

Revised (5-20-08)

Town of Watertown
Planning and zoning commission
Regular Meeting
Watertown High School
March 5, 2008

Minnich: We call this regular meeting for the Planning and Zoning Commission will come to order for the meeting of March 5, 2008 7:30 pm.

Carol would you please call the roll.

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

Members absent: R. Rondeau, C. Mancini (arrived at 8:00 PM)

Others present: Ruth Mulcahy, Land Use Administrator

Kenny Demirs will you please sit in for Carl Mancini.

Demirs: Yes.

Minnich: **I would like to suggest we move item #3 the executive session to be item # 10c.** Is there a second and further discussion? All those in favor please say I all those opposed please say no. Motion carries.

Text of motion: Move Executive Session to 10-c

Motion made by: M. Masayda

Motion seconded by: G. Martin

Aye: 7 Nay: 0

Dave I would like to move item# 8i. I would like to discuss the regulations for parking commercial areas.

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

Text of Motion: add 8i to agenda to discuss parking regulations.

Motion made by: G. Martin

Seconded by: G. Dupliese

Aye: 7 Nay: 0

Minnich: **Next item on the agenda is the Public Participation.**

C. Mancini arrived at 8:00 pm
K. Demirs no longer seated for C. Mancini

Joe Masi 33 Pleasantview Street - Oakville

I am here to ask a couple of questions about French Hill Estates. I was just curious as to why we were not on the agenda I was expecting that we were going to be on the agenda tonight?

Minnich: I did not get the anything from Chuck Berger as of Friday and that's why it did not get on the agenda. I understand he is on vacation but he will have things ready for the next meeting. So I am anticipating it to be on the next meeting.

Masi: Ruth did you say something to the fact that you were going on vacation too?

Mulcahy: (inaudible) My information is coming from Virginia Mason and she promised before that time because I am looking at whether or not any other town have these separation distance for the intersections.

Masi: I just wanted to want to point out the fact that you all recognize that the previous commission and this commission voted on treating the thing quickly when it comes in. I just wanted to keep on the commission for that. And I do want to point out one thing that there is precedence obviously dealing with one issue in the subdivision regulations at a time and 5.3.11 on the cull de sacs. Okay you have made an amendment with regulations with two thirds vote that you could change the length of the cull de sac including number of lots etc.

Minnich: Three quarters.

Masi: Yeah with a three quarters vote in statues call out anyway when the sub division regulations are amended by it done by a three quarters vote. I thank you for your time. I will keep waiting.

Minnich: Anybody else?

Russ Erickson - Pleasantview Avenue

I am here about some of your rulings last meeting about the high school in regards to your gate and fencing area on Tower Road that borders Tower Road and Pleasantview Avenue. Your ruling is very different from theirs. Theirs calls for approved all their variances for parking area in this corner but its approved with conditions and installation of a six foot high fence to be installed along Tower Road and Pleasantview Avenue. On the side of the property a six foot gate on Tower Road that's the end of it. Their intention was to fence that whole area off no breaks in the fence what so ever a gate which they have now which would be covered by a fence and that was their intention to protect their neighborhood.

Blaise: Who are they?

Minnich: ZBA

Erickson: Which you guys closed it off completely because it I'm sure it did not meet any site line requirements. Anyway because you can't see it until you are right upon it. Yours say vehicular traffic access to Tower Road in Watertown High School property is restricted effective as of the date installation of the traffic light at the intersection of French Street. There shall be a metal pipe access gate. What is a metal pipe access gate? I am just unfamiliar with that term. Is that a chain link fence on it as well?

Ruth: No

Erickson: So that is not going to stop anything but autos. That is different from their motion. And the last thing that is on there that says a 3 foot wide pedestrian access shall be provided. I am taking that there is going to be a portion of that is unfenced 3 feet?

Minnich: That's correct.

Erickson: That's not what their intention was either. You have effectively changed their motion. You changed their ruling and you changed their conditions. And I don't see how you can do that.

Minnich: I am not going to argue the legal issue with you. The school district has a period of time to what they wish to do that has not expired. But let me answer it in a very general way. The Zoning Board of Appeals function is to review zoning issues and to make their variances based on hardships that are not financial hardships. Because this high school which you are speaking about is in residential zone it requires a special permit those

special permit issues to which we deal with in which this was a direct issue which we are dealing with our not in the purview of the Zoning Board of Appeals the concept of a special permit is that it recognizes that when a permitted use which is the high school in the regulations as a school is has a right to be here because we gave to it but it also said it needed a special permit. The concept behind a special permit is that the adjoining property owners and all those that are in the R12 district to which the high school is in which is the residential district. We must take into consideration other things such as the character of the neighborhood, how this is going to effect them, how it is going to effect the assessments, or any effect it might have adjoining properties and the residential areas is what a special permit takes into account. So those things are not in the purview of the Zoning Board of Appeals. So I will stop there and what we did with regards to the issue of that access to Tower Road was in our purview a special permit.

Erickson: Why would you do that?

Minnich: I am not going to argue that basis of that.

Erickson: Don't we deserve protection. We deal with traffic every single day I showed the photos nothing is going to change. You did absolutely nothing for us you did not do your job and protect the integrity of the neighborhood which is your job to and you did not do it. You had the chance and you screwed us and that is what you did. Because this gate up here you can change this park all you want it is not going to change a thing. You know what two or three years from now I'll bring you the photos and toss them at you and tell you I told you so. You had the chance and you blew it. You did not protect us you did not do it. Thank you for nothing.

Minnich: Anybody else that would like to participate? Yes.

Margaret LaFlame -543 French Street

I'm co owner and equal partner of French Hill Estates with my brother Joe Masi and I haven't spoken before the commission at any great length of time about our subdivision but I just wanted to make it known that the board that I do agree with my brother on all aspects of our property and all the issues and as he said about having a speedy resolution to the issues with site plan and 400 feet from the intersection. And I know you have very heavy agendas but if you can give us a resolution in again a speedy way it would be appreciated. Thank you.

Minnich: You welcome. Is there anyone else who? Yes sir.

Bob Guerrero Watertown Youth Football

I am here for a couple of reasons I am going to pass out a letter we have. It kind of explains what we are trying to do. We are looking to build a building and field up in your R200 zone in the industrial park area what we are looking for is I just want to make sure of my facts are correct. Would we need an amendment to that industrial zone? What we are trying to do is go up there meet with these factory owners who have twenty to twenty five acres and lease five acres to that. As you see there we want to build a hundred by hundred building for the cheerleaders and the combination football soccer field. About a year ago we went to the town they gave us a list of like sixty properties that the town owns and after walking a bunch of them. A lot of them are in residential neighborhoods and you know us putting up lights and having fields in a residential neighborhood won't go. So we came up with going up in the industrial park area there is a lot of land up there. There is a piece of land owned by T & J Realty it is 27.4 acres is abuts Veterans Park so we would try to use part of Veterans Park and part of this land if we are able to pull this off. But nobody is going to deal with us if we have to change a zone. So would it fall under an amendment or would it fall under a special permit use? Where it says 4.25 I think it is special permit health or fitness clubs gymnasiums tennis or racket clubs only as a part of a unified complex so would we be a unified complex with a building and a field Correct? We are basically looking for answers cause can't go to these people until we know if we just need a variance or a special permit because we can't ask anybody to change their zone.

Minnich: I do understand fully what you want and generally the process that you would deal with staff. They could help you with that.

Guerrera: They said to come here and get it out on the table.

Mulcahy: We recommended preliminary discussion when you found a site you were interested in and come for a preliminary discussion.

Guerrera: We talked to a couple of lawyers and what they recommended was getting it out in the open first only. Because we can't go to somebody and say we think we could do this without changing a zone and we are wondering how else we could go about it.

Minnich: Certainly under a special permit under the R200 district health and fitness clubs gymnasiums and tennis or racket clubs or any part of the unified complex now I'm not clear that 100 by 100 building meets that.

Guerrera: When you throw in the football field you would have a complex. Correct. We are a youth group trying to do something for the town and this the best place to do it up there because it does bother anybody.

Minnich: Well I don't know about it bothering anybody first of all. I guess the real answer to this. This isn't an easy straight forward question you probably need to go through staff and then who's going to be coming back needs to be the land owner or you will be agent of the land owner we say all you want here you can't file an application for somebody else's land.

Guerrera: This is what I am trying to find out. This is why I am here also because now if we went to this land owner just say and he agreed to lease us five acres of land and we had that in writing and we come to you and say this land owner agreed to lease us five acres of land what do we apply for next? Or do I meet your staff for a special permit?

Minnich: Yes, you are going to have to talk them that's what all that preliminary discussion are as to determine as to whether.

Masayda: I think that the town staff should coordinate with the town attorney to find means to allow this. I think this would be a great idea. Because the shortage of fields in this town and whatever avenue they can do it. I would direct staff to work with the town attorney to find the legal avenues to do this.

Minnich: Here was my thought and through conversation we may end up where you are. This is a private enterprise owned by a private company my question that hits in the front why is the town of Watertown paying for legal cost or any cost to this is not a typical project. Hopefully they will get their own legal consulting if that is what they need legal consulting at this stage if they need to go see Ruth and to go through with the engineer go through what that whole preliminary discussion. I am only focused quite frankly on the one part you talked about getting together with legal counsel because once we start that means we are going to direct anybody to go our legal counsel and we as taxpayers pay money for that.

Masyada: I am going from his point of view where he need to knows answers before he approaches the land owner on how he is going to do this and that's where I felt the kids in town even if it's exception to the rule this is a good idea.

Martin: Is your vision of this hitting a factory that is already there that excess land on the property?

Guerrera: There is a few people on our board are good friends with the factory that is up there. There are 19.4 acres he is only in the front of it we are looking

for the back 5 acres to be away from everything so where we could do this where it is not going to impact residential or whatever. The town was willing with us, Chuck had me in his office we sat down he showed me all these properties sent me all the properties everything we walked was either ledge or in around housing or whatever. These are the ones there's no ledge that we walked that it is out of the way. We don't have to worry about putting lights up and getting hassles because there is no neighborhood. It means we are going to be bounced around real bad in the next three years and our goal is to get this done and have two state reps willing to put grants in for us but we have to have the land in our hands first.

Masayda: Franklin is our town attorney. Correct?

Minnich: No. Jessell

Masayda: Jessell may not charge the town because it's for a good cause. Because I know Franklin use to donate a lot to the Veterans Memorial and again usually stuff like this they donate to getting answers.

Guerrera: Basically we are looking for help. I mean we met with the office.

Masayda: Maybe if you met with Franklin Pilicy or Jessell on your own so they could help you with this.

Minnich: As I am thinking more about it I think what you are suggesting now Mike is indeed the right approach not only is our role here in Planning and Zoning is not be your advocate to help you plan your development to which we are then going to determine whether it complies when you come to the commission it's a very formal process. When you eventually going to come and we can't be a part of the development of how you are going to arrange all this you need to deal directly with staff on this. So the issue isn't as clear cut as you may think it would like to be. Even the recreational facilities up there in the R200 zone they have to be an integral part of the business that is up there. So you can't just have a football field it has nothing to do with the piece or property up there that does not follow that section of the regulation. So you are going to need to speak with whomever you want but staff will be helpful to help get this through. You need to also keep in mind that R200 zone is our premier industrial land in town.

Guerrera: I agree.

Minnich: That's also a factor in this but I am not going to go any further than that because I don't know enough about what it is you want to do in fact I think deal us that.

Masayda: I just want to make a point with prime industrial land use that you are talking about Dave. I do agree with you on that. But there is no where else in town where you are going to put up a facility where you are not going to get opposition from residents in a residential district. So the best place for a facility for a football or soccer with lights is the industrial zone and the only industrial zone left would accommodate that. Where else in town would you put up a facility like that? I have no idea.

Minnich: That's a judgment were all going to have to grabble with and in the end it boils down if we want to accept that in our premier dome but that is a whole other issue I don't know enough about it.

Guerrera: I understand what you are saying because the tax dollars it brings in up there. Like you said when we were looking for basically us on the right track or are we going to be off the track? If we get a land owner up there to say yes and write us a letter saying we'll lease you five acres for next 90 years which we need to get our grant. Then I come to you again with of course with our lawyer and have everything written out exactly what and you would have to make a decision if you would allow it or not?

Minnich: Two questions needs to get answered. And you need to work partly as I said with staff one the ownership of land and the second has to do with it's use and that comes directly from what's permitted in the R200 zone so Ruth can help you with that part somebody could help you with the ownership part. Even if you lease the land for 99 years you can't use it for something that is different.

Guerrera: Oh no. I understand. We would have to come to you with approval once we had the lease.

Minnich: We can only approve it if it conforms to the regulations otherwise we would need to consider changing the regulations you can't do the land owner would have to do.

Martin: This is truly a sad statement that these poor gentlemen have come before us trying to get donated land because this community just doesn't support purchasing of land for these children. I mean that really that is a sad.

Minnich: Let me be clear because you are going to be taking it from here. You've come to the wrong board you need to get to the land owner who owns the land you don't own the land you want to put on a piece of property you don't even own. And secondly the use to which you are bringing it to here. I'm not clear even if it conforms to our regulations so it has nothing to do with whether this commission likes or doesn't like football field or whatever else you want to put up there. It's our role to decide whether is

conforms or doesn't conform to the regulations. We don't know enough about this project. It has nothing to do with how much we like or dislike football and recreation. We don't have enough information to do what you are suggesting.

Guerrera: We will come back with a ton of information then. Alright thank you.

Minnich: Anybody else for public presentation? Hearing none.

Minnich: **Next item is communication and bills. Are there any comments on any of those?**

Masayda: I would like to make a comment on item 5e. They have a part in there with the Naugatuck River Greenway where 147,000 is ear marked. Design of this greenway and also indicated the town of Thomaston also started receiving technical assistance for their part of the trail through the natural trails and I was wondering if Watertown could do the same.

Mulcahy: Chuck Berger has been working on the greenway and he has been organizing meetings and the last application for funding is he has sort of indicated we are on top of the priority list. Chuck Berger is submitting another application.

Mancini: Can I explain a little more on that one. Mike what you are asking for about the greenway what Ruth is saying as far as Chuck Berger was asking for. He came to the town council and asked to apply a steep ramp towards the greenway it would cost 498,000 for the greenway and or putting 500,000 steep ramp towards that 100 by 200 building at Veterans Memorial Park for indoor arena for the kids to play in. The money is going towards the building not the greenway. Just to let you know where that's at.

Masayda: What Thomaston did to the National Park Service which it looks like there are other avenues? And the other thing I noticed in the minutes is that Tamarack Wood Burning Plant indicated that a three way signal light intersection would be order to meet site line requirements. I still feel that the site line should be obtained whatever means possible to avoid stop signs or traffic signals which would mean the last thing on the road side ledge that is obstructing the site line.

Dupliese: My understanding is that they don't own the property to do that. That's Naugatuck State Forest.

Masayda: Again I think there are ways of getting easements and rights to do work like that so they should pursue that.

Mulcahy: The sighting counsel does the only review that was done that the Burning Facility was in wetlands and they allowed them to fill and cross wetlands and that was the only local environmental review was only part of that burning plant.

Masayda: I think they should coordinate with the permit Environmental Protection who probably owns the property and that they should seek trying to getting easement to acquire site lines. Which I don't think would be big issue.

Mulcahy: But we did go out Chuck Berger, Roy Cavanaugh, Director of Public Works and they invited me to come along we discussed that with the gentlemen from Tamarack and he said he had tried he had not been successful.

Minnich: Ruth will follow up on both of those things. Mike said perhaps there is money available.

Masayda: I was not sure where they got the 147,000 ear marked for that but also the National Park Service I'm not sure if the town is going to pay money for there engineer assistance from them.

Mulcahy: Chuck Berger is working on it and they have meetings that everyone is invited to. At least thirty people showed up at the last meeting and they have been working on all avenues of funding for Watertown.

Minnich: But you will get information back so you can give it to Mike on that.

Martin: Well I got the minutes of September 19th on page.

Minnich: We are not on the minutes now. We will be shortly. Anything else?

Dupliese: There were a couple of things the one for State of Ct I'm not clear. That the way I read it we all have to eventually be certified for this we have to go and attend.

Minnich: Well it's suggested you do but you don't have to. But it is suggested you do. But there is some monies to go for those who would be interested they could contact Ruth.

Dupliese: It was my understanding that you had to be certified.

Minnich: No. There is no required certification.

Dupliese: So if we wanted to attend there are x amount of dollars.

Mulcahy: If you want to go Carol can take names.

Carol: Ask them about going to the Connecticut State Federation dinner.

Minnich: Every year there is an annual dinner at the Aqua Turf in Southington anybody that would like to go is welcome to go. We all can't go but if you have an interest speak to Carol there is money in the budget for that.

Dupliese: The topic is farmland preservation.

Minnich: Yeah, I saw the two topics they didn't interest me. Anybody else? For purposes of unanimous consent is there any objections putting on file the Communications and Bills. Hearing no objections that is approved.

Text of Motion: By unanimous consent place on file.

Minnich: **The next topic on the agenda is Minutes.**

Martin: On the meeting minutes of September 19th the fourth page where it discusses Mr. Minnich asked for comments from the commission to Mr. Martin estate that is Mr. Mancini estates. And it is contingent upon Mr. Mancini it was Mr. Mancini that stated it not Mr. Martin.

Minnich: What page was that on?

Mulcahy: Page 4.

Martin: The fourth page of the September 19th minutes.

Dupliese: Three paragraphs down from number three.

Minnich: Mr. Mancini.

Martin: Carl had said that the one above it, the one above Mr. Mancini. Martin states that the document he read it quite enlightening with turbines. That was Carl.

Minnich: We might have to make a correction. Let me see.

Dupliese: There is also another one October 3, 2007 when it says roll call it says present David Minnich, Judy Wick, Mike Masayda, Ron Russ, Gary Martin, Carl Mancini, Duane George, Jim Lucas Abbott and Ray Rondeau. Absent Gary Martin and Jeff Berger. How could they be present

and absent at the same time. I just picked that up. Did you recall if you were absent or present?

Martin: I was present.

Minnich: Is there any other corrections.

Martin: I got on the motion sheet I don't know if this matters or I don't know how you correct it but the February 6th motion sheet the front page of that is the tied to the it said 7:30 pm and if you look on the second page you have text of motion for closing of nominations and the motion made by our R. Russ seconded by R. Russ. I don't know if you can do anything about it.

Minnich: Carl you made that second I'm sure.

Mancini: I don't remember but I want to go back to September 19th and just ask Carol to listen to the minutes.

Minnich: You did make that second did you.

Mancini: I did okay.

Minnich: We don't have to send her back on the tape for that. I recall you making that.

Mancini: Let's go back to September 19th I don't believe I said that either what Gary is saying I don't believe I said that either. So just check the tapes to see who said it I don't believe I said that.

Martin: I thought I remember you saying it but maybe it was not.

Mancini: It was not me.

Martin: I know it was not me.

Minnich: Is there anything else.

Masayda: Motion to place on file.

Minnich: Well we have to deal with a little more here. Yeah. Okay anybody else has corrections?

Alright then for purposes of unanimous consent is there any disagreement to approving items 6a through 6d with the amendment on 6c that Gary

Martin was not absent at that meeting. Hearing no objection those are approved.

Included in that item 6a is there any objection to tabling that item? Hearing no objections it is approved. I will move quickly now.

Is there any objection to tabling item 6e through 6h? Hearing no objections it is approved.

Is there any objection to approving item 6i? Hearing no objections it is approved.

Any objections to tabling items 6j through 6p hearing no objections it is approved.

Any objections to approving motion sheet, but it is minutes on 6q? Hearing no objections it is approved.

Are there any objections to approving the motion sheets of 6r through 6ff with the correction on item 6bb that on the text of the motion to close nominations for Vice Chairman that the person that seconded it is Carl Mancini and is not Ron Russ as is shown. Hearing no objections it is approved.

Minnich: **Staff report.**

Mulcahy: Just wanted to let you know one thing Todd LoFrese did e-mail me asking about coming back to the commission about the conditions on the schools. I e-mailed him that the next available meeting would be the 19th and so that maybe coming back on the agenda.

You may have noticed in the past week this staff spent a lot of time at Baldwin School and Carl Mancini came up and there was a massive cleanup there. Over 106 boxes of records from Planning and Zoning are for disposal.

The cease and desist order went out to Mr. Pacey about the junkyard I did hear from Mrs. Pacey they are working together on that property.

I did receive an e-mail from Roy Cavanaugh regarding the town engineer, that talks about the stress on his schedule and that we are trying to use him. The schools were quite large applications and he is behind on some other projects. It says Ruth due to the extremely heavy work load that currently on Chuck Berger town engineer's plate at this time he will only be assigned to work absolutely essential to Planning and Zoning and in the wetlands tasks. All requests for assistance up to including plan reviews

and meetings should be directed to my attention and I will sign them accordingly. Just to let you know that is one reason why he is not here this evening.

I did receive a call from the office of policy and management thanking the town for sending their plan of developments. Were off the delinquent list now.

Just to let you know on the issue that came up for the football field and that gentlemen had come in I was not aware he was coming in for public participation and one of the problems we were having as staff it did not seem to fit into the regulations so I did have a meeting with this gentlemen a preliminary discussion with him going from there. The one that was here tonight about the football I did not see how he could fit into the current regulations and if the commission would like me to work with on a possible amendment I would be willing to do that. I am not sure which direction to take because I don't want him to go forward because at this present time the way the regulations are written he does not fit what he is proposing does not fit into that zone.

Blaise: I don't know if anybody is going to give him a long term lease and lock up their land for so long.

Martin: The only way I see it is they got a piece of parcel they got building on it and they plan on keeping the land that he is talking about as part of that parcel to keep them buffered from any other structure. Is there an acreage requirement when you put in a certain sized building up that you have to have certain acreage in an industrial zone?

Mulcahy: There is an acreage requirement but the parcel he was referring to 19 acres is well over in the acreage requirement.

Martin: He said 5 acres.

Mulcahy: No he said he wanted to have 5 of back acres of the 19 acre parcel. And basically we can come up with some tweaking of some of the language because there are recreational facilities allowed in that zone along it is a part of a unit and if the commission wants me to dedicate time to it. It depends.

Martin: I think if he got commitment from a land owner that says he I don't mind tying up a piece of property and he says he is going to have it for 99 years after that let us do whatever we can to accommodate him.

Blaise: Let's wait until he gets the piece of land so we don't waste a lot of time.

- Martin: If he can come up with the piece of land then we accommodate him.
- Mulcahy: The problem is that he does not fit into the regulations no matter if he comes up with the piece of land what he wants to propose does not fit into the regulations. There would have to be an amendment and the amendment process is as you know expensive unless the commission does it on their own. I'm am not sure what direction to go and I am not sure what to tell this gentlemen he will probably call me tomorrow morning and again I am going to say the same thing you don't really fit into the regulations you are suppose to be unified complex and affiliated with whatever else is on the that property and he wouldn't be affiliated industrial use that is on that property.
- Martin: We would have the right to make an amendment to that should he come up with that again from my perspective. I say if he can come up with the land and where I sit I would support it.
- Dupliese: Ruth said it's expensive. When you say it's expensive to make an amendment. What do you mean expensive?
- Mulcahy: If an applicant applies for an amendment it is a \$500.00 fee for application to go through the process. If the commission does it obviously there isn't a fee involved like you are doing amendment for regulations. I don't know which direction you want me to go.
- Minnich: Obviously we need to have further conversation. My view point in general is this is our premier industrial area that what's it's for. If the land owner wants to come up to try to get a zone change let him. I just don't think we should be the advocates of changing zone in our premier industrial land for what is essentially a non income purpose. That's the whole reason for the zone it to generate income for the town. It does not say we can't eventually at some point through discussion. The old issue we have with the old route 262 same conversations we have come to the conclusion on this commission that we wanted to have an understanding from the perspective user or the person who is going to be putting something in there as to what they are going to use the land for. This is the same concept, the land owner has not even been here and somebody is talking about using their land.
- Martin: I understand we are premature on it.
- Masayda: I feel that all these athletics clubs and even the town trying to get a sport facility it is just been so difficult in this town. If we were to try put up another road block on having to charge them for \$500.00 to amend the regulations I think we should try to accommodate them. It is for the good of the town, it is good for the kids in the town. I don't care about what

kind of industrial land we have here. Keep the kids active in sports some type of activity I don't care what kind of taxes were are going to get from some other business going in there.

Minnich: I really think it needs further discussion we can't spot zone so we have to be in some manner initially have to be changing everything in the R200 zone. All of sudden you are going to have sports.

Mulcahy: We do allow health and fitness clubs in that area and you do allow recreational facilities associated with.

Masayda: And he mentioned it be contiguous to Veterans Memorial Park. How close can you get to an athletic facility?

Martin: Again I think the issue right off the bat is he's got to come up with somebody who is offering this land for this proposal. After that we can discuss it to death. But right now.

Mulcahy: So that's the direction I'm going in.

Minnich: I think where we left with the direction was that you were going to meet with him to find out more about what it is he wants to do and get more specifics about this so you could have a firm understanding of then how it applies or doesn't comply with the regulations. I don't know if we all have that or you have that firm understanding to what he exactly he wants to do.

Mulcahy: Yes I do exactly. He wants to put a facility on an existing industrial site that existing industrial building on their other vacant land and that's what he wants to do. And I don't see how it fits into the regulations.

Minnich: Are you comfortable with that. I thought you needed more info but if you are comfortable with that.

Masayda: He is asking what direction he goes in. He is coming to ask Planning and Zoning and staff what he needs to do? We need to find out for him because he is asking the question.

Minnich: I do think you need to meet with him, Ruth and find out how you can point him in the right direction and tell him why is does not comply. If it doesn't comply and what his options are for going through the various issues of regulations. What he may wish to do try amending them or whatever he wants to do.

Martin: I think it would be wise in advising him to get a solid commitment would be helpful in getting anything moved forward. Once he has that the rest it can be looked at and addressed but until he has that we are just wasting time.

Mulcahy: Once he has the direction to go through variance because he does not fit the regulations.

Minnich: Once he has the commitment or tentative commitment to the land he still can't come to us he does not own it.

Martin: The owner has to come to us.

Minnich: Yes.

Mulcahy: We will give him owner authorization. The problem is the bottom line here it is his project does not fit the regulations. He either needs to get a variance or propose an amendment.

Dupliese: And that's what he has to do. So I think we beat this into the ground and that's all. Let him come to you and give him the direction.

Minnich: He can't get a variance for use. The variance is not the way to go. He has to amend the text or whatever.

Mulcahy: So that's the direction I am going to be filtering is an amendment.

Minnich: Right.

Mulcahy: Okay. Thank you.

Minnich: **The next item is article 8a Sal DeLuca and Dennis O' Sullivan a 4 lot residential sub division Hinman Road, Watertown, Ct.**

Martin: I did not get that in my packet. Did anyone else not have it?

Minnich: It came last time it did not get put in.

Mulcahy: We sent it out before.

Minnich: I asked Ruth rather to put together a motion of approval but I think we need to see and could pass it out and look at it. But before we do that maybe we don't want to. I think we do need that agreement for agricultural land. In that case I think it is best just to table it. Until we get it next week and we have that motion to approval. All those in favor please say I all those apposed please say no. Motion carries.

Text of Motion: Table
Motion made by: G. Martin
Seconded by: G. Dupliese
Aye: 7 Nay: 0

Minnich: **Next item on the agenda is Robert Velardo and Dennis McMorow, Berkshire Engineering for a 5 lot residential sub division of Bassett Road in Watertown in a R90.**

Dennis McMorow – Berkshire Engineering & Surveying

I just asked the commission for a public hearing I'll give you as much or as little a presentation as you would like.

Minnich: We would need to go to a public hearing. So just introduce it tonight it and staff will tell us if you have enough information that we can accept the application for review and send it to a public hearing.

McMorow: I will just give you a quick review. We have a 44 acre site were proposing 5 lots it is on Bassett Road. If the commission is familiar with Bassett Road where the intersection of Gilbert Road we are on the South and West side of Bassett around that corner. There is an existing lot a just south of Bassett Road and then we are doing an additional 5 lot subdivision. We are going to be adding land to the existing lot A. There are two interior lots theirs is a thousand foot separation distance between lot 1 and lot 4 which are interior lots. We are also proposing the use of a shared driveway on lots 4 and 5 due to wetlands concerns. And when we had a meeting with staff, one of the suggestions to utilize a shared driveway to cross those wetlands. We did receive wetlands approval on October or November of 07. There is also a letter from Torrington Area Health in your file.

Dupliese: This is the development where you got rid of the mound a drive that went through the wetlands or above the wetlands and you moved that.

McMorow: Correct. On Lot 5 right in that area there was an old wood road through it and part of our mitigations for the wetland commission was to remove that old road bed and that bisected the wetlands.

Minnich: Okay does anyone else have any questions? To also accept the application for review. Is there a second motion? Is there any further discussion? All

those in favor please I all those opposed please say no. Motion carries unanimously. Thank you.

Text of Motion: Accept application for review and schedule a public hearing on the Chairman's discretion.

Motion made by: M. Masayda

Seconded by: C. Mancini

Aye: 7 Nay: 0

Minnich: **Next item on the agenda is Ken Demirs and Michael D'Augustino on a 2 lot residential subdivision on Davis Street and Evelyn Street in Oakville, Ct in an R-G district. Ken.**

Demirs: I believe Ruth has a letter.

Mulcahy: We have a letter from Michael.

Minnich: You have a statement you want to make.

Demirs: Yes. I need to reclude myself.

Mulcahy: This is the letter from Michael.

Minnich: Dear Chairman Minnich:

Please accept this letter at your meeting this evening as a formal request for the Watertown Planning and Zoning Commission to accept the above referenced application for 2 lot residential subdivision according to the normal protocol I have submitted to the commission a subdivision map, site development plan, letter of acceptance approval by the Watertown Fire Marshal, and Watertown Town Water and Sewer Department, for 2008 I have secured the blessing of the Watertown Conservation Commission as the property does not contain any wetlands nor does the project require any regulated activity. I apologize I cannot be at this meeting in person I am unavailable scheduling conflicts. Also my brother in law and a member of the commission has reclude himself from all proceedings and does not want to subject the commission to give the appearance of any impropriety by attending the meeting. I plan on attending all other meetings and public hearings on this matter please therefore accept this application as scheduled application of a public hearing which I believe would be April 2nd. I thank you and your commission in advance for your time and consideration of this application. Respectfully submitted.

Michael D' Augustino

Co-applicant

Is Ruth here? On this application Ruth have they submitted all the required materials?

Mulcahy: Yes they have, it is the one 8-94 on the sale of.

Minnich: Do you want to make a motion Mike.

Masayda: I motion to accept the application and schedule a public hearing at the Chairman's discretion. Is there any further discussion? All those in favor please say I all opposed please say no. Motion carries. I think that was the motion to accept the application for review.

Text of Motion: Accept application for review and schedule a public hearing at the Chairman's discretion.

Motion made by: M. Masayda

Seconded by: C. Mancini

Aye: 7 Nay: 0

Minnich: **Next item is d Curt Titus Preliminary discussion County Line, Inc. BMW addition to building to expand the service department at 699 Straits Turnpike, Watertown in a B-SC zoning district. Good evening Mr. Titus.**

Curt Titus –

Well I'm back at the new regulations that are relatively new on auto dealers. We wanted to bring this on an informal basis before the commission and get the commission's comments before we put in a lot of work it is a fairly simple application though. An application for a special permit involving new car sales for existing automobile dealers it will also be accompanied with a site plan approval as required. This is section 52.4b and the BMW of Watertown as you know on the east side of Straits Turnpike is bordered on the South by a Saturn dealer, by Stop and Shop parking, and by Holly Manufacturing on the North. It is in a B-SC zoning district and the application would be to expand the service area the interior of the building will be changed around but that's not really a building department issue. The lot is 1.81 acres they opened it 1984 and a small piece was added in 1995 and it meets all the set back regulations. Right now the lot coverage is now 2,851 square feet and the addition will be 8,095 feet you see in there the existing building as it now stands with the addition is finished it will be lot coverage of 26.5 % and we are allowed up to 30% and since it's a service area we could go up to 45%. No additional bathrobes no additional car washers the size would be the present size on the building but one other will fit within the rules. The new

regulations provide for a buffer area of 5 feet and opposed to the usual buffer areas. Underneath the new regulations the maximum we give 100% impervious services on existing. In addition the minimum parking requirements do not apply and the dealer's can maintain their auto inventory either outdoors or indoors. One of the things we asking for comment from the commission tonight are. The company would like to build roof top parking on top of the new addition. Which they would screen they were not plan on implementing now they would build it so the roof could hold it but we wanted discuss that with the commission first. So at this point I am going to turn it over to Curt Smith our engineer who will go through the planned addition and the changes on the lot.

Curt Smith – Smith and Company, Main Street, Woodbury

And have been providing the surveying and engineering services for BMW of Watertown and the plan before you show's existing features. The gray area is existing parking. Straits Turnpike here parking in front and access along the South side of the building. Service parking in the rear additional parking on the southeast corner and employee parking on the recently acquired parcel here.

The second sheet here shows the proposed addition of 8,000 square feet here. We have about 12, 800 existing and we are adding about 8,000 here for a little over 20,000 square feet. One of the things we wanted to do with the plan is improve the circulation around the building which presently dead ends at the northeast corner. You cannot get from the northeast corner out to Straits Turnpike and we want to improve that not only for deliveries for the BMW dealer but also for emergency vehicles. So right now is there a loading dock on north side that will be removed and this area will be improved and made so that a semi 40 to 50 foot wheelbase can get around the back of the building and exit on to Straits Turnpike. We designed this so that egresses can easily be accomplished on the South side of the building for semi it can continue up through here through this turn the S turn around the back of the building and out. If this is for some reason blocked we also designed the parking for employees so that can be utilized for the same circulation. So you can come in off Straits Turnpike up through this small S around the back and out onto Straits Turnpike. So we feel that this plan really improves the situation that has been there for many years.

At the same time we have 105 parking spaces right now when we are finished including the 30 proposed for the roof we will have about 114 a little more than there are now. I think Curt went coverage will end up with

about 26% with the building addition none of these exceed your regulations same with the parking coverage.

Landscaping and lighting 10 foot grass area on the pavement as required by the regulations that is bisected by sidewalk now and that would remain as just grass. Trees planted along the boundary line here even though this is wooded we want to provide a buffer along this southerly boundary and planting throughout. We shown a section of deciduous encounter for trees, lawn area along here and lighting right now 16 foot high fixtures here light metal hyaline. The proposal is to compliment that with some additional lighting all of which would conform to the requirements listed on the site plan which I will read to you. Pole mounted lighting to be Lithonia lighting, AST 2 series or other approved equal. Wall mounted lighting to be Lithonia ASW series or other approved equal. Lighting fixtures to be night time friendly consisted with lead goals and green globes criteria for light pollution reduction.

Minnich: I don't know if all those meet the requirements but if they do they do.

Smith: Ruth I sure will review them when this is submitted we have reviewed your regulations carefully and we do feel they meet the criteria and your regulations.

Mulcahy: I think the main reason is that you're here tonight is to discuss the roof top parking that was the major glitch because obviously this commission since I have been here has asked for screening and you did say that it would be visible from the road. And that's why I suggested you come in for a preliminary hearing discussion not to go through the details of the application that we already reviewed and seen that they met the regulations but discuss with the commission and give them an idea of which way they might be going on the roof top parking. That will be visible.

Minnich: Is this open?

Smith: Yes. When you say that it is open there is no roof. There is roof top parking. So it would be similar to a municipal parking lot where you have a wall around the outside so that I am not sure from the architect how high that will be probably along the lines from what you have your podium here something two feet high possibly 3 to 4.

Mulcahy: I mentioned in the pre application meeting is the fact that this commission has asked for screening of mechanicals and other things visible and that's why I suggested that you might want to come before you submit a formal application and just hit on that point. The rest of the points really weren't the reason for the preliminary discussion as far as I can see.

- Minnich: You have no objection to a screening.
- Dupliese: When we say screening here does it have to be a fence couldn't it be you have them down in Florida and all these others places what they do is make a planting a pot around the perimeter and you put trees in it so it could be a two foot high planter and you put evergreens in it all the around instead of a six foot fence so we don't see the cars you bring some shrubbery into it. And have the shrubbery be the barrier maybe of two and half foot three foot of a planter and a four foot of trees that they maintain. I would much prefer that than a white picket fence.
- Minnich: It wouldn't there be a white picket fence but I understand where you are coming from. Anybody else have any thoughts or comments?
- Blaise: I agree with him.
- Martin: I think that is a good idea we don't have that in our regulations but we don't have roof top parking in our regulations anyway? I think it would be a great idea.
- Titus: We certainly would consider that. We would consider anything we want it to look good just it strikes me that in Florida where it is sunny year around and that a good way to go but here your going to have half the year at least or more with winter with no leaves.
- Dupliese: Evergeens. They do well in a two foot planter. Hollies even Rhododendrons, Azaleas will maintain their pattern through the winter so I would love to see that on top of that roof instead of seeing a fence.
- Titus: It wouldn't have to be a fence you could just be like the wall.
- Dupliese: I would rather see the plants than a six foot wall. But that's my opinion.
- Masayda: I think you leave it up to the applicants to pick something. It may look nice but pending on the type you put up there trees on top of a roof I don't know. It looks kind of odd it may look good I have not seen any with trees on there but I say they look to the applicants to provide some type of nice physical barrier that will shield the cars.
- Smith: Just talking with the owner he indicated that the architect wanted a three to four foot high barrier around here anyway I think that would effectively shield the cars especially when you consider that this so far back from Straits Turnpike and elevation difference is such that you would be looking up towards the roof . And I think a three to four foot barrier would effectively accomplish your goal without the planting the trees.

Mulcahy: Behind the property is what?

Smith: This is wooded here and owned by MJ Realty Co. Incorporated and this is all Stop and Shop.

Masayda: It would match the facade of the building that would be acceptable to me.

Smith: It would look like a continual wall. Just continuing up and on the backside would be the vehicles.

Minnich: Now there is a ramp you are going to have to go up there right?

Smith: Right here. Yes. It built into the parking area so that as you come along here you just take a left and it blends in. This is higher than this now so that this actually works very well with the 20 foot high roof here blending into the upper level of parking if you ever driven in there you will see you have to climb up now to get to the right and this blends in very well. This wall of the building acts as a retaining wall had to be built anyway so that really worked out quite well.

Minnich: Any intentions to around this four foot high wall to be around the entire building?

Smith: Yes.

Russ: How many cars are you going to put up there?

Smith: 30 yes.

Minnich: I make sure we always have these conversations and then later on it is not really a consensus so have been in the practice lately to making sure we give clear direction and it's just not a few of us talking. Is there any objection to obviously subject to our approval later on but any objections to a consensus now to having a cars on top of the roof shield by an artificial wall and whatever else they are going to do they will come up with something.

Mancini: I don't have a problem as long as it is completely shielded they are saying three feet. I don't think a three foot shielding is going to block this.

Minnich: The consensus then would make sure that it shields the view of cars from the road.

Dupliese: That would be no different than putting a two story building as long as they meet the height requirements.

Minnich: And match the side of the existing building. Is that a consensus? Hearing no objection that's just for today but we reserve the right to change our minds. You answered my question about the lighting so.

Smith: We'll be back. Thank you very much.

Masayda: One quick question. Is there any parking adjacent to Straits Turnpike? I can't see the parking from here.

Smith: This is the vehicle display area here now.

Masayda: The closest spot how close to Straits Turnpike?

Smith: Well there is a 10 foot buffer from the edge of the road back and that consists of both a sidewalk and the planted area. Behind that is where the parking presently exists and it would continually displays vehicles.

Minnich: My recollection is been awhile but I recall it is 10 feet from the street line is that correct? I recall the 10 feet I forgotten where it was from.

Masayda: What I am thinking the site line the eye from the edge of the pavement is ten feet or fifteen feet. Given the site line criteria for vehicle exiting the driveway and there should not be any cars parked within that site zone whether it is ten feet or fifteen feet.

Minnich: They were the ones that complied before we wrote the regulation.

Masayda: The right of way line is ten feet behind the existing pavement.

Smith: Just to make sure there is no misunderstanding the edge of the traveled way for Straits Turnpike is here we are showing it 10 feet back from that is a buffer area which consists of both a sidewalk and grass area behind that ten feet is where vehicles are presently displayed. So that for a person entering or exiting needing to see from a 3 foot 6 object 10 feet back from edge of pavement down the road the cars are back enough now that have adequate site lines.

Masayda: The right of the way line is the same as ten foot?

Smith: No. The right of way line is about 5 feet further back from that. So let's say 15 feet from the edge of the traveled way.

Masayda: So you have paved parking on a state property?

Smith: The noses of the cars are over the line.

Blaise: You are not going to disturb that at all. It is going to be the same.

Smith: Actually they are going to enhance right now it kind of torn up the grass is torn up. It is going to be an enhancement. For two reasons one is to correct these radii here which presently the people drag the back of the wheels go over as they make the turn in and so that will be corrected at the same time. There will be new plantings there.

Masayda: Well typically the state does not allow parking on state property unless you have a lease even if you are partially on it. Just a thought usually your area of curbing over parking should begin at the highway line.

Smith: I understand and I just saying they are parking there now and intended to continue with that.

Masayda: Because this is open, your coming up with an application it should try to meet all state and local requirements.

Cilfone: My name is Anthony Cilfone, I just wanted to know we are 10 feet back from the road right now and I do not wish to be in non compliance here.

Masayda: If you are going for an encroachment from touching any of those driveways you are also going to have to that grass buffer area would go up to the highway line so that right now its ten feet it would go to up to the highway line so that right now 10 feet it would have to go to 15 feet or get a easement release to use that portion of the state property that you are currently parking on.

Cilfone: Another 5 feet and I'm well within limits.

Masayda: Not a problem.

Minnich: Is there any other comments from the commission or from you folks? Why I thank you Curt for coming to the commission.

Smith: Okay thank you.

Minnich: We hope we won't change our minds.

Text of Motion: No motion required – preliminary discussion only.

Minnich: **Next item on the agenda item e Michael Perugini Site Plan Approval for building parking and sign location at 40 Depot Street, Watertown, Ct in B-CF Zone.**

Michael Perugini 205 Dalton Street Oakville

I am here for the parking and also in regard to a sign which has all that information there.

Mulcahy: As you recall this was a site plan that had been approved. Under the fire district and then site plan expired and he is trying to get everything into compliance. Mr. Perugini went to get a variance for the required parking. The building is finished and he has submitted also gotten variances for the location of the sign. The current sign is not on his property it is on town property and he is going to move it and so this is an overall site plan approval for everything on the property. He did get a variance for setbacks for the building and he has completed every aspect of the requirements and he does have storm water agreement and at this point the staff is satisfied that his site plan with variances meets the regulations.

Minnich: Do you have any comments? Do members of the commission have any comments?

Martin: I am seeing a dumpster written on the left hand side is that a screened in dumpster?

Mulcahy: Yes. I have that in the conditions of approval that it is going to be screened in. I talked to Mr. Perugini about it and he said he would screen that dumpster.

Perugini: Yes I will.

Mulcahy: He has no objection to doing that

Minnich: Why don't we pass out the draft motion of approval? Unless there is no more questions? Okay

Perugini: Thank you.

Minnich: For the record this is a draft motion to approval that Ruth is handing out to the members of the commission have not seen this before. Going through it any issues that any commissioners want to change on this? These are fairly all straight forward issues. One of the signs is not going to be there with you will help us with that that the only thing that is different here.

Mulcahy: The existing sign is the one as you can see on the site plan it is on the Watertown property and that's going to be removed he did receive variances for another location and he is going to move the sign to the new location that is indicated in the darker line that is proposed location. So I just wanted to make it clear on motion that the existing sign is going to be

removed and placed in the new location where he did receive variances but it will be on his property.

Minnich: And that fine with the applicant? Okay. Anybody else have comments? Hearing none let me read the motion then.

Whereas, the Town of Watertown Planning and Zoning Commission received a Site Plan application from Michael A. Perugini, for a 3,938 sq. ft retail and service building located at Pythian Avenue and Depot Street on March 5, 2008 for the use, parking, and sign in a B-CF Central Business Fire District which included as As-Built Site Plan dated 10/02/01 with a final revision date of 8/2/07 prepared by Meyers Associates P.C., 60 Linden Street, Waterbury, Ct; and

Whereas the Zoning board of Appeals of the Town of Watertown at its regular meeting held on October 24, 2007 granted two variances; one variance for the front yard property setback line for a freestanding sign and one variance to increase the sign an additional 24 sq. ft; and

Whereas the Zoning Board of Appeals of the Town of Watertown at its regular meeting held on February 27, 2008 voted to grant two variances: one variances: one variance for the front property line setback of .1 foot and one variance for two parking spaces at 40 Depot Street, Watertown, CT; and

Whereas, the Commission heard the application presentation on March 5, 2008.

Now Therefore Be It Resolved after consideration of it regulations and reports based upon Article IX Watertown Fire District of the Town of Watertown Zoning Regulations, the Watertown Planning and Zoning Commission APPROVES the Site Plan application for the retail and service use, 8 parking spaces, and a 48 sq. ft. freestanding sign within 5' of the front setback in a B-CF Central business Fire District with the following conditions:

1. The existing sign on the Town of Watertown right of way shall be removed and the approved sign location shall be shown on the final filing Mylar before a zoning permit is issued for the sign.
2. The 48 sq. ft sign within 5' of the front property line shall not have any lighting as proposed by this application.
3. The dumpster shall be screened so it is not visible from the road.

4. All exterior lighting shall be full cut off.
5. The final Mylar and final plans shall be approved by the Town Engineer, Administrator for Land Use and are subject to review and approval by the Commission at the discretion of the chairman or Commission.

In accordance with section 8-3i the Connecticut General Statutes all work in connection site development plan shall be completed within five years after approval of plan. In said five year period shall expire March 5, 2013. Is there such a motion? Is there a second? Any further discussion? Hearing none.

Minnich: Carol will you please call the roll.

Carol: D. Minnich, M. Masayda, R. Russ, G. Martin, C. Mancini, G. Dupliese, J. Blaise

Minnich: On vote of serving in favor the motion is approved the application is approved.

Text of Motion: Approve
Motion made by: G. Martin
Seconded by: C. Mancini
Aye: 7 Nay: 0

Minnich: **The next item on the agenda Candee Hill Junction, LLC modification to site plans to eliminate interior sidewalks and revise plantings at 1400 Main Street, Oakville, Ct in a B-G zone.**

Derek Sabin Landscape Architect

I am here representing the applicant tonight. There are two site plan modification requests essentially before you. The first one is relatively simple it a landscape modification we want to change the species of plant for one of the hedges in the landscaping along the parking area from Boxwood to a Ilex Glabia Ink Berry Holly it's a much more hardy plant for this type of a commercial setting that boxwood would be more rapid growing and able to tolerate the situation the situation a lot better. So it is a much more prudent plant selection.

The next one is there is a concrete unit retaining wall into the hillside between the two buildings on the site that you can see on your site plan. And there is a request to eliminate an interior sidewalk that is the base of that wall so that we are able to pull the wall forward and reduce the wall in

height. Now if you recall the original approved plan involved one site with two buildings, both buildings were going to be under ownership and it was specific request on the part of the original tenant that they have a sidewalk that could unite both buildings connect both buildings. That is no longer the case it is two separate parcels two separate tenants and there is really no need for this sidewalk and result of that we can pull this wall out from the slope a little bit shorten it by two feet which would make substantial improvement in the look of that wall as you view it from Main Street it will be shorter less of a mess and we are concerned about some stability of the underlying bedrock it will make that situation a lot better by being able to pull this forward and shorten it. We are concerned about some of the weep age that come through types through these types of walls onto a sidewalk and icing and a need for deicing chemicals next to the wall and the sidewalk being a continual maintenance problem and potential hazard. So we think the lack of need for this sidewalk coinciding with ability to make that wall a lot smaller is a good site plan improvement. So we are requesting that and I think you may have some additional letters on file that have been sent in support of it.

Minnich: Yes we do, I will read them in the record at the appropriate time. Are you done at this time?

Sabin: Yes I am done with my presentation.

Minnich: Let me just read two memos into the record. One is from Charles Berger. Dated March 5, 2008 regarding 1400 Main Street. I have received the attached cross sections for the above referenced site. Taking the site wall height approval of the sidewalk. The crosswalk shows that the deleting the sidewalk will result in approximate reduction in wall height of two feet and increasing slope height of 2.75 feet the slope and the increase height remains in conformance with the 2002 Connecticut Erosion set erosion guidelines. If you have any questions and need additional information please contact and do not hesitate to contact this office.

And I guess the other is from Paul Buanafich PE

Dear Ruth,

Upon request of our client we confirm the elimination of sidewalk on the South side of the parking lot of the above mentioned project combined with the relocation of the retaining wall 5 feet northerly at its proposed location will reduce the height of the wall by 2 feet and the maximum 8.7 feet to 6.7 feet if you have any questions please call me and the letter dated March 4, 2008.

Any questions from members of the commission?

Dupliese: I am looking at it and I understand that it is 2 parcel it is parcel A and parcel B but I look at the site plan and I see one way arrow in and a one way arrow out so you can't get from parcel B back out to the street, unless you go out to parcel A is that correct?

Minnich: That is correct.

Dupliese: So now when we say that it is two parcels and two separate buildings it's two separate buildings with common parking correct? If they sell these two you have to maintain. I don't think they meet regulations if they were to put a barrier between parcel A and parcel B would no longer meet regulations so you can't have it separated. My concern is this that when you have two buildings that are represented basically and now even though they are separate parcels they are represented as the same parcel because you have a common driveway and common parking. I don't like the fact that if you go to parcel b you have to walk all the way through the parking lot in order to get to the building on parcel A if we eliminate that sidewalk.

Martin: My understanding correctly that whole orange piece would no longer have a sidewalk so anybody that park there has got to walk in the drive area to get to anyone of these buildings?

Minnich: The orange piece you are defining is yellow in my case.

Martin: So that is what they are looking to eliminate? Then where do people walk to get the each one of the buildings?

Minnich: Through the parking lot.

Dupliese: I don't think that makes any sense.

Mulcahy: Well, the underlying issue here is the safety issue was my understanding of the stability we are trying to create a stable retaining wall there that was what I was told by the engineers and they are here to address that I am not sure but the blasting we would reduce the slope area, reduce the retaining wall. The weeping out of that retaining may create, I know when I walked up to the Rite Aid has a retaining wall along there the ice on it, I have to walk on Main Street in order to get into the Rite Aid on Main Street. There is a sidewalk there and the sidewalk is unusable most of the winter you have to walk on the road. In this particular case I mean if you look at any of the commercial areas, most commercial areas like when you go Marshals you are walking in the parking lot most of the time. It is not this is extra wide isle is my understanding here.

Sabia: Yes it is.

Mulcahy: Extra wide aisle and you have a small this is not like the Lombard Plaza.

Sabia: It is very similar to many commercial developments in town that where you are traveling actually some that are even busier in terms of overall traffic volumes and out of retail centers where you are traveling through the parking area. And the significant difference in this it is quite a lot wider isle for this one way traffic there is plenty of room for the limited amount of pedestrian's activity that might occur between the two buildings.

Martin: Why don't you reduce the width of that lane and leave the sidewalks?

Sabia: Because we would rather have safety and adequate movement in the parking which we think is more important than the walkway connection. But again you have to keep in mind the overriding goal to get this wall from 8.7 almost 9 feet tall down to just less than 7 feet less than 6.7 feet tall. Get it 2 feet shorter have less impact on that hillside and have it frankly more attractive when view the development from the street as a result of that.

Mulcahy: Has anyone been by the development is right in your.

Dupliese: I drove over there today and looking at it I looked at the wall that between where the two buildings are going I did not see the need for that much wall and I did not see that much blasting that had to be done. I drove specifically over there today. And the other thing was when you have these two buildings I do not see any loading dock for these buildings and I don't see any loading dock access so I just can't imagine buildings that are not going to get a tractor trailer that going to make the delivery and I don't see how they are even going to make turn here to get in. I don't know what these buildings are going to be used for and so how do you get a tractor trailer into this building when you come into this one way you can't make that turn around that island to get a tractor trailer in there and if they do get a tractor trailer in there it is going to be all back up and you are not going to be able to park he is going to try to make a turn in there and he can't make it.

Masayda: I can't imagine that tractor trailer would try in pull in during business hours if he is going to make delivery and probably be on off hours. Is what I am guessing. For me reading this memo that was in our packet it appears to me that I was reading quotes from these I guess there was a sub surface investigation revealed questionable soil here that warranted the need for them to leave the sidewalk out and that would also help by reducing the wall height esthetically from the road. As we have seen that the library which is I'm not sure fifteen feet high anytime you can make a wall less

than height I think it is a better visual. Then they also have the water problem behind the versa lock walls that you do have seepage through the walls so it would create a ice problem and I am basing it on the engineers what he is saying. Icing would occur on that sidewalk and the other thing that probably is not mentioned here that usually when you park up against the sidewalk probably a foot to 2 feet of your car overhangs on the sidewalk. So I would think that most people would tend to go to the parking lot in order to walk from one building to the other.

Dupliese: I see the five foot walkway and there's a five foot grass channel after the walkway.

Sabia: It's a swale at the base of the slope.

Dupliese: For summer time use you are not freezing but it will carry water.

Masayda: The five feet is on top of the wall.

Sabia: That is on top of the wall up above the wall.

Mancini: You are not going to walk on that?

Sabia: No you are not walking on that swale that's above on top of the wall.

Masayda: You have a five foot walk against the wall requires an overhang and plus the issue with the basements in the winter I feel that there was a thirty foot wide path between the two parking areas not unless you are with the Lombard Plaza that has parking between twenty to twenty five feet.

Dupliese: Which one is the Lombard Plaza?

Mulcahy: Starbucks.

Martin: You park right up on the sidewalk there.

Sabia: Standard aisles are in the vicinity at 22 to 24 to 26 feet is the general range but this is wider for easier circulation.

Masayda: The other issue he mentions here is the again I am assuming these have been check by the engineer the blasting issue.

Sabia: Another thing just underscores the applicant met the burden of zoning requirements of public sidewalks along the whole frontage and they are in there and this is specifically an interior sidewalk that was earlier tenants.

Dupliese: It's my opinion I like having the sidewalks between the two buildings.

Minnich: Is there anyone else have any comments? I was expecting Mike to make on the curbing the notation on the curbing on the street.

Masayda: The famous curbing on the edge of pavement. The front of the property?

Minnich: Yes

Masayda: That's not contiguous to the sidewalk you usually put bituminous when you have a grass strip you wouldn't put concrete. You are talking about bituminous vs. concrete?

Minnich: Yes

Masayda: On a sidewalk you put concrete adjacent to the sidewalk but there is grass here between the sidewalk and the edge of the pavement that acceptable to bituminous.

Sabia: On the main street of paving you are going to put bituminous.

Martin: By the main street of parking you are going to put bituminous?

Mulcahy: The sidewalk is going to be concrete.

Masayda: What are we listening to the illumination of the sidewalk or looking at this whole thing now?

Minnich: Anything you want to talk about?

Masayda: If you are talking about the main street stuff?

Minnich: I was only commenting on stuff that you would normally comment on. I'll leave it at that.

Masayda: If the sidewalk is contiguous to the roadway absolutely.

Minnich: Anything else? Alright. Did you have anything else?

Titus: No thank you.

Minnich: Ruth has prepared motion. For purpose of the record commissioners are seeing this draft motion for the first time. I have worked with Ruth on this motion earlier today. Customary to practices is there anyone upon reading it wants to make some changes?

Mulcahy: I did change the measurements on Dave's copy to the wall height from 8.7 feet and then to 6.7.

Minnich: Anybody else have any comments?

Dupliese: It is not 9 foot it is 8.7.

Mancini: I don't usually agree with Mike but I like the idea of a sidewalk between the two buildings but I also like idea of dropping the height of the wall to make it look better. I am going to agree to eliminate the walkway.

Dupliese: It just there so many other things you can do with retaining walls. It does not have to be a block retaining wall.

Mancini: I am just saying it's still going to be 8.7 feet high if you drop it down to 2 feet it will look better. If you want to park in building A then you park in building A. I am worried about the other thing the water in the winter time.

Dupliese: I think there are other things you can do you could do a 4 foot wall with 5 foot grass seeded area or plantings. You can do different things with retaining walls so that it does not have to be a continuous 8 foot.

Mancini: If you had the room to go further back. You are talking about blasting. There has got to be an excessive amount of additional blasting that would be required.

Minnich: Curt could you help us with that you mentioned on last plan you were changing plantings.

Sabia: The Boxwood to Ilex Glabra Ink Berry Holly.

Minnich: Anybody else? Hearing no other questions or comments? I will read the draft motion.

Whereas, the Town of Watertown Planning and Zoning Commission received a site plan modification application on March 5, 2008 from Candee Hill Junction LLC, for 1400 Main Street, Oakville, CT to eliminate an interior sidewalk in order to move the retaining wall and to reduce the retaining wall height from 8.7' feet high to 6.7' feet high and to revise the landscaping in a B-G General Business District which included a site layout and landscaping plan dated 1/15/02 with a final revision date of 2/7/08 prepared for Hard rock Development by Land-Data Engineers 567 Watertown, Waterbury, Ct: and

Whereas, the Commission heard the application presentation on March 5, 2008;

Now Therefore Be It Resolved that the Watertown Planning and Zoning Commission APPROVES the Site Plan modification application for interior sidewalk changes, retaining wall modifications and landscape plan modifications from Boxwood to Ilex Glabra-Inkberry Holly in a B-G General Business District with the following conditions:

1. The conditions of approval of June 5, 2002 remain as part of this site plan modification approval.
2. All exterior lighting shall be full cut off.
3. The final Mylar and final plans shall be approved by the Town Engineer, Administrator for Land use and are subject to review and approval by the Commission at the discretion of the Chairman or commission.

In accordance with section 8-3i the connected general statues all work in connection with modified site development plan shall be completed within five years after approval of this modified site plan. Said five year period shall expire in March 5, 2013 all work in connection with remaining portions of the site development plan previously approved by commission and not in conflict with this modified site plan must be completed within the time period the commission approved at earlier dates. Is there someone who makes that motion? Is there a second? Is there any further discussion? Carol please call the roll for purpose of recording our votes.

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

Text of Motion: Approve

Motion made by: C. Mancini

Seconded by: R. Russ

Aye: D. Minnich, M. Masayda, R. Russ, G. Martin, C. Mancini, J. Blais

Nay: D. Dupliese

On a vote 6 in favor and 1 against the motion is approved.

Minnich: **The next item on the agenda Walnut Grove Farm Emily Jones, Civil One Special Permit #238 for activity in a 100 year flood plain at Bunker Hill Road and Sandbank Road, Watertown, Ct in R-70 zone.**

Is there anyone here for that? If not is there a motion to accept this application for review and to establish a public hearing at the discretion the chairman. So moved. Is there a second? Is there any further discussion? All those in favor please say I all opposed no. Motion carries.

Text of Motion: Accept application for review and schedule a public hearing at the Chairman's discretion.

Motion made by: R. Russ

Seconded by: C. Mancini

Aye: 7 Nay: 0

Minnich: **Next item on the agenda 8h Joe Polletta Charles Spath, Stuart Somers modification to Lakeview Estates subdivision to eliminate through Road to Mallory Road Mallory Drive, Watertown, Ct in R-30 zone.**

Is there anyone here for? Yes.

Ed Scoville – Licensed Professional Engineer and Land Surveyor – Stuart Somers

Lakeview Estates was approved a few years ago and since the approval there is some modifications to the subdivision regulations that allow for more lots on dead end street and in doing so the developer here is coming in for a modification to his approved sub division because of the changes and that are allowed with the changes in sub division regulations. I have got a sample lot line revision to demonstrate a possible lot layout with connection to Mallory. That I will just pass out.

What we have done here on the modifications is with the removal of Mallory we have squared off lots 2 and 3 then lot 4 it was tight with the conservation easement the extra land was actually added to that lots. So we 2 and 3 were squared off and the extra land went to lot 4 to do it. Going back to what I remember about this actual application at the public hearing for the sub division there was numerous residents on Mallory Road who came in and expressed their concerns. They did not want to see this connection go through. I believe Mr. Polletta mentioned to a few of them and he would come back during the road construction because of the waiver provision that was granted to the commission. That's basically it.

Minnich: You are coming in with basically two things then.

Scoville: Two things. The first part of it would be to remove the connection with Mallory.

Minnich: So you are coming for a waiver under section 5.3.11 dead end streets.

Scoville: To allow modification to the subdivision. Then with that modification the Mallory right of way would disappear pending how attorneys would handle it. I just put together a sample map showing how that the lots work and that's feasible to do and how it appears to make a nice representation to square lots as opposed to what was done on the subdivision.

Minnich: For the record it is a consideration of a waiver from section 5.3.11 dead end streets and also lot line revision.

Mulcahy: It is not adding a new lot then?

Scoville: There are no new lots proposed here.

Masayda: Dave when they approved this thing right. Just based on my recollection here one that it did not meet the fifteen lots within a cull de sac. That the town wanted that Mallory opened up and also there is a letter presented tonight saying the same thing of the original approval and that Mallory was always a temporary cull de sac that was always intended to be connected to the development that would be developed to the east.

Minnich: The fact basis right he obviously making his consideration for a waiver under section dead end streets. Let me put it this way if his application is complete were obligated to hold a public hearing and way all this matter with the public and then have a hearing but if these applications complete we can only do that we can't make a decision now.

Mulcahy: You have to accept the application once you make it. This is the first map that I have seen. I have no calculations, I have nothing else there's nothing in the file other than the application. So I have no other information.

Scoville: We are removing impervious area and proposed road connection.

Mulcahy: There have been no calculations or anything submitted to the office. This is the first submittal.

Scoville: Correct. I am just presenting a map to show tonight to show that it works and there's no road there now and it works so I am not sure what I would submit as far as calculations go.

Minnich: If we accept this application for review to make sure we have you and staffs that are all squared away you are going to have a meeting with them before the public hearing.

Scoville: We will have a meeting with staff. Correct.

Mulcahy: Mostly Public Works I believe. And I will look at the lot configuration from my end of it.

Scoville: If my memory serves correct at the initial public hearing on it there was multiple people from Mallory that were opposed to it then I believe Public Works have commented with the connection it allows for easier plow routes and stuff.

Minnich: Your client is aware under that section 5.3.11 that this requires six votes.

Scoville: Yes it involves a super majority.

Minnich: If your application is complete.

Mulcahy: It's an application.

Martin: The road that it exists now is that the end of the road? I drove up that today.

Scoville: Correct.

Martin: Where the road end today that where the road ends the pavement? What is that 1,000 feet? That is not a long road. When you go up there I mean that is not a long road.

Minnich: I don't know if it is exactly 1,000 feet. Check that.

Dupliese: I think it is 1,300 feet.

Martin: Whatever it is it is not a long road. You have had all these discussions and times passed about these 1,500 feet. When you look at it, it is really not a long road.

Minnich: We don't need to do anything other than accept this application and schedule a public hearing.

Martin: I move to accept the application.

Minnich: The motion is seconded. But Carl is there any further discussion? All those in favor please say I all opposed say no. Motion carries.

Text of Motion: Accept application for review and schedule a public hearing at the chairman's discretion.
Motion made by: G. Martin
Seconded by: C. Mancini
Aye: 7 Nay: 0

Minnich: **Next item on the agenda is 8i for a parking regulations Gary this is yours.**

Martin: I would just like to revisit our parking regulations that pertain to commercial development I just see us set up a sub committee to review those regulations and see if we can improve on them.

Minnich: Is everyone in agreement.

Martin: Agree or disagree. I just find we have had a few situations within the community that show up that maybe we should revisit that and I think we should.

Minnich: Is there any disagreement to setting up a subcommittee to review this? Hearing none who would like to sit on this committee? Is there anyone else? Now understanding for the record the role is to committee come back to the commission and make recommendations that is not to have any other function. Okay. If there is no disagreement then that what we will do.

Commission to form a subcommittee to discuss regulations.
C. Mancini, G. Martin, and D. Minnich on committee.

Masayda: Are you going to do anything with the vertical roadway geometry?

Minnich: That all part of that one, all those three together,

Minnich: **Next item on the agenda 9a. Status of Baillie company site restoration.**

Anthony Yoreo – Baillie Company

I guess I should address where we are in terms of permitting and status of site in a global sense. First our initial steps really required us to comply with deed notice of violations we received. We had to file an extreme channel encroachment line permit. We also had to file a ground water permit application. There was some discussion if you recall when the remediation plan was originally approved. And we might have to do with solid waste LEP had some discussions with DEP with that but it never really came to which we needed to do solid waste. About a week ago I received from DEP asking us where our extreme channel encroachment line permit application is because it had not been filed yet. There was an issue with payment on ground water permit application which was not perfected. And they served us with a second notice of violation saying hey we need a solid waste management permit. It very quick turn around straightened out the issue on payment on ground water permit. That was

paid last week. Yesterday we completed and filed an extreme channel and encroachment line permit. Part of this letter we received from the DEP an invitation for a meeting with representatives from each of the three programs. We scheduled that meeting for March 20th myself, our civil engineer, and our LEP be up there explaining to DEP exactly what the plans of remediation are we are submitting I hope by tomorrow copies of those remediation plans for solid waste. Our LEP has been back in touch with solid waste and I still don't think they really know what solid waste permit we need. So I think they have agreed to try to reconcile on the 20th when we meet with them and show them remediation plan exactly what it is we are choosing to do here. So I think that permit application will be filed in short order there after. So that addresses the regulatory aspect and I think Ms. Mulcahy has passed around copies of that correspondence that I am referencing it was mailed on February 22nd we received some time in the later part of last week.

Mulcahy: It was mailed to you a certified copy on February 26th but it is dated on February 22nd.

Yoreo: So we received it the latter part of last week and like I said within a few days we turned around the first notice of violation compliance issues we just dealing with right now with solid waste permit issue and that's going to be addressed hopefully on the 20th when we meet with them in person. In terms of getting started on the site itself Ms. Mulcahy had some conversation with our engineer this past week to submit Mylar's. I think just today and correct me if I am wrong about this Ms. Mulcahy but just today she received the permit she would mention she would have something faxed. Carol when did you fax that to Emily? It was not today.

Carol: Yesterday.

Mulcahy: Yesterday she called and we faxed her a copy.

Yoreo: Okay. I did not see the final permit yet I will be in touch with you.

Mulcahy: I faxed you a copy when you called. The cease and desist order you asked for.

Yoreo: I did not get the final permit.

Mulcahy: Because the permit I did have Cc to you as well.

Yoreo: Okay. I did not see yet. That will get taken care of. In terms of getting started on the site we have to do a ground water investigation if the commission recalls that. My client has to collect an appreciable amount of funds to get the ground water investigation started. So he working to do

and we hope before the 20th he tenders that payment so at least we can be underway with ground investigation.

Minnich: For which month?

Yoreo: Of March. You know the issues surrounding payment with our client. He is not exactly Rockefeller in the good days. So getting payment tendered has been some what of what caused a lot of the delay here. The ground water investigation puts up about 12 or so thousand obstacle to getting started there. But be that as it may it was something that was required and he'll have to comply with it.

Dupliese: I have a question and I'm not sure there was a point and I don't know where we are where it, where there some considerations for financial repayment to the town of Watertown were those obligations met?

Yoreo: Yes. They were.

Mulcahy: I was not informed that the last 5,000 dollars was sent.

Yoreo: I am sorry I have to check on that. Let me check on that.

Mulcahy: The conditions of approval your right Glen had a stipulation that last 5,000 be submitted and that would have to be done, I believe before the chairman could sign the Mylar's but I am not sure.

Yoreo: I have to check on that.

Mancini: If I may I heard that 5,000 have not been paid yet.

Mulcahy: The last I checked with attorneys I have not heard of it.

Mancini: Can we make sure that does get paid.

Mulcahy: It is part of the conditions of approval they can't get their mylars signed until they do that. They can't start any site work until they the mylars signed and filed and the pre construction meeting.

Minnich: Right.

Mulcahy: Did you want to have any more updates. I did have a meeting today with the gentlemen who is marketing and he was quite disappointed to find out the zone on it was not an IG 80 it's the IR. So that types of uses that he possibly could market to were more limited.

Yoreo: I think he also had I'm not sure how he got to this point but he had some discussion with you about opening dialogue with the board of health a zone change there.

Mulcahy: He did ask. He wanted IG more industrialized because of the type of uses that were allowed in the IG more suitable he felt to the site that he could marketed does do marketing only industrial and some commercial properties he doesn't do any real estate in any residential and he does the industrial all over the country he is with a older firm he really knew what he was talking about he really knew his stuff he had looked into the zone thought it was one thing and then as he discovered and looking at the maps that one little section because IG80 goes right up to the hair and then stops for the property on that part. So it is adjacent to an IG80 but he really wants to market the property for industrial use.

Minnich: Okay anything else? I thank you for coming. I do appreciate it.

Yoreo: Thanks.

Minnich: **The next item on the agenda is Windmill regulations we left off last that we were going to consider and see if we are still doing this to form another subcommittee to take a look at the windmill regulations given the fact that they had met some concern to many of us the last time an application came. So are we on track wanting to form a committee to review that and if so who would like to serve on that subcommittee? Carl, Ron, Dave and Gary anybody else? Okay.**

Once again the role of the committee is limited to having their discussions and brings whatever they are going to do back to this commission.

Commission to form a subcommittee to discuss regulations.
R. Russ, C. Mancini, D. Minnich and G. Martin on committee

Minnich: **Next item 9c status of department job descriptions. I asked Ruth to give an update for all of us. Over a year and half ago this approved job description for Ruth. We also approved a job description for Musa Raffey who works under our jurisdiction however his job description needs to get approved and changed in whatever way by the his union. We also approved a job description for Carol and we know and understand that Carol's job description that we revised is only advisory because that's left up to the town manager and union negotiating that. So having said that what the update on those two job descriptions is. Yours is approved and done. But the other two are not.**

Mulcahy: Just as you said the town manager told me those are under the union contracts both of those. Are not something for my discussion and that's what I was told they are under discussion right now with the union they are both under union contract and its not really something would be privy to.

Minnich: With your blessing I will I take this matter up with our town attorney regarding assisting the zoning and the officer under state law is under our jurisdiction we do not have the final say on that. That is up to the union but we are one half of the party that is involved with this. With no objection I will speak to Paul Jessell.

Martin: Let me ask you that position is a unionized position.

Mulcahy: Yes it is.

Minnich: Carol is a union position.

Martin: So there are guidelines by which the union identifies what the responsibilities of the job are? I am assuming.

Mulcahy: I don't really get involved in the union.

Martin: Do you have a job description for your.

Carol: I have an old job description.

Mulcahy: Land Use Secretary.

Carol: It is very general.

Martin: So any changes to that have to be negotiated with the union.

Mancini: Absolutely.

Martin: So what it is and the concern you had that we have input into the development or to the expansion of that and it be taken to the union.

Minnich: Let me be clear. On Carol's job description nothing more than what we did nothing more we have authority to do. Musa's job is under the jurisdiction of Planning and Zoning Commission. Therefore we created a draft job description knowing full well he is in the union and it required the union to participate to do whatever they are going to do. That has been about a year and half ago whatever there was on the update. Apparently in my own words on that particular one which the issue here is none of business and that's what I got out of this.

Mulcahy: Not at this point because they are under negotiations.

Minnich: So I suggest if it is okay with the commission that I speak with the town attorney and see where we are with that. Is there any objection to that? Hearing no objection by unanimous consent that is so ordered.

Text of Motion: by unanimous consent Chairman Minnich to speak to Attorney Paul Jessell regarding the Assistant Zoning Enforcement's job description.

Minnich: **Next item on the agenda is the operating budget. You have met last night with some folks from the finance subcommittee.**

Mulcahy: Well basically Gary and Dave came with me and we reviewed the budget for the town counsel and discussed the consulting part and we are hoping that they are going to consider it. I e-mailed again to the town manager I did check my e-mail and I did e-mail to him probably way too soon. The proposal from Randall Arch about coming to do some really progressive subdivision regulation changes for the conversation subdivisions and e-mailed that proposal again this morning to the town manager and hopefully they will take that under consideration and also we discussed the software that is been developed actually is under current changes all the time. New programs are being added to it for zoning offices it is an interactive program where you can start the software once we start with then you start entering in all your zoning permits and it has a check list of everything that's submitted with it and it can be viewed by the public as well. I have seen it in action it is a really good program. I don't know whether to go for it 8 to 11 thousand dollars is pending what program you buy with it. It is not going anywhere.

Martin: I did not ask the question last night because I was on your side being in this meeting today and Carl put your Planning and Zoning ears on get the other ones out. They asked a good question and because I know because I have implemented programs, which would do the downloading off all the data? That's the big nut on that.

Mulcahy: Well one of the things is would not be starting down loading a bunch of data.

Martin: Well how do you populate the program?

Mulcahy: You start with as soon as someone comes in with an application. You start from whatever that software is put on your machine you start.

Martin: So all the old ones don't get brought up?

Mulcahy: No. We have thrown out all the way up to 95. And then there is going to be we can now apply for 96 and 97.

Martin: What is the state law on retention?

Mulcahy: Ten years is the maximum for all your applications.

Martin: So you are saying 10 years back you just wouldn't populate those in the program?

Mulcahy: No because as you said right there. In other towns what happened when they have gotten these programs in that we had sometimes kids that had troubles entering data entering year by year going back. I also had in the budget temporary help in the summer to redo files you get so many and ten years worth of files is large amount in the office. To keep moving them around and so you can set them all into their alphabetically. I also had someone entering that data so eventually in the other towns they did catch up and did have ten years worth of data in it but that was because they were temporary assistants and usually came in the summer or whatever you can get it.

Mancini: This I going to be a tough year to get anything more than what the town manager proposed. I think you did a fantastic job last night and for something for your case for the additional 30,000 dollars the computer the whole thing take the money from this year that we did not use transfer and get your computer instead of next year. Otherwise you are going to lose it. The chairman of the budget review committee did ask you to present new evidence of your need and feasibility of having additional equipment. Which I am sure you did but to be realistic it was not denied we did talk about if we were going to deny it or whatever. We are going to look at it the additional information but the budget has been proposed by the town manager and board of education equals to 13.67 increase taxes. And that's without your 30,000 dollars and the other 10,000 dollars I am trying to tell you being realistic you think you are going to get another 40,000 when you are already talking about 13.67 % tax increase. They are going to be looking to try and cut the budget as much as they can. I have already looked at the budget myself and talking about a 5 million dollar increase and if we can cut a million dollars from the budget it will still be a 10% tax increase.

Mulcahy: How much of that is Board of Ed?

Mancini: Board of Education is 7.8. Everybody talks about oh it is only a 7.87% increase. Increase in spending. It is a different percentage talk about individual homeowners on your percentage of increase of taxes. The town

increase is small we are only 750,000 dollar increase. The board of education is 2.6 million and then there debt service our bonding figure that people voted for last year for three schools, fire house, swift school, that is another million and quarter dollars a year that we have to pay and that just the beginning of the school budget.

Dupliese: How much is it when the town goes to referendum to vote for budget?
How much does it cost the town?

Mancini: Right now! If the budget was approved the way it is right now without your 30,000 and 10,000 dollars just this plan here is going to cost you 13.67 % increase in taxes. How much to go for referendum?

Dupliese: How much to go to referendum? Is it 15,000 dollars?

Mancini: A little less than that.

Martin: It is about 7,000.

Dupliese: I think you better budget six or seven of those days.

Mancini: Well last year we got criticized because we proposed a 0 % tax increase and got it done in the first referendum.

Dupliese: 0% tax increase was not 0% increase in the budget.

Mancini: Revenues to offset that. But this year I am trying to say let's be realistic. What we have to increase tax revenue.

Minnich: **Next item on the agenda is 10a Request for 8-24 approval, Public Works Department 75 year Capital Improvements Program (CIP) Plan.**

Minnich: I have spent some time looking through it. The only real question I have which quite frankly which is not going to slow us up at all. I do not understand the status of the sidewalks that we approved part of this Echo Lake Road subdivision that was before us tonight. Do you know Ron?

Russ: Are you talking on Echo Lake Road itself?

Minnich: Yeah. The town was going to be spending the money from the sidewalk fund and so that would be part of the capitol improvement program. I did not see it in there that was my question. They committed to the fact that they were doing it. I did not see it in the program. That was why I was

questioning it? But that is not a reason to hold up the approval it is 8-24 approval.

Martin: Can I make a comment on this. It gives you no information on what areas. Just as a broad gauge they ought to get themselves in the 21st century for their budgets. Done.

Minnich: Anybody else? Is there a motion to approve 8-24 for the Public Works five year capitol program? Is there any further discussion all those in favor please say I all opposed say no. Motion carries.

Text of Motion: Grant 8-24 approval
Motion made by: M. Masayda
Seconded by: G. Martin
Aye: 7 Nay: 0

Minnich: **Next are the Planning and Zoning Commission By-Laws this is just a draft we do not need to prove these tonight. Most of these are changing from the zoning enforcement officer to renew title. There are some changes in page 5 under the order of business outlined the business for the order of agenda for the regular meeting opposed to a special meeting all that special meeting is new. And the order of business for regular meetings we don't have what was there before reports for commissions and the discussion in training. I suggest it to go out.**

Mancini: I am use to use to a different format in the union sense we always had good welfare and we can discuss anything after that has not been addressed. Add that.

Minnich: What we have talked about is that was kind of what was left under staff report. That was the time to do that. We can add something to this but here is the issue. If we are going to add something we are having a discussion on and or that we are going to be taking votes on. Under our friendly folks from Hartford under the FOY we have to add it to the agenda. These here are just major categories and the reason for this whole thing that was talked about. Is to order general things as to where they go in the agenda. But we just can't talk about it unless we add it to the agenda. We can always do that at any time. Also on page 6 under section 3 the we attempted in the first couple of sentences there that suggest it be crossed off we attempted to apply it for 10 days that have to give us notice and so forth all of that is not legal. It is already Zoning and Planning depending upon if it comes under subdivision or not. Rules about them can basically come in for an application an hour before our meeting.

Mulcahy: 24 hours.

Minnich: So there is a very short time period. The real issue though at the bottom under regular meeting that we obviously as we do now either accept or not accept the applications at an established public hearing. The other part of that is there are times when may want to do and so that is what that last sentence is. If there is some new application that comes on that we may want to consider starting it then and doing that very same thing of accepting application and doing that allows we can do that there always has been some discussions about segregate things but we try as best as we can but time does not work.

Mulcahy: Like the school one coming next week.

Minnich: They are coming back to us again for modification. Now under our existing process we would never not accept it our rules say we shouldn't accept until we have regular meeting. That just does not work in all cases. But so that's the other change it allows us to some flexibility if that what we need to do in terms of voting. There is some change regarding the attorney. I am looking where that was we basically last time tried to put some language that has not been all together too workable because we were kind of restrictive on how we worded it for choosing the town attorney. Basically the bottom line is we went to the Attorney General Blumenthal and got a letter of response from him from a letter we inquired as to the authority that Planning and Zoning Commission have for choosing their own attorney. And I won't go through it all the logic here. The bottom line to that is that he said he is not our attorney obviously and would it be a case you would probably want to pursue in court with some good potential favorable to the commission. One of the fundamental concerns that have always been the case is what is this attorney we hire going to get paid. So in the regulations we restricted the attorney to being paid no more than what our current town attorney is being paid. That takes the fiscal issue away completely and it is just a matter of whom and so there was some the language that is proposed to be changed cleans that up and says that a little more clearly but essentially what is there.

Under page 10 we have had these standing committees that we never even used and so it attempted to have the two remaining which are the budget and the administrative committee which we have to still meet and we talked about that. And then there was another committee for the liaison committee for the town agencies I don't know if we are going to have anybody fill that but it does make some sense. But the other two the Planning Committee, the Subdivision Committee and Zoning Committee never had any function for it so suggestion is just to not have that. That where the attorney is on page 10 section 3 at the bottom.

The last one if I remember is cleaned up a little bit on the suggested on the training. We have had this discussion about to trying to have all of us going to the training and as you can see the wording is a little stronger there in terms of we shall do this the suggestion is just to and I recognize and I am sure we all do we have plenty other things to do we may want to do this when we discussed this we were pretty heavy on trying to encourage all of us to go this training this is just instead of the shell putting in more in a way that recognizes all of us are volunteers.

Then the one that also the under page 4 is the officers of the commission as we changed it four years ago and the suggestion here is to put it back where it was before that like every other commission they serve two term period as stated on section 3 on page 4 on the top. Those I think summarize the changes. According to our regulations we can approve this tonight with seven votes or we can bring it to another meeting and then it is just the two third votes. It up to how you want to proceed here and comment on this. Is there any further discussion? Hearing none. Carol would you please call the roll.

Masayda: The section for the zoning portion reviews the status of legal matters that the commission shall review.

Minnich: What page are you on? What was intended in this with word that are not changed is that we had some observations that our former administrator was getting legal opinions and legal things without our knowledge and then coming to us and telling what they were rather than the other way around. So we discussed and we did not want involved in all the issue of this. And we said if it is for anything after we approve and application, all that legal work afterwards that is administrative that goes to who the administrator is. If there are things for code enforcement that also is the administrative part. All the rest of the things most likely all of them are things that deal with our applications. We should be in a position to determine what questions and legal opinions we wanted as a commission for that. That is the logical for that.

Masayda: Is should be for the commission you have chairman or commission. It should be just commission.

Minnich: The answer is definitely yes. The issue is of practicality that in order for something to come here to the commission we are going to need to discuss how and what it is need for an attorney. Some of these questions like for example some of the issues had to do with Baillie, some of the issues that have to do with any matter. The questions that would need to come up that

the chairman and the CO can go and ask the attorney for that. The purpose of it is to save time.

Blaise: You have to consult with the whole commission.

Minnich: The whole commission we can't tell.

Masayda: We might be able to take off the chairman part of it. It's the commission.

Blaise: You have to ask the whole commission. To make the leader to ask this way we can say you negotiate with the lawyer and see what he says and bring the opinion to us.

Minnich: These are only legal questions certainly those things that have to do with any kind of detail legal opinion we are all going to be doing that. Okay any other questions having none. Carol would you please call the roll for purpose of recording our votes.

Carol: D. Minnich, M. Masayda, R. Russ, G. Martin, C. Mancini, G. Dupliese, J. Blaise

Minnich: The issue is on the first reading which this is if the entire commission of the regular members approves the change we can make it otherwise it goes to another meeting.

Masayda: I don't want another meeting. Maybe I do not understand this. The Planning and Zoning Department staff will only use the attorney appointed by the commission.

Minnich: Let me give you an example and this is a classic one. These aren't detail legal opinions that I am referring to those we are always going to do because I don't know all the questions that going to be asked of that. These are things like for example tonight Warren is working with us with that appeal for CCPW. And the question was whether Warren should have come here whether Warren should not have come here what was involved in speaking to Warren what does he has to give to us right now. In a few minutes in the executive session I will tell you all that and those are the kind of things the more procedural issues than anything else. I think that is a fair statement of the generalization of that. But it is up to you how you want to vote. If it is not majority for this evening then we to vote again at another meeting then it would fall under the two thirds vote to change the By-Laws.

Blaise: I think it steam lines our communication with legal authority.

Martin It is strictly discussions brought here for final approval. We always get our say. We have never gotten our say.

Minnich: For the record Mike changes his vote to yes. So it is unanimous and therefore it is approved. Now that it is approved we need one further motion the effective date, the effective of the By-Laws just approved is as the time of passage. Does anyone want to make that motion? Is there a second? Is there any further discussion? The effective date of the By-Laws.

Mulcahy: It would be March 5th.

Minnich: All those in favor please say I all those opposed no. Motion carries.

Text of Motion: Effective date of the By-Laws is as of page (March 5, 2008)

Motion made by: C. Mancini

Seconded by: R. Russ

Aye: 7 Nay: 0

Minnich: **I need this on the record those going into the executive session are all the members of the Commission, Ruth Mulcahy and Carol Allen. The purpose of executive session is to discuss pending litigation on the CCPW lawsuit.**

The Commission came out of executive session at 10:25 Pm – all the members that were in executive session have come out of executive session – the only issue discussed is the pending lawsuit of CCPW, There was no votes taken during the executive session.

Chairman's report – none.

Adjournment.

Text of Motion: adjourn at 10:26 pm

Motion made by: C. Mancini

Seconded by: G. Martin

Aye: 7 Nay: 0

