondeau: My question is there are three different pieces how far back off the road is this going to be? Is it going to prevent people that are going exiting out of that driveway from seeing down the street to be able to...

Titus: I do not believe it will, it won't be on the ground. Your regulations say it has to be at least 7ft and it will be that and maybe more.

Rondeau: So this picture that you are giving us is not to scale? Is that what you are saying? In other words you got you have a graph of 2 people here that are 6 feet tall and the signs down here at knee level and at waist level and someone pulling out of that driveway is not going to be able to see down the street.

Titus: I did my best to get slightly from BMW and that is all they would give me. It is not going to be on the ground I can go on record that is not our intention. My application says the sign will be 7 feet above ground level and that is the bottom of this sign. This is a stylistic.

Rondeau: It will be 7 ft fair enough.

Titus: That is correct.

Minnich: I am confused Curt. You gave us something to put in the record. And now you do not want it in the record is that my understanding?

Titus: Yes, I want some clarification that the sign is going to be at least 7 ft above the ground.

Masayda: The lowest of the three signs the bottom part of that would be seven feet from the ground.

Titus: That is right.

Mulcahy: And the top, how high would the top be?

Titus: I would have to look at that again and see what the dimensions are on here; I will look at those again.

Dupliese: It shows that the top height of the sign is 8 ft.

Minnich: I am going to call this to order. You make your presentation, no one from the Commission is going to ask you any questions because this is your time to talk and not ours to interrupt that is according to our rules so you may speak and do as what you want for this time. Thank you.

Titus:

I will now take up the lighting plan. And we special delivered a copy yesterday to Ruth. There is all we can get at that time. We now have 4 more I believe here which I wish to file. That is a view shed analysis and glare view as well as the lighting plan design. We are going to introduce to the Commission our lighting expert Mr. Michael Logiudice he is a principal in lighting services inc. of Newington, he has been in the business of commercial lighting for 30 years he has done many, many car dealers over that time and he is also by coincidence he handled the lighting at Watertown High School where we are now in the football field and at Swift School and call your attention to the original plan that he drew which was not submitted was the plan that a normal car dealer would submit, especially with a difficult site with uneven levels and small, long and narrow site and the high security problems with cars. This new plan however has been modified let's say downward in terms of candle light to conform to your regulations as much as possible and still meet the needs of the dealer. So at this point I like turn the microphone over to Mr. Michael Logiudice.

Michael Logiudice – Lighting Systems Inc. Newington, Ct.

What you are looking at is a second attempt at lighting up the parking lot when I am requested to create a lighting design for a car dealer there is certain criteria that we have available to us through years of research and what the public like to see and what the dealers like to see I was unaware of any height restrictions any light encroachment situations that are in place at this point. Mr. Curtis had informed me that the first approach was not going to work so what we did is what you are looking at. We reduced the pole height and the mounting height of the fixtures to 16 feet we went from 1000 watt fixtures in many of the areas to 250 watt fixtures all in the attempt to reduce the amount of light that spills to the back of the fixtures if it is mounted to a pole or any of the light that spills from the wall mounted fixtures as you can see there several that are attached to the building and they are mounted at a height that provides a optimum lighting performance from the fixture but all in mind of keeping the light encroachment at minimum. Unfortunately this space is exceptionally small and many areas for car dealership the green numbers that you are looking at if all of you can see that that the green areas are the areas that we intended to light, the red areas are the spillage, and obviously the blue are the zeros. We were trying to as I said work with the mounting heights we had and provide the dealership with the most light we could on the areas they have use of. Unfortunately on the areas where you see a narrow driveway it is very difficult to keep any light from spilling we have used a highly tooled reflector system and it is a dark sky compliant it is fully cut off. So there is no light that goes up and where we try to cut the light off we cut the light off as best we can. This if I might add is a very poor lighting job for a car dealership it is very low level light for a

car dealership extremely low however with the restrictions on the mounting height and us trying to minimize where the light is going to flow this is what we came up with.

Rondeau: Mr. Chairman are we allowed to ask question now you want to wait until everybody goes through and call everybody back down?

Minnich: Our rules say that they have an opportunity to put on record as an applicant what they wish and we listen. We will have an opportunity after this session.

Loguidice: If I might add just to educate everyone if not everyone is familiar with these numbers the lower the numbers the less the light. As a comparison right in here now on this desk top we probably have 30 to 40 foot candles on the desktop. If you look at these numbers we don't have one that exceeds 11.5 and this is typically directly under the fixture and that's in the areas where we want the light. We have a spilled light summary which is in red and the statistic box which shows a .7 maximum spill and that would be the spill that we would get on the property line. Anything beyond the property line is less than that. And this drawing shows that.

Titus: I think at this point we have made a presentation if someone wanted to ask our lighting man some questions now it might be appropriate.

Minnich: If you are finished we will move on the next phase the public hearing? Ray you had some questions.

Rondeau: The first question is on the exit that is on the north side of the building now is that a new curb cut or is that curb cut already there?

Smith: That is an existing curb cut. Yes.

Rondeau: Both curb cuts exist correct.

Smith: Actually all three, there are three because the employee parking also has a curb cut.

Mulcahy: But that one was not part of any improved site plan for that BMW before right? Because that is a new parcel?

Titus: I did a site plan in 1986, 22 years ago for the original BMW dealership I did not do any site plan for what I am calling the employee parking to the south so I am not familiar with what if anything was done for that.

Rondeau: Next question in your landscaping in our regulations islands and landscaping are required every so many parking spots. If you would be so

kind is it 11 is it 12 and in your exhibit L1 you have no islands, no plantings of any way shape or form in your parking lot.

Smith: We were led to believe that site and rear buffer yards were required shall be planted with grass and such shrubs that will be acceptable to the Commission. Is there additional parking required in the islands in this CSC zone. It was my impression that there was none.

Titus: My understanding that if automobile dealers that are in existence there was no requirement for islands among the parking. They were allowed to have 100% impervious coverage.

Rondeau: Ruth will have to help me with that and while she is looking that up. I will ask a couple of other questions. I am still a little confused about your sign, your sign based on the information that you given us indicates that the height of the sign will be 8 ft. And then you are telling us that bottom most portion of the sign is going to be 7 ft off the ground. Which is going to be...

Titus: The 8 ft shown is from the ground there so whatever the difference is between the... it does not come out to 15.

Rondeau: What you have shown if from the ground to the top of the sign is 8 ft and then you are telling us the bottom of the sign is going to be 7ft up off the ground and you are going to have three panels.

Titus: Three panels starting at the 7 foot level.

Rondeau: Okay so that 3 panels together can only add up to a foot if the whole sign is 8 ft tall. If you are coming 7 feet from the bottom that is only going to leave you 12 inches. So something is not clear and I just need to get clear on what that is.

Titus: I did not go through and cross off the 8 ft on the drawing because that is what is shown there as sign say on the ground. For whatever reason that is the way BMW has put it together but what I am saying is that the 3 signs together come up to 13 sq ft and the bottom of the lowest one which is blank the bottom of that one is going to 7 ft above the ground.

Masayda: If you look at the plan it says module I guess each of those signs are 22" by 28 and 5/8" so if you added all those three together plus the space in between them which is it does not indicate that but...

Rondeau: The drawing that you have given us does not actually physically add up. Numbers wise it cannot possibly work. So I would just ask that you resubmit...

Dupliese: I think Mr. Titus is mistaken on the bottom of the sign this drawing does not show an elevation of 7 foot to the bottom of the sign it shows an elevation of 8 feet to the top of the sign and given you the dimensions of the 3 pieces which add up to just slightly over 4 sq ft per section which would give you your 13 sq ft that he is talking about...

Rondeau: The point that I am getting at if you do have those signs and the sign is 8 ft tall and you are starting from 8ft and you are working down there is no way that the bottom of the lowest sign is 7 ft off the ground.

Dupliese: I agree. I think he is mistaken on the elevation of the bottom of the sign.

Mulcahy: The important aspect here is the when you go back into the file on the history we really should have a picture of the sign you are proposing.

Minnich: We have a lot to do tonight? This presentation on the sign needs to be cleared up next time so.

Titus: We can certainly do that. Ruth had raised the question of the addition of the small piece that is used from employee parking and I guess I gave her the evidence that was a piece separate from the adjoining piece on either side and separate from our pieces. It was acquired in 1995 and it's probably the reason it was there because there is an easement up that piece to the water tower on the hill. And if the commission wants us to do a deed of the existing dealership and the employee parking into straw man and the deed back with single description, we'll be happy to do we should not need to. To us it is one piece, that little employee parking is so small it could not be used for anything else.

Mulcahy: I just wanted to clarify that is what a boundary line adjustment from the other parcel with your documents.

Titus: Yes.

Rondeau: The issue with the parking, based on what I am reading right here there is a requirement for plantings and such in that parking area.

Titus: In 52.4b.

Rondeau: 70.6.3 parking lot standards.

Titus: But that was not the intention when that 54.4b was put in. That is why it specified that there would be 100% impervious parking except for the buffers. That is certainly inconsistent and that certainly was enacted after the 70.

Rondeau: Not to delay things it is something I think between yourself and Ruth you guys can come to some sort of conclusion for the next meeting. Obviously everything is not going to be taken care of tonight as far as this application. We are delaying things and it is already 9:30 and we have not gotten into regular meeting. I would be more than willing to have this question answered at the next meeting.

Titus: We were hoping we could have a decision tonight, frankly. I don't like to say this I was on the committee of Frank Pilicy and I and three members of the Commission that put together those regulations and that was certainly the intention that you could have wall to wall asphalt as long as you left your 5 foot buffer and in fact if you butted up against the car dealer you did not need to have a buffer on that side.

Rondeau: The only reason I question that is because of the Honda dealer that got put in not too long ago if I remember correctly they had islands and they are parking scheme whether it is something they did on their own or whether it was something for a requirement. I do not have the rules in front of me. Rather than delay things I am sure you and Ruth...

Titus: If you feel you know with the roof top parking we got a little... If you feel we should put an island in we will put an island in and you can make that a condition of your approval.
If you want 2 we will put 2 islands in.

Minnich: Any other questions? Anybody else on the Commission have any questions or comments? Members of the public is there any comments from members of the public?

June Berchonack – 559 Bunker Hill Avenue, Waterbury

I am here on behalf of my mother who is the owner. First of all they want to go on to a new proposal. When you have not met the requirements of 1984 when they were suppose to reseed and put blue spruces across in that buffer zone. There are no blue spruces, there never were. This is another sneakily act being done by them and they are squashing my mother's property in. Where it is going to devaluate and it is going to be worth nothing. She is 88 years old and she cannot be up here fighting this conglomerate. She is hoping you people help her out. Not one blue spruce was put in there instead every blue spruce that they promised there BMW put in there. And for years they used her property and never paid her a penny for putting those cars on her property. Just this past winter I had to go up there and I had said to Anthony Cilvone and I am sorry he is not here who is the manager up there you need to take your cars off my mother's property. And the answer I got from him was "I will

take them off when I dam well please" so I stand there like the little guy, what am I suppose to do right. That is number one and I am glad they kept this up here because this area over here we don't have enough time tonight and I hope I get another opportunity to do this. Because it is much too much information on what they have done to my mother since the death of my father. Because if my father were here this would not be going on. They took advantage of her. This piece of property right here, this tiny little piece of property right here was very nice at one time. Maurice Jenaso came in and promised the world Oh he was going to put blue spruces in and we was going to do this and he was going to do that, you know what he did he hauled up the trucks to go up the back, he made mounds, she could not do anything. What is this poor old lady going to do she got arrested on her own property because she told them to get off her property. He stood there and said "get her off the dam property I own the property" she was arrested on her property. Now this piece of paper of pavement you are talking that an easement to go to what tower? The tower is way up in back of Stop and Shop there is no easement anymore to go up there. The only way that you are going to access to that tower is if you go up to Stop and Shop you stand there in the front of Stop and Shop and you go up the side of Stop and Shop way up the back there. And that is the only access to that tower. There use to be an easement, a dirt road to go up the right side of my mother's property to go all the way to that tower. That is how you got up there, I know I am fifty years old I know how to get up there. It is not there anymore. Jenaso bought that property, nobody was notified, and she was not notified that the property was bought by Jenaso. Nobody was notified that the property was being paved now what he has got pavement this way, pavement this way, and pavement this way, pavement this way and we got Straits Turnpike. What are they doing to her squashing her in? That is the intention. Planning and Zoning is the gate keeper, you're the watchmen as to what is proposed here and what is accepted. None of this was done, they proposed this, you people let it go but nobody ever went up there to say that this was not done, this was not done, if they are not going to listen to what people are telling them to do, what do we need you here for then. We do not need you.

Minnich: A lot of people think that.

Berchonack: It's true. And I would not be too proud of that. If I am sitting on this Commission. I would not be proud of that. It's like going to court the judge throwing down his gavel and saying you are to do this and you are to do this and the walking out and thumbing their nose to the judge. It is the same thing. We would not need the court then. We'll make our own decisions; we will live like the Wild West then. There is a lot of issue here and I don't have time to take up all your time. The garbage that is thrown in the back there now Maurice has passed away the garbage that is

thrown up into the back of that property is disgusting like I said it use to be nice you can't even walk through there anymore. There is bottles, there is cans, and I don't know what the heck in there now. The people are walking, parking on the right side of her property over here, on the right side where an easement is suppose to be go to the tower that no longer exists. So I will enlighten you on that. They walk from there they go through my mother's property to get over to work. Now if got 20 people and we are going to increase it to 26. That 6 more people doing the same thing. And they thumb their nose to the property owner. She has been in this town for 43 years and paying taxes and this is what she gets. That is pretty lousy. Pretty dam lousy, she depends on you people to help her out and the lighting situation you know don't play us for a fool. Because there is no way that you are going to tell me that that wattage is not going to spill over onto her property. That is ridiculous. The next thing is where is this sign going? If she decides to sell this property some day and she wants access out onto Bunker Hill where is this sign you got cars zooming all over the place. Her property is worth nothing, where is this sign going? Too sneaky these guys are for me. And you guys need to look into exactly every single that they proposing here. They have not met any of the requirements still from 1984. And we are going on to new requirements. What the heck is going on here? I hope we have a continuance here because I have got a lot more things to say. On the proposal plan there 2 guide wires one up in the left corner of the property and one as you come in on the right corner, right here and right here. Pole to be relocated who is saying the poles are to be relocated? Who is telling CL &P where these poles are going to be relocated? And the guide wires are going to come in 7 to 10 feet into her property. Here we go again we are going the value of the property is now going lower. She had that property surveyed twice stakes pulled up and thrown into the woods. And now they thumb their fingers on her. This Commission that has got to be the gate keeper and the watchman as to what these guys are trying on behalf of Jenaso what these guys are trying to do to my 88 year old mother over there, it is shameful. Think about your mothers, I would hope you would be up here fighting for your mothers the way I am fighting for mine. And what she has been doing all her life in this town. A lousy piece of property up there fighting for this lousy piece of property while they come in and just keep squashing it and squashing it and squashing it until it becomes nothing. That is about all I have to say tonight. But there is a lot more to come the next time. Thank you.

Minnich: Is there anyone else who would like to make public comment this evening? Are there any questions from members of the Commission at this point?

Rondeau: I had an opportunity to look at a couple of the regulations based on what I am reading they were mentioning about, my interpretation of this is they

are still a need for plantings and so on and so forth in the parking space so I just thought I would just let you know.

Masayda: I would like to make a motion to continue the public hearing until so the Zoning Enforcement officer could go through all the regulations to see if there compliance with certain things. Is there a second?

Titus: Excuse me, Mr. Chairman could I respond to the lady. I apologize for interrupting your motion. I think that what Mr. Berchonack was talking about this is, this is unsubstantiated I have never heard of that of that I knew there was a periodically cars were checked and there was always room to park the cars right along the driveway and between that and the property line. Now I have a photo here that shows where the cars are parked now. I would like to submit that if I could. That stake with orange ribbons that's where the corner is and the fella down the other end his standing where the point is down there. That's true that apparently the CL&P stuck a guide wire at least on the property line and it is our intention see if we can have the poles moved because they contain the lighting now which is pretty bright the idea is to put the lighting on lower poles that are in the buffer or next to the buffer. I don't think it is relevant what is going on in the past. As far as I know BMW dealer has complied with the regulations in the past. And if they have parked a car once and while over the line I certainly apologize for that. We certainly are not going to do it again. The plan is designed so it will not happen again with the paving up to the line and inside the lines on the BMW side curbing that can't be driven over without doing some damage. There is no intention I think if you look at the parcel you will see none of the employees can walk through the tangled brush and woods that are there. None has done anything to harass them and I think it is totally irrelevant the remarks that were made.

Mulcahy: Just to add to that we are submitting the aerial photo that used to go on the site that does show cars parked on that property the recent aerial photo.

Titus: I may be true all I am saying is that really nothing to do here except the Commission would be justified in wanting to stop it what better way to stop it then to put a curbing there. So a car cannot drive there. I think you all know in any kinds of weather and snow it is easy to put a car in place you do not intend it to go. And they will plant the trees; in 1984 I do not believe the Commission ever required trees to be planted. Things have changed and the Commission will certainly enforce it now if trees are not planted or trees that are allowed to die. They have a piece of property where you require buffered plantings and that we will do. And we will certainly do nothing to infringe on or impair or devaluate that property.

Minnich: Thank you sir. Mike you had a motion. Can you say it one more time please?

Masayda: To continue the public hearings until all the issues relative to the discrepancy of the zoning regulations are resolved.

Mancini: I will second.

Minnich: Is there any further discussion? All those in favor of the motion please say I, all those opposed no. Motion carries unanimously to continue the public hearing.

Text of Motion to continue public hearing until all the issues are resolved

Motion made by: M. Masayda and seconded by: C. Mancini.

All in favor and none opposed.

Michael Masayda _____
Secretary

Town of Watertown
Planning and Zoning
Public Hearing
Cherry Avenue Estates
May 7, 2008

Minnich: Next item on the agenda is an application for a three lot subdivision to be known as Cherry Avenue Estates, Cherry Avenue, Watertown, CT in an R-12.5 residence district. Mike would you please read the notice.

Masayda: The Planning and Zoning Commission of the Town of Watertown will hold a public hearing on Wednesday, May 7, 2008, 7pm at the Watertown High School, Technology Center, 324 French Street, Watertown, Ct on the following application and application for a 3 lot subdivision to be known as Cherry Avenue Estates, Cherry Avenue, Watertown, CT in an R -12.5 residence district. At this hearing written communication shall be received and interested persons will be heard and a copy of the application on file at the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, CT dated at Watertown, CT this 24th day of April 2008 and the first day of May 2008.

Pearley Grimes – Attorney Cramer & Anderson, Litchfield

I represent Cherry Avenue LLC the applicant before you. With me this evening is engineer David Rhode who has done the engineering on this particular project. The first thing that David will be taking out of his bag I hope our some green cards that he will leave with your Commission and the next thing that I think he will give to you is plans that will be in 2 sizes of

configuration. The first full size sets of plans and the second would be a 11 by 17 set of plans which are colored up those are in four pages and I think because of the visibility issues perhaps if David could give you those 11 by 17 then each of you would have one in front of you to ask questions that might go along smoothly. The first page is not colored of the plans, there are 2 pages that are colored and they are very helpful in understanding the purpose of the application. This application is for a 3 lot subdivision. We are in a R12.5 zone and there is one lot, lot #1 which is 12881 sq. ft. Lot #2 is much larger lot at 1.44 acres and that also has adjacent to it open space of 1.42 acres and lot #3 is a larger lot with 1.391 acres. David assures me that we meet all the various zoning and subdivision regulations with respect to this 3 lot subdivision in this location. The application that we have before the Wetlands Commission for this project commenced on February 14, 2008 and was continued until March 13, 2008 and then continued again until April 10, 2008 and now is continued to May 15, 2008 which is next week. And the Wetlands Commission has looked at this project of a 3 lot subdivision and has said to us which we originally applied for we had 3 driveways. The 3 driveways were separate from Cherry Avenue and they were serving lots 2 and 3. Since there is as you can see from the second page of the colored plan, since there is some wetlands and a setback area which is in the light green and they wanted us to remain out of that setback area to the extent that we could, that is the Wetlands Commission they asked us if we could combine the driveway and have a common driveway which is shown on brown on this plan and have a common driveway to serve the 2 lots, 2 and 3 to the rear. We looked at your regulations and some members of the Commission may recall several years ago that a particular, a similar plan was presented to you and at that time we did not have and I think Chairman Minnich might remember, a wetland application pending so we withdrew our application at that time. We went back to the Wetlands Commission and they have said to us we really would like you to have 3 lots but 2 of them should be served by the one driveway which is shown in brown on the second page. Also there is a further blowup is on the last page also in brown. So we said that is fine we will do that but we have one little hooker which caused us concern the last time and that little hooker is the question of having approval from your Commission to have the 2 lots, 2 and 3 to the rear served by one common driveway. There was on our prior occasion when we discussed this with you there was an indication that prior Commission had some concerns about that. Now in your regulations specifically the subdivision regulations section 5.2.5g it allows the

Commission to require only one driveway serving a lot regardless of the amount of street frontage if deemed necessary for public safety purposes. I am not sure if that is the clearest regulation in the world with regard to saying that you can't have two lots served by one driveway but I understand from David Rhode that he has spoken with your administrator and she has indicated to David that there are 3 occasions where the subdivision requirements to which I have diluted to that is 5.2.5g has been used to allow common driveways in a subdivision and those subdivisions were Wolf's Hill subdivision and Rose Estates and Cedar Hill subdivision. And so what we would ask you do, this evening is to think and perhaps even if you felt if you could give us perhaps a sense of the Commission or perhaps even a straw vote on whether or not you would look at this favorable assuming that we meet all the other engineering details. I do not think Chuck has gone through those yet with David. A straw vote on the issue of allowing us at the request basically of the Wetlands Commission to combine the access to these lots 2 and 3 with one common driveway. That would be very helpful to us if it going to be something that forbidden as far as your Commission is concerned and we can't do it we need to know that so we can tell the Wetland Commission that you are not going to allow us to do that. They would like us to do that and we have no objection to doing that. And so we are all in agreement as we get to your table and then the question becomes is it agreeable to you. And we would like you to think about that but before you do, I would like to have David address the engineering aspects of the project I just wanted to give you a little overview and indicate to you our major

David Rhode – Compass Engineering, Watertown

Basically it is a 3 lot subdivision with lot 1 being a minimum sized lot of 12800 sq. ft. which is right here. Lot 2 being 1.4 acres being right here and Lot 3 being basically the northeastern portion of the site and then we are proposing open space over here where the town has access through Old Army Road to get to this place. It allows other things for the town too, it

controls drainage coming of the hill, I understand there are problems on Lockwood Drive some of the drainage. This will give the town access to the open space. The common driveway is basically 3% to about the corner of lot 1 and then it goes up 6% into lot 2 and down just under 6% to the turnaround area and the turnaround area is at 3%. If you look at the last sheet in colored package it's an enlarged area shows more detail of the driveway and it shows the profile of the driveway. The profile to lot 3 is kind of skewed because of the angle. Basically the 6% goes down to about here and levels off at 3% up to the house. The driveways at 15 ft wide to accommodate the fire truck and it goes into a hammerhead turn around where the junction of the 2 driveways that is basically right out of the town regulations and then it curves up and I discussed this with Chief Black and showed him the turning radiuses. That you can get a SU vehicle in and back up and turning all the way up to the house, come back all the way down to the hammerhead and driving out. So it meets the turning radiuses and I believe you have a letter in your file indicating that. Also the Watertown Fire District has said that we can connect to the sewer and water. On this plan you will see that there is row of w's and a row of ss's you got to have 2 separate services for each lot you cannot combine the services. So each lot would be on a separate service line. I seen the drainage report tonight, it shows zero increase in runoff between predevelopment and post development. Where the impervious areas are the route drains going into dry wells the heavier purple line that you see here is basically the limits of disturbance. I believe on the site plan it shows up more readily, quite by accident. That is pretty much it, I will entertain any questions?

Minnich: Is there any more presentation from the applicant?

Grimes: Nothing more Mr. Chairman other than to just point out that the advantage and aside from the wetlands issue on the common driveway would be that this subdivision is opposite of the entrance to Highgate apartments and so by combining those 2 driveways to lots 2 and 3 you wouldn't have one less curb cut. I think if you look on the second page of the colored up plan you can see that the Highgate entrances are approximately opposite there, so it would seem to make good sense to have one driveway at that location rather than the 2 coming in and out.

Minnich: Are there any questions from the Commission? I have one; maybe it will lead into another one. I am terribly confused about the status of this project in that I am not sure where it is in the wetlands, what the issues are for the wetlands? I make that statement because we have been through this conceptually several times and from a time management prospective we have spent a lot of time and I am not sure what inland wetlands has yet do and how their decision that they may wish to make will be of an impact on how we need to decide so if we are going to be doing some conversations this evening about it may all be for not and that needing to get in the wetlands input so that is the first question? What are the significant issues I do not need the whole scenario but what are the significant issues in the inland and wetlands and what are they likely to require you to do?

Rhode: Essentially with 3 driveways, the 2 separate driveways for lots 2 and 3 we would have water quality swales along the driveway going into rain gardens. And what they fear is the rain gardens will dry up the wetlands because you are diverting all the water away from the wetlands. So in this case because the area is so small you have more detriment by rain gardens and water quality swales. Again that also showed a plan that basically had no increase in run off.

Minnich: Is that the key issue?

Rhode: Yes, that is the key issue.

Minnich: My other question is in terms of my being confused, this issue as I understand is before the Superior Court what are the issues before the Superior Court and does that impact on the what you are having before us, you are a couple places all at once, I am not sure how you are setting up with all this?

Grimes: What happen was when we went to the Wetlands Commission we had come before your Commission I think in November of 2006 and on that occasion we showed you several plans at that time and there was a straw vote taken by your Commission at that time which said you did not want to have a common driveway and so when we got back we advised the Wetlands Commission of that they went ahead and said none the less you have to have common driveway to lots 2 and 3. Because from a Wetlands perspective we think you are having an inverse impact. We did not think that was a proper decision there was no evidence in the record that the 3 driveways would have an adverse impact to the wetlands. So we took that appeal, that appeal is pending and it is sitting there and during the mean time I have had conversations with council for Wetlands Commission and he suggested that we reapply to the Wetland Commission because we want do what is best for the environment but we were unaware that you would allow us the last time in 2006 to do this. We were aware that you took straw vote that you would not allow that and at that time I think Chairman Minnich you indicated well you haven't gone through the wetlands process yet so please withdraw your application. So we did withdraw our application to you. Now we have got the horse in front of the cart with wetlands going first and coming back to you. And so as I told the Wetlands Commission when we were there last month I said if we can get an affirmative answer from the Planning and Zoning Commission that they will go along with the common driveway serving the two lots then the appeal is withdrawn their approval is reinstated and we all go home happy. And that is precisely what we have advised them and they are waiting on you and we go back to them on the 15th and we told them that we were coming to you and we told them obviously there were some time issues related to your review and the closing of the public hearing and staff input and review of the drainage calculations from the soil erosion sedimentation control issues, all the issues that Planning and Zoning has jurisdiction over and they understood that. And were in a position now that we would just like you to give us an indication hopefully by a straw vote that you would agree to this common driveway. Because that would solve the litigation it would solve, we would withdraw our second application because we no longer need two extra driveways we would just go back to where they approved us and you did not in 2006.

Minnich: I understand now. Thank you it clears it up. We get lost in time in between all this.

Rhode: In the application we submitted a letter from Shawn Hayden from the Northwest Conversation district it kind of explains what I just told you about the rain gardens. It was in the package that was just submitted.

Minnich: We will look at that. Thank you. Any other comments from the Commission?

Rondeau: I have a couple of questions. First question is within the driveway, the driveway starts off to be 15 ft and then it blooms out to 24ft...

Rhode: That is because of the hammerhead turnaround. Yes that is because of the turning radiuses for the latter truck for the fire department.

Rondeau: My next question is the open space that you have designated for this project to me I can only speak as individual member it seems pretty much useless, I do not see as any real benefit to the town? It's mostly wetlands it's not really useable for anything other than..

Rhode: It is 1.4 acres and .4 acres is wetlands and you an acre of upland soils. I believe the requirement was 10% of the raw land which would be .45 acres double that an acre.

Rondeau: I do not see that as satisfactory but I am only one member so.

Minnich: Any further questions from the Commission?

Dupliese: I just have one but I am not sure if it is relevant and I would have to send it back to the attorney. I was on the Inland Wetland Commission when we approved your 3 lot subdivision. But when we approved it I just to clarify that we approved 2 driveways we were not necessarily approving the 3 lot subdivision, we wanted only 2 driveways so whether you went up to a 3 lot subdivision was whether you got that from P and Z but just to clarify that Inland Wetlands at the time really only wanted to 2 lots but we approved it as 2 driveways to reduce the impact from the wetlands. Just to clarify I did not mean to say that wetlands was approving the 3 lots itself. Okay.

Grimes: Yes, I understand what you said.

Minnich: Any other comments from the Commission? Are there any comments from the public on this public?

Claude Misereau – 45 Lockwood Drive

My property abuts this development. There is a buffer called the Old Artillery Road which is by no means passable by any kind of vehicle so the town does not have access on that road unless you have a tank or something you are not going to get through that road. The issue that I had the last time I was here that it was a considerable amount of drain off from that hill because the way the hill slopes. My property pretty much abuts the lower wetlands area and I am already protecting myself by creating a ditch on Old Artillery Road that I maintain and I planted a Willow tree but there is a considerable amount of water there. And one of the things that last time we met the developer had agreed to walk the property with members of the Commission here and review everything else and looked at the possibility of taking my ditch and making it some kind of permanent ditch that could be trenched all the way out to a storm sewer on Cherry Avenue. In other words the Artillery Road start just about where Belven Street dumps into Cherry Avenue, if you went Belven Street and dive to the left then the Old Artillery Road would start there and it runs right along the back end of that property. So I and several

others of the neighbors on Lockwood Drive have a considerable amount of water problems coming from that hill and I am concerned that this situation here is not going to help that situation at all. And the other issue was that the last time around the people here objected to the fact that the driveway was within 7 ft of the wetland. The code calls for 100 that waived it off to 50 and the last proposer was 7 ft and I do not see where this plan that I just took a glance at is significantly any different than it was when we were here a month ago. But I need to know is did they walk the land and did they agree that a ditch is necessary in order to protect the residents on Lockwood Drive?

Minnich: Chuck do you have an answer to that?

Berger: I walked the site with Mousa Rafey to look at the ditch the exits in the town right of way there for Old Army Road it does exist there it looks like the homeowners have maintained a little moat there to direct the water that discharges from this wetlands instead of continuing down the hill through your property and now continues along the road right of way.

Miserau: It contains a considerable amount of water.

Berger: It is draining the wetlands, that wetlands drains downhill towards your backyard quite honestly and it is diverted out along the road right of way out into Cherry Avenue. What they are proposing here will not increase the flow out of that wetlands they are not going to decrease the flow out of it but they are not going to increase it either. There might be a slight decrease pending on what Dave has submitted here tonight. It probably is a very minor decrease but they will not increase the flow out of there. So were not going to be solving any problems but were not going to make it any worse by this development either.

Joe Masi – 33 Pleasantview Street

I was on the Commission when Joe Zappone proposed the lots on the extension of Lockwood Drive and I can't remember the names of them, it goes out to Middlebury Road. We made him put in a ditch drainage system to intercept the water coming off that bank because it weeps like crazy. And the ditch was then funneled into a couple of different locations to pipe that ran to Deerfield Lane and dispersed the water. There is president for it and maybe even reviewed some of that plan that was implemented I am not sure the second point I rise to is that gentlemen asked for your permission to use a common driveway for 2 lots as you know our plan French Hill Estates as 3 and it was basically approved in concept by the past Commission the issue with the subdivision was the 400 ft and the site line and there has been at least 3 others that were approved and as Ruth said to Mr. Dupliese I think on the first meeting is that our lots all meet the square setbacks area etc. We just choose to utilize interior driveways so we can take them down to the interior road rather than coming out to French Street. So I would hate to see different treatment for different subdivisions because the concept of common driveways is a concept for common driveway it does not affect whether you have the square whether you have the frontage because you wouldn't even have the lot unless you met all those things and they are not real lots they are normal lots with different driveways situation. Thank you.

Minnich: Are there any other member of the public who would like to make a comment?

Members of the Commission?

Rondeau: I do have one last question, what are you using for frontage on lots 2 and 3? Are you using Old Army Road as your frontage criteria or using...

Rhode: Cherry Avenue.

Rondeau: It is hard for me to see. Lots 2 and 3 that each require 50 foot of road frontage?

Another words is there enough road frontage on lots?

Rhode: Lot 2 has 75 ft and lot 3 has 138.32 feet plus 13, 151 feet for lot 3.

Minnich: Any other questions? Tonight you asked us to obviously can't close this motion.

Because it is still before inland wetlands however you wished us to come to some straw vote I guess on the issue of the common driveway.

Grimes: If I may Mr. Chairman on that question I think what you will be receiving from Wetlands Commission in due course before you render your decision for due consideration by you is a report from them and I think that that report could be technically received by you post closing of the public hearing and you would have to wait for that then you give due consideration to making your decision. But if you want... that is for you to decide. The more important issue is the one we eluded to earlier which with regards to the Commissions hopeful approval of allowing us to access these 2 as the gentlemen pointed out they are fully sized lots but we are just asking for your permission under these circumstances to use a common driveway to access the lots 2 and 3 as shown on the plan and hopefully you can have a discussion about that that would lead us in the right direction.

Minnich: How do the members of the Commission feel about the common driveway? Sharing for lots 2 and 3.

Mancini: Alot of people know I am not in favor of common driveways but we do allow them in other subdivisions and as long as they meet the regulations the turn around, the pull off we might need a pull off for that fire engine going up and a car coming down at the same time we might need a pull off. I do not have a problem with it.

Dupliese: I understand that both lots meet regular square and regular size but that one lot that is whichever lot you want to choose here but it looks like the lot that has most of its frontage on Cherry Avenue they way the lot lines are devised right now if weren't for a common driveway that it would really have no access unless it went through the wetlands to get to the house.

Rhode: No, that is not correct. You would have to go through the upper regulated area. It comes within 70 ft of the wetlands. The proposed driveway that we tried to get through wetlands came just to the downhill side of the catch basin. It came in went through the area here and fanned out into the house location there.

Dupliese: Did they approve that?

Rhode: No they did not.

Dupliese: They rejected that plan correct.

Rhode: They have not rejected it yet.

Dupliese: But that is what I am saying I think that is what they are getting to is that I can understand using a common driveway for access when you have access but I think the hard part I have is that I don't feel that is it a 3 lot subdivision, I feel it is a 2 lot subdivision. But that is my feeling.

Rhode: You also got to remember lot 3 and lot 2 are both are almost 1.4 acres apiece. Five times minimum sized lot in that zone.

Dupliese: But because of the configuration of the lot though if you do not get approval from Wetlands to have 2 separate driveways to bring the driveway along the wetlands then you would have no access to the interior back lot.

Rhode: If this Commission does not in concept approve a common driveway we would have to go to Wetlands and show them that the common driveway is not a feasible improvement alternative to their regulations. We are trained to balance the environmental with everybody.

Minnich: Is there anybody else that wants to weigh in on this?

Rondeau: I have the same opinion as Glen, I think the wetlands that were put aside for this project I personally don't find them of any value and of any benefit to the town. So my opinion would be, I am not a fan of dual driveways period. But my personal opinion is you are trying to do too much with this particular site. I think it's more of it as 2 lot subdivision than a three lot subdivision.

Rhode: You are saying that the wetlands on this site are not of any value to the town?

Rondeau: The open space. I do not see that of any value of the town.

Rhode: So you are not going to require open space?

Rondeau: No. What I am saying is that my personal opinion is where lot 2 is what I would accept as open space. I personally wouldn't accept all of the wetlands and land that is useless to us.

Rhode: So what you are saying out of a 1 half acre subdivision you want to take 3 acres of it and use it as town property take it off the tax rolls and just have us with an acre and half land.

Rondeau: Yes that is what I am saying.

Grimes: If I may respond to Mr. Dupliese's remarks and yours sir. We have to keep in mind that we are in a Planning and Zoning Commission mode now even though some of you may have previous service on the wetlands commission the law says that we are suppose to keep track of our regulations that are in front of us. And here we have Zoning regulations that are in front of us that we are looking at and we meet the regulations to the T subdivision and zoning. So now certain of you are saying that perhaps because you're concerned about the wetlands which are the Wetland Commission's concern that you want to jump over the line and take on that subject. I think we are doing the best that we can under the circumstances because we do have access and there was some testimony that Wetlands on this property as you may have misspoken said sir that wetlands are not high quality wetlands to start with and but on the other hand there was some concern on the Wetland s Commission that we simply to close with 2 driveways couldn't we do something else. And so that is why they suggested to us that. They have no concerns regarding the wetlands to the rear of the properties where the large acreage is. It is only on that one little area where the 2 driveways would be close than 7 ft as you see on the map the wetlands then expands in different directions so that we have plenty of upland area to build on. They are not concerned about any of the upland area in the 1.3 or 1.4 acre parcels to the rear.

Rondeau: I am not either the point I am getting is that our requirement for open space doesn't mean that someone coming in for subdivision can whack off any old 10% piece of the property that they want and give it to the town to satisfy their needs for requirements. We can accept whatever we want as open space. If as a Commission we decide that these are not acceptable for open space we can tell you we do not accept this as

open space you have to go back to the drawing board come up with some other proposal.

Grimes: What we would offer to you is that if you feel they are not acceptable we offer to consider a fee in lieu of but we think they are perfectly acceptable as configured on this plan. That is for you to decide but we are certainly in a position to go through the process if necessary for a fee in lieu of open space if that was your concern with regard to this particular project.

Minnich: Thank you for that offer.

Masayda: So you are saying you would give a fee if we found this unacceptable?

Grimes: If you find it this parcel as unacceptable we would consider...

Masayda: A fee instead of open space.

Grimes: As David pointed out earlier I think this open space is at 1.4 acres with .4 acres being wetland and a full 1 acre being upland area it's a very good piece of open space for you to accept.

Masayda: Maybe Ruth you can clarify what our opinion of what the open space regulations are.

Mulcahy: As Pearly just mentioned Attorney Grimes it is not a high quality wetland it is not preserving any natural feature of the town and that is one of the goals of the open space. The other part of the open space is that if you

do accept open space for the town that is should have some of way of the public accessing it. It's really cut off by the lots. It's really not something that the town really sees in terms of their subdivision regulations as a open space recreational area.

Rhode: What we are proposing though open space you have access from Old Army Road coming down from the cull de sac. There is a trail coming down to this location plus there is a historic stone bridge in this location over the brook. There are 2 large tracks leading to the southwest that could be developed those pieces you can add on to their open space to this piece.

Minnich: We do not need to decide tonight the open space issue. So that we can make a decision at some future time would you be agreeable to a individual to do an appraisal that we could agree to tonight that they could have that done and on the open space so we then have that issue before as to whether both of us you and the town wishes to accept that option.

Rhode: Yes

Minnich: Ralph Biondi is okay with you.

Rhode: Sure

Minnich: I will see if that is okay with the Commission? For purposes of unanimous consent is there any objection on the part of the Commission to have Ralph Biondi do an appraisal on the open of land value of this property? Hearing no objection that is so ordered. He can have that available I hope. He has got 2 now so he has some good business here tonight.

Martin: You are stating here that open space the good uplands open space is 1.42 acres is that correct?

Rhode: The entire parcel is 1.42 acres.

Rondeau: Part of the issue is not just the fact that is wetlands, it is a very steep slope even though it is uplands it is not in the wetlands, and it is on such a slope that it is not really useable for anything. You could not put a ball field there, it's not even something that you would go walking on.

Minnich: We don't need to decide that, I am trying to move the meeting along. We are not going to decide this tonight. We are going to get the appraisal then we will have everything in front of us and make the decision. The other issue I think you want to decide is issue of the common driveway. We went around with tables is there anyone else who wants to weigh in on the common driveway in terms of making a straw vote motion on this issue ? We did this before and we know where it ended up and that was with the former Commission. Is somebody wanted to make a motion? Was it a 3 lot subdivision back then? It had gone back and forth in terms of whether it was 2 lots or 3 lot subdivisions. Okay does somebody want to make a motion on a straw vote motion on the common driveway, the applicants requested something to bring before inland and wetlands?

Martin: The fact that the Inlands and Wetlands is recommending, I understand we got the issue whether it be should it be 3 lots or 2 lots. If it is going to be 3 and the Inland and Wetlands is recommending a common driveway and they deal with this on a regular basis I think we ought to... and I understand they may have been just saying one driveway one lot, 2 lots we do not know. But they do not want another driveway side by side encroaching into the... I am stating for the record that I understand the thought process behind it and maybe we should give that some consideration. So with that yes I will make the motion.

Minnich: The motion for approving a common driveway for lots 2 and 3. Is there a second to that motion? When we vote we are going discuss it first but this is just a straw vote it is not binding on the Commission at this point. Is there any discussion on the common driveway motion? Hearing no comment, Carol would you please call the roll for the purpose of recording our votes. I guess you got your answer for this evening.

Grimes: Yes I think so. The only other issue I think is whether you wish to keep the public hearing open.

Minnich: Is there a motion to continue this public hearing? Is there a second? All those in favor please say I all those opposed no. Motion carries.

Text of Motion by unanimous consent accept Ralph Biondi as the appraiser for consideration of fees in lieu of open space

Text of Motion to approve the common driveway for lots 2 and 3 (this is not a binding vote)

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

Six in favor and 1 opposed.

Mr. Rondeau objected to this motion (Mr. Rondeau was not a sitting member of the Commission)

Text of Motion to continue public hearing.

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

All in favor and none opposed.

Michael Masayda _____

Secretary

Town of Watertown
Planning and Zoning Commission
Public Hearing
Cercemaggiore Club
May 7, 2008

Minnich: Special Permit #242 of the Cercemaggiore Club for a gazebo to be located at 550 Sylvan Lake Road, Oakville, CT in an R-30 residence district.

Attorney Richard Bruno – 220 South Main Street – Cheshire, Ct.

Before we get started I would like to have some exhibits from Special Permit application #219 made a part of the record tonight and I will go through them right now if I can. Starting with a letter dated April 25, 2006 from the Zoning Officer to the Planning Commission it was marked as record exhibit #11 in the last application that was here. The second item is a letter from the Zoning Officer dated April 27, 2006 to the Commission designated R1-2. The next one another letter from the Zoning Commission Officer dated May 12, 2006 designated R1-5. The next is a letter from the applicant to the Commission dated May 19, 2006 designated R1-9. The next is the site plan and it's designated RV-1. Then a letter from the Building Official dated May 18, 2006 to me which was made a part of the record designated RV-2. The next item is specifications for the gazebo what I have not gotten to what we are here for yet but that is RV-3. The next item is the Contractor's License and Insurance that were put in the gazebo dated RV-4 if those may be part of the record I would appreciate that.

Minnich: Without objection that is approved.

Bruno:

I think most of you know I have been here before we have been in court on this matter. That matter has been withdrawn this is a new application. There was some dispute whether I could even file another application but with the case withdrawn. This is a new one and this would clarify what is going on here. When this got started two years ago the gazebo had been built and someone had notice it and said is this a special permit you have to do something about it. The applicant Distasi Catering has only been in these premises for less than 5 years. The first time they had done anything outside the building they were totally unaware. The club itself probably was aware because there has been a history and we all know that. They got the job done and they did not realize they had no permits, and they had nothing from Planning and Zoning. My position last time was that this is just a minor amendment and of course the Zoning Enforcement Officer did not think so and submitted it and that is fine. And that is where we are now and when we go forward will have to look and see exactly what is there. There is a gazebo is 12 feet in diameter and it's probably a 144 sq. ft. You could probably fit maybe 6 to 8 people in there without getting it overly crowded. The letter by the applicant to the Commission was that it was going to be used for photographs mainly. Probably some of the members that come in and cannot smoke inside anymore may go up there and sit around and have a cigarette. We don't know if that would be one of the uses but we do know that wedding parties that come there would like pictures in the gazebo. It is a pretty sight and I know it's there the building official said it was done right but you need an electrical permit and a building permit and that is going to be happening if and when we get the permission to use this. Whether or not this really effects the special permit is the question in my mind. This gazebo is between 750 feet from the road you cannot see it from the road. The only people that can see this that are not on the premises are three neighbors. The gazebo is 200 feet to the closest neighbor to their property line. And I went up there tonight and looked again to see. I think they are 50 feet their house is 50 feet from the property line the setback in the R30 zone I think is 50 feet, so the closest anyone would be 200 to 250 feet to this particular gazebo. It is not something that is going to affect the nature of the whole special permit. The whole special permit is for the Social Majority Club and the Grand Oak Villa. I would like to make for the record that Grand Oak Villa is the business name of the applicant and they share space in that building with the club. And they have permission to do this from the club and there nothing in this particular application that going to affect what goes on anywhere in the property. I know last time we were here

someone talked about music and blaring stuff, there is electricity to this gazebo for lighting and that's it. It is not there for music or setup some kind of electrical apparatus. It is not something you can walk out the building and get there. If have to walk out the parking area and up around the hill. There are some stairs that are put in but there are not accessible. In deciding whether this is a legitimate use you will have to decide does it affect the welfare or the safety of the public or does it affect the neighborhood. There is nothing in this gazebo that would affect anyone, there are some neighbors those neighbors I am sure they are going to be here tonight. And they are going to complain that a lot of noise coming out of this club but it is not actually the gazebo that is going to cause any noise. There is not going to be anything the lighting is going to be diffused, it is not going to be bright and there is much bigger lighting around the club itself not

around the gazebo. It is not going to affect any traffic, there is not going to be any more people coming there at any one particular time. The size of it is small enough that it is not going to affect anything in this special permit that is there. The character of the neighborhood has been firmly established, there is residential across the street. There special permit for this use it's never been rejected. There is nothing here that is going to affect that. You do not need new parking, you do not need extra parking, you do not need any kind of water drainage, or anything else on this. We are asking you simply take a look at it and decide it really does not affect the special permit that is in existence now. If you have any question I will be happy to answer them?

Minnich: Is there any questions from the Commission at this point? Is there any comments from the members of the public on this application?

Bo Wasnitynaski - 514 Sylvan Lake Road

I met all you ladies and gentlemen before but I am not intending to waste a lot of time. But I have to talk the history of this thing. And the history of this thing is slow incursion into residential. Is still says here R30 residential

and we got a great big banquet operating in residential, how did that happen? What happened by increment the club put up a building for members to play cards, for the members to have a cookout and suddenly that brought another building which they refer to as a club building, and turned out to be a mega catering facility and when they were called on it they said well it's there so you got to let us use it. It is always act first and then tell you it is there you got to let us use it. And little things have been happening all along. They put up a commercial sign at the end of the driveway, now you can't have commercial sign in a residential zone. I can't put up a little thing on my driveway saying night crawlers for sale because it would be a violation of the zoning regulations but it is a residential zone. And yet they have this great big thing and when called on it and this is a massive commercial sign it wouldn't be acceptable in a commercial zone. No commercial entity could put a sign that big on their property either in commercial zone and yet it is there. They say it's there what are you going to do let it be. So they put up lights along the driveway and again they did not ask anybody. They did not get permission they did not come to this Commission, they just put them up. When I wake up one morning and find shining in my bedroom window and I ask what is going on a hearing is held and they said well it is there so let them have it. There was some minor adjustments the kind of light and heading. And so it goes, from the very beginning of that club, there is buildings on that property invite you all research this, building which never received building permits. But they are there so let them have it. And now we have this busy gazebo, and again one day I wake up and look out my bedroom window and there is a mountain in the gazebo which had not been there before. It is a gazebo on top of an artificial mountain and they have come to us and said well it is there so let us have it. The gazebo is not a big deal just everything else was not a big deal but it was in increments. More and more firmly entrenching themselves as being legitimately allowed to have a commercial enterprise, a very large commercial enterprise in a residential zone. Does it affect me? Yes it affects me my property value. Would you buy a house next to a great big catering facility? I would not. So yes there is a problem here. The problem has been from the very beginning, this is a residential zone we want to be treated that way. There are certain standards for what can go on a residential zone and what's going on next door to me is not acceptable. And every now and again another step is taken to do something else. Obviously the gazebo is built for commercial purposes. It is to attract more wedding guests. And I do not want more wedding guests attracted to my

neighborhood which is residential neighborhood. God knows what is going to be happening on this property next. I know something is going to happen because it always happens. One day I am going to look out my window and see or that and I can't even imagine what I will look out my window and see. And I come to you people and the club will say again say "whoops we forgot to tell, but it is there now let us have it" and this will go on and on. Someone has to draw the line. The attorney has already confirmed for you that the gazebo is built with no building permit, no electricians permit, no reference at all to this board. I am not a zoning enforcement officer, it is not my job to bring this problem to this board but I did. And I was disbelieved by some of the members you couldn't believe that a gazebo had built without a permit. The club then files suit against the town for having violated town regulations is that crazy or what? As I said it is not a question of a gazebo its 30 sq ft is it 40 sq ft is the lighting subdued or is the lighting glared. It is that things keep happening on that property and they are all aimed at one thing to make absolutely a commercial district without going to before this board and asking for the area to be rezoned commercial. If the club wants to come here and ask for the location of the club and the surrounding locations to be rezoned for commercial I might be here supporting them, it might make big bucks if my property was commercial. But at the moment it is residential it is where I live where my wife lives and my child and I am looking at the value going down, and no benefit of any kind. Please draw the line somewhere I think this gazebo is a good place to start drawing the line. The club has to learn you don't do which ever you want to do and then say whoops forgive us but let us keep it. You say no with that I pass.

Minnich: Is there anyone else who has any comments?

Masayda: In the essence of time what has changed since the last time this issue was brought in front of this Commission, in which this Commission had made a decision the issue of non compliance of the special permit. It just seems like a tape recording of what we've heard already and decided on what they needed to do and it is in front of us again.

Minnich: The issue is that is new before us now is this application. They have submitted an application for the gazebo and this Commission voted to

accept that application for review and that's why we are tonight for the public hearing. Is there anyone else from the public?

John Vitone – President of the Cercemaggiore Community Club

And perhaps the comments I am going to make tonight are going to sound like I was parroting our attorney. The best thing I can do is paraphrase him so it would sound original. First of all I would like to say that there nothing incremental about the activities and the building that has been going on our facility. In 1974 and this is a matter of record and all of the documents are still in your record we made an application to the Planning and Zoning Commission and at the time we presented our application a site development plan and on it was the pavilion that exists there now, the athletic field that exists there now, and the banquet hall right where it is located at present moment we were granted this special use permit unconditionally and we proceeded along those lines. Now I know they keep bringing up that it is an R30 zone every inch of property in this town has a residential zone underneath it. To keep coming back and saying that this is an R30 zone yes it is, but it has a use special permit. There is nothing illegitimate about that and it is on this basis they we have preceded to this point. We built this gazebo and we are here a second time with this thing and we made a terrible mistake, we leased the property, this means the hall and the property on which it is located to Ditasi Catering. They decided that what they needed was something because the photographer at the wedding has no opportunities to take pictures and because of the topography of the land they wanted to build something. We said okay fine if this is what you want to do make sure you do it legally, it went before the board of directors they were given the permission and they said the thing would be put up strictly ornamental for ornamental purposes and strictly as a photo back drop and for nothing else. There would be no activities and any kind going on up there and there never has been any activities going on up there of any kind. And they came before this meeting once when I was here they heard loud music coming from the gazebo this is not a band stand. The thing came in a box it made of plastic 3 or 4 people can pick it up and carry it away. It is not even a permanent placement. They assured us of what they were doing they got a professional person to come in and put this thing in, which he did. And he had to put it in with esthetics values in mind as an

ornamental thing, this is why we located we did on the top of the hill so people can see it the minute they come up the driveway. And then it is also an opportunity for people to go in and take photographs. And this is the only purpose that it has served and this is the only purpose that will ever serve. I talked with the contractor who built it and asked him what about permits he says we do not need permits for this he intimated to me that he called the Zoning Board and told them that kind of a plastic gazebo does need any kind of a permit. Later it turned out that we did need a permit well somebody made a mistake we will take what blame we have to take in this mistake whatever is assessed to us we will pay any penalty that we have to pay but we would expect that it not anything to punitive like making us move it. Now we can very easily move the gazebo, people can pick that up and move it is just sitting on the ground. But the landscaping that went into it is the artistic part and this cannot so easily be moved 200 or 300 feet so the people on Bodell's town street that are a ball field and half away from it claim that they are being disturbed and there are people there taking pictures. This is hard for me to believe but these comments have been made before this meeting and it's like to tell this to me that now it's like telling us well you dug a ditch on Falls Avenue it's fine there is nothing wrong with it but now move it to Buckingham Street. You are not really moving the ditch when you do that it is a different thing all together you have to rebuild the whole thing again. And this is what we would like to avoid if we can. If it comes to that we will accept it because we are accepting whatever we are comparable for we did make the mistake were admitting to it. Whatever we have to pay even a financial one we will be only too happy to pay it. So I hope that in your deliberations tonight you consider the merits and the merits of what has been spoken here and that you be somewhat circumspect in coming to whatever decision you may come to. Thank you gentlemen.

Minnich: Is there anyone else who would like to make a public comment? Are there any members of the Commission who have any comments or questions?

Rondeau: I actually have a couple of questions, whether it is to the gentlemen that just spoke. There was mentioned that this application in 1974 or 84 you mentioned two different dates you mentioned that the initial application came in that there was a clubhouse on it they were a variety of different

buildings, the initial intent was from the beginning was to have the facility as it is now and I would like clarification on is when that initial application came in was ever talk of their commercial component to this club or what the initial application strictly for the purpose of member use? It is not the specific issue but it is an issue?

Vitone: When we originally presented the application we were not exactly sure just what we do and which way would go, we considered the purchase of this land which was the old Jim Dwyer Farm which was about 30 acres or whatever it was but at the time we would purchase it only on the condition that we got a special use permit. And so we came before the board with what was not exactly a chiseled in stone. We were trying to be flexible as how we would proceed but as we developed our plans and our thinking we saw thought this was the best way to go. When we finally came before the board 10 years later with an application to build a hall. We told them exactly what this was going to be and how it would operate. There was questions back and forth, there was comments from the public they understood it completely it is in your minutes and I would ask you to research them and you will see it very clearly they we were granted our building permit for that hall. And on that special use property to use it as a commercial building by a professional caterer and that was very clearly stated.

Bruno: The history and I understand I was here during the last public hearing and we went through the history the history is very difficult. But it is really not an issue tonight. Tonight is an amendment to the special permit. The history has nothing to with this as much as it is very frustrating for everyone that comes up here and opposes it and some of the Commission members. The fact is that all this was approved, there is a special permit and this simply an amendment to the special permit and the history should not have a part of the decision in this little amendment. Thank you.

Minnich: Is there any comments from members of the Commission? Are there any further comments from the applicant?

Attorney Bruno has just said a brilliant thing he said that is just a question of an amendment to a special permit. I think the Commission might use this occasion to indeed add amendments to this special permit. You Mr. Chairman had participated in a Commission study which suppose to look at the situation that we live in. Talk about lighting, talk about power lines, talk about traffic, talk about noise, that went nowhere because the club it does not want to participate. But an amendment to a special permit can be one or can be several and I would ask very much that use this opportunity that club has presented to you of having an amendment make into several amendments in order to make our life a lot easier. Thank you.

Minnich: Is there anyone else who has any comment? Any members of the Commission? The applicants do you have any further comments? Hearing none. Is there a motion to close this public hearing? Is there a second? Is there any further discussion? All those in favor of closing the public hearing please say I and all those opposed no. Motion carries unanimously.

Text of Motion to close the public hearing

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

All in favor and none opposed.

Michael Masayda _____

Secretary

Town of Watertown
Planning and Zoning
Public Hearing
400 feet spacing
May 7, 2008

Minnich: Next item on the agenda is an application for text amendment to the Subdivision Regulations Section 5.3.7 – Intersections. Mike would please read the notice for public hearing.

Masayda: The Planning and Zoning Commission of the town of Watertown, Ct will hold a public hearing on Wednesday, May 7, 2008 at 7 pm Watertown High School Technology Center, 324 French Street, Watertown, Ct an application for a text amendment to the subdivision regulations section 5.3.7 intersections section 5.3.7a no more than 2 streets shall intersect at one point. Intersections shall be spaced not less than 400 feet apart. The Commission may waive the 400 feet spacing and change the spacing to a different number of feet with a $\frac{3}{4}$ six member vote of approval to weigh. The Commission shall take into consideration public safety and state on the record the reason for waiving intersection spacing requirements.

Minnich: This is our proposal as we know subdivision regulations changes come from the Commission. Does someone want to begin to put on the record as to their support or not support of this text amendment that is suggested...

Martin: David I think I am going to reclude myself on this one.

Minnich: Ray would you please sit in on Gary Martin on this one.

Mancini: I will start off. I am the one that brought these 400 feet the very first time and we have had problems in other parts of the towns, accidents and I am going err on safety. I am not going to agree to change the 400 feet. If the regulation is 400 ft and I do not agree that we should even change it and I do not agree that we should even change the language and saying that we have a right to do it. It is what it is.

Dupliese: I understand what you are saying there have been a couple of accidents lately, but just for clarification Dave and I am just going back the language here is we are giving ourselves the opportunity to make a change on a case by case basis. So we are not doing this on this one or any individual project here. This is just giving us the language to change this on a case by case basis.

Mancini: That is right.

- Dupliese: You feel that under no circumstances you would agree to change the 400 foot intersection spacing. Under no circumstance.
- Mancini: That is right.
- Masayda: I would like to ask Carl a question? Those accidents you are referring to, was the reason for the accidents due to intersection spacing or some other designed?
- Mancini: Mike is does not make a difference, I am trying to say we have had accidents and there are regulations in effect to try to prevent them and I think this 400 feet was put in to try to prevent accidents and I am not going to reduce it to have possibly have more accidents in that area. That is the only reason.
- Masayda: You are talking about certain types of accidents; you are referring to accidents intersection spacing.
- Mancini: I understand what you are saying. No the other accident I am talking about has nothing to do with intersections. But I am not going to reduce footage so that there is a possibility of more accidents. It is only going to make things worse. So that is the reason I am voting no for safety.
- Minnich: Is there anyone else who wishes to make a comment?
- Rondeau: I think this is a little vicarious of the situation in terms, I agree with Carl in terms of adjusting things as this is proposed. The only way if I were to vote for this is if in some way of shape and form there was wording in there that would only allow less than 400 feet if somebody may have to help me with appropriate terms here but if after traffic and safety studies were done indicating that there is enough space even though it would be less than 400 feet to properly egress in and out of this space that would be the only reason that I would vote for this.
- Minnich: Well when you thinking in here in a few minutes draw up a sentence please do. Is there anyone else who has a comment?
- Dupliese: I have a question for Mike because Mike seems to have more this knowledge in his head than most of us. I think Mike or Chuck is that what Ray just said is that he is trying to find some wording to allow that to happen if there is that possibility. But when your, I think you said in the past that the design criteria were no design criteria there were suggested spacing...
- Masayda: The state of Ct manual says it was preferable, Chuck correct me if I am wrong. The state manual said it was preferred to get 400 feet.

Berger: Yes that is correct.

Masayda: There is no hard number; a lot of it has to do with the type of intersecting roadways, the cueing of the cars, where you would get conflicts where that cueing would interrupt that intersection, that distance apart. I feel in this case, Chuck I do not know what your opinion is but that is a cull de sac road with a minimal amount of houses on it and I can't foresee it generating that amount of cueing, I guess Riverside Street would be the intersecting road that were talking about here that would extend out to 400 feet or it could be less than 400 feet.

Dupliese: Is there some place that we could go or a study could be done or some information we could derive from somewhere that would say that it is safer if you do this and this you could reduce by that much. I am just looking for some sort of table to go by.

Masayda: There is no table.

Rondeau: My issue is not necessarily French Street my issue is if you make this amendment then everybody that puts in an application that has any issue that anything to do with 400 feet they are going to come up and they are going to say I want you make a change for me to, well you did it for them on French Street and you have done it for them. Just like we were talking about the double driveways a couple minutes ago. I personally do not think there should be any double driveways anywhere whether it is French Street or anywhere. I mean that is my personal opinion but you now have done it you have a applicant up here saying well you have done it at such and such and you done it at so and so you have to do it for me. So that is my concern, unless there was some kind of wording that could be inducted in here. But I do not know what exactly to write I would ask everyone to chime in. Unless there was some kind of wording that could be written that would ensure whether it is stopping distance requirements whatever those measurements or what those terms may be unless there was something in writing that we could put in that would ensure that it would be a safe intersection otherwise I would have to say no.

Masayda: I do not think you could prevent the applicant from developing his property. And I think that it is something like this was denied that he could prove that 400 feet you guys want to keep it at 400 feet he could prove that it would still be safe at something less than that for this criteria. And that why I think it should be up to the opinion of our engineering staff from the town to determine whether this intersection spacing is appropriate or not and then based on their judgment and the cues and potential other issues with this intersection spacing that we take the appropriate vote to

determine whether it is acceptable or not. So I think this amendment if fine.

Minnich: Is there any other members of the Commission who wish to speak on this?

Mancini: If I might add to what Mike is saying. Mike I agree with what you are saying but didn't Roy Cavanaugh say because of speed on French Street is the reason why the percentile is so high where you would need more than 400 feet there.

Dupliese: No. That one was on site line. The site line was the 400 and some feet 180 feet because of the speed.

Mancini: Either you met the 400 feet or you do not meet the site line. I understand that. But I thought Roy Cavanaugh also said it is because of the speed on French Street that is the problem.

Masayda: And there are ways of getting around the cueing issue, maybe in this particular location there is no bypass a car stopped to make that turn and start that cue of vehicles if you parade bypass lane where a car could maneuver around that vehicle that could eliminate your distance of 400 feet by a significant amount. If you look throughout the town there a lot of intersections that are less than 400 feet. Just look at this driveway right here at the high school coming out here and Gilbert Lane you are talking 100 feet.

Mancini: Mike maybe that's why the 400 feet was put in.

Masayda: I am just saying the volume of traffic coming out of the high school is going to be significant more anything coming out of 15 lots subdivision is.

Minnich: Anything else from members of the Commission before we open up to the public?
Any members of the public who would like to speak on this issue?

Margaret LaFlame – 543 French Street, Oakville

Several meetings ago this Commission requested information from the council of governments as to what our neighboring communities were doing with distances between intersections. The council of government report has you will recall demonstrated that 11 surrounding towns had been surveyed of the 11 towns 2 had regulations for a 400 foot separation between intersections. The other 9 varied between 350 feet and zero feet unlike Watertown, the majority also provided waivers on their intersection separations these towns have waivers for good reasons. As we all know subdivision regulations no matter how well written cannot possibly cover

every potential nuance. This is why I rise to support the provision of waiver to section 5.3.7a to allow greater discretion to the absolute figure of 400 feet when warranted. Finally I would ask that your approval that you approve this waiver provision. Thank you.

Donna Masi - 33 Pleasantview Street, Oakville

First I would like to thank the Commission members for all the time and their work that they have done in discussing this issue and creating this amendment to waive the 400 foot intersection regulation. Also I would like to thank Ruth and Chuck Berger and Roy Cavanaugh for all their research in the gathering of this information that Commission has used to make their decision. During the meetings that I have attended in the last several months this Commission on various projects has waived the regulations on sidewalks, on open space, application fees, connection of a cull de sac and the length of the cull de sac. You been able to do this because your regulations allow this. This 400 foot separation waiver is no different it would allow you to look at the 400 feet on a case by case basis there seems to be some concern about this. It would be on a case by case basis and the regulations said that it has to provide for public safety. As you know there may be unique, physical, and topographical conditions that are specific to particular parcels of land. Where this strict application of the 400 feet could not only cause undue hardship but waiving the requirement could actually make a project better. In addition to the local town survey that was done, you heard from your Public Works Director Roy Cavanaugh that state does not even have an absolute 400 feet. They get what they can know full well that they cannot prevent the development. And Roy said they go anywhere from 400 feet to the intersections side by side. And certainly support the approval of this waiver to section 5.3.7a to allow the change of spacing to a different number of feet with the $\frac{3}{4}$ member vote by this Commission. And I hope this Commission by a majority approves this waiver tonight. I think you should take a look at the information that was given to you during these meetings. And listen to your staff people and read all the information from the states and the other towns and make your decisions on that. And not something may happen someday.

Joe Masi – 33 Pleasantview Street, Oakville

I want to rise to put my 2 cents in. I agree obviously with the 2 previous speakers. I would remind the Commission that the poll of the past Commission and this Commission produced an agreement that amendment to the 400 foot requirement would be looked on favorable that was what spurred us to proceed further. Now Public Works Director, Roy Cavanaugh report indicated that the 400 foot separation which was taken from the state recommendations is not even enforce by the state

any longer. They just get what they want is done and pointed out. Now I want point out something because I keep hearing wherever that number came from they must of known what they were doing I served on that Commission that approved the subdivision regulations in 1992 to be effective January of 93 and we pulled that at the time because that appeared to be what the state standard was but it's obvious when you read all the information from the state and how they act that totally inappropriate because they do not even consider that anymore it's not even entered in the equation. They get what they can. Obviously safety is a big concern now I just wanted to point out one other thing our regulations from 1969 through 1993 to the present always provided for a waiver of any section to the regulations that was the intent when we approved in 1993 regulations that that waiver clause applied to all of the regulations. I am of the opinion that you have the power right now to vote on a waiver. But based on the fact that you do not think you do and you want to go through this particular process God bless you I am willing to obviously let you do that. There is always a recognition in the Watertown subdivision regulations that code was not perfect and could not be perfect and that's why the waiver clause was not served in those regulations where 1969 regulations and in your current regulations so what you are really doing here in my opinion is your fine tuning. The regulations to meet the current case law if it is applicable and still in keeping with the intent of the original 1993 code. And I am of the opinion that since it is a continuation and justifying tuning that it should be past as stated in the call of public hearing. I think that it is wise because it gives the Commission the latitude to take advantage of situations that just did not fit. As Duane George pointed out at one meeting we are in New England folks we have all kinds of topography, we have all turns and curves, etc. the 400 foot number obviously was a generic number that the state once used and no longer uses. The most important factor is site line, if you have the site line that is what is important. You can see what is coming either way and make an appropriate decision to stop, go and so can oncoming traffic. That was also pointed out by your experts; the town engineer and they have tons of experience in this area it should be listened to. The alternative is that it presents a real hardship on people who have those odd pieces with tons of acreage fronting on a road with a conceivable no development situation. It is ridiculous. It just can't stand.

Minnich: Is there any other comments on this issue? Let me read into the record then a letter from our council of government on this matter dated May 7, 2008.

Dear Mr. Minnich,

On April 21, 2008 the Council of Governments the Central Naugatuck Valley received proposal to amend the subdivision regulations the town of Watertown. The statutes do not require regional planning organizations to review subdivision regulations amendments only zoning texts amendments. Zoning map changes within 500 feet of a boundary and subdivision touching a municipal boundary are under COG CMB prevue. Nevertheless upon the Commission's request COG CMB staff can comment on subdivision regulations, site plans or other land use and transportation issues. COG CMB staff has reviewed the proposal to give the Watertown Planning and Zoning Commission the power to waive the minimum 400 foot spacing between intersections with a $\frac{3}{4}$ vote. The more closely the intersections are spread the more likely accidents will result from turning movements. COG CMB staff recommends if this amendment is approved that the Planning and Zoning Commission waive the spacing requirements only when other options would prove more hazardous. If the Commission has any further questions regarding this issue please contact us.

Sincerely,
Sam Lapold
Senior Planner

Any further comments from the public? And further comments from the members the Commission?

Dupliese: Can you read the last 3 sentences on that.

Minnich: (Read the last sentence again). Is there any further comments from the members of the Commission?

Masayda: I kind of disagree with Joe Masi that intersection spacing is very important however it depends on the intersection which you are viewing at the time.

Rondeau: My comment would be appropriate, again I was looking for some kind of measurement or some kind of quantitative value that you can use to determine if fewer 400 feet would be adequate and I might recommend that we consider site line as that measurement. If there is a site line study done. And the site line study and the site line study indicates that there is adequate room to add something that would be less than 400 feet and it would be a safe addition then I think this would be an acceptable amendment. Because again it is going to require $\frac{3}{4}$ or 6 members vote affirmative to get it past. So that is my comment.

Minnich: My own view anyway I think site line is obviously is one of the key reasons that we would be considering waiving this. My issue that I have with you on this is that if I am hearing you carefully that the site line would then be the reason automatically grants this waiver, my concern with that philosophy are that this is a subdivision regulation. It is under the prevue of the Planning and Zoning Commission. The site line regulations is a Zoning issue it is can go to the Zoning Board of Appeals, listen carefully to your wording that we then would then have to go under subdivision regulations if I am hearing your wording correctly then would have to go to what the ZBA would ultimately would want to do. I don't think that is the neither case nor do I think that we should be.

Rondeau: I disagree with you but I don't necessarily think you should just be able inadvertently waive it without some kind of a, what may be appropriate and I think it is important that everybody is focusing on French Street. I am not actually focusing on French Street as far as this is concerned. I am thinking about, the comment was made look the state does not even use this, they get whatever they can get. They sometimes can put 2 intersecting streets side by side and it is very dangerous. Well that is the whole point we are trying to prevent something like that from happening and if it requires to have a numeral of 400 feet to prevent that from happening then great. If we can come up with some measurement that would say and again...

Dupliese: I think the measurement would be your opinion, because it says right here. In wording that they want to add or the waiver that they want to put in here. Is the Commission may waive the 400 foot spacing and change the spacing to a different number of feet with a $\frac{3}{4}$ six member vote of approval to waive. The Commission shall take into consideration public safety and state on the records the reasons for waiving the intersection spacing. So I think gives you your answer right there. You can make that decision based on safety. If want to make this waiver every time and it is not saying that we will waive it every time we are saying that we will take into consideration whether or not safety is involved and if safety is involved then you do not waive it.

Rondeau: I understand that and agree my only fear about it is there no measurement there is nothing that, it's all an opinion. There is no quantity to value that you can use to say; yeah I think this is safe. So in reality for whatever reason I can say I think it is unsafe. I think accidents might occur there. I really do not have a valid reason to say no. And that is what I am afraid of. I think if you are going to say that you should have some quantifiable data to be able to back up what you are saying. That is the point I am making.

Minnich: Anyone else?

Joe Masi: Ray life is not easy. That is why we are on this board to make those kinds of decisions. And you listen to your experts, they have the background, they know what is generally accepted in the trade. Most of the Commission members don't. That is why you have experts and the law provides that if you have expert testimony that is what you have to rely on. Not your own testimony unless yours is qualified as expert is. That is in statue.

Masayda: He could provide a possible wider shoulder that could allow bypass where you won't have that issue with cueing.

Dupliese: There are a lot of options. I mentioned something at the last meeting and I was told that was an offsite improvement but there are options.

Minnich: Is there any other comments from the public? Any other comments from the Commission? Is there a motion to close the public hearing? Is there a second? Any further discussion. All those in favor please say I and all those opposed please say no. Motion is approved.

Dupliese: I move that it is 11:30 and we adjourn this meeting.

G. Martin reclused himself from this application

R. Rondeau sat in for Mr. Martin

Text of Motion to close public hearing.

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

All in favor and none opposed.

Michael Masayda _____

Secretary