

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

A special meeting was held by the Planning and Zoning Commission on Wednesday, January 16, 2008 at 9:50PM in the Watertown High School Technology Center, 324 French Street, Watertown, CT

Mr. Minnich called the meeting to order and asked Ms. Allen to call the roll.

Members Present: D. Minnich, J. Wick, R. Russ,
C. Mancini, D. George, K. Demirs, R. Rondeau, J. Franson, G. Martin

Members Absent: M. Masayda,

Others Present: Ruth Mulcahy, Land Use Administrator
Chuck Berger, Town Engineer

D. George sat in for M. Masayda

Mr. Minnich asked for a motion to move Executive Session to 7-a

Mr. Martin made the motion and Mr. Mancini seconded the motion with all in favor.

1. Executive Session

James P. Rizk/Joseph Taddia Vs Watertown Planning and Zoning
Commission

Ms. Wick asked if there was an attorney here waiting for the Commission?

Mr. Minnich said we do not have an attorney present.

Ms. Wick asked why are we having Executive Session if we don't have an attorney present.

Mr. Minnich said he did not know why the matter was on the agenda until after it was on the agenda and did not know until today the full ramification of all of this.

Mr. Martin asked if he was coming.

Mr. Minnich was asked today by me not to come.

Mr. Martin said then why don't we just table it.

Mr. Minnich said it is important to hear what is being said and said what you will hear – you won't need an attorney to hear.

Mr. Minnich said as a courtesy of the people who are here do not have to leave the room if we moved item 3 to 7-a.

2. Public Participation

There was none

3. Communications and bills

- a. Town of Thomaston Planning and Zoning Commission letter dated December 26, 2007 received in Town Clerk's Office December 28, 2007, received in Planning and Zoning Office January, 2008 Re: Text Amendment Article II Definitions Article IX Off Street Parking and Loading
- b. E-mail letter dated January 29, 2007 to Ruth Mulcahy Re: Windmills in Watertown
- c. City of Waterbury, City Plan Commission dated December 21, 2007 received in the Town Clerk's Office December 27, 2007 Re: Notice of Regulation Amendments Initiated by the City Plan Commission of the City of Waterbury
- d. Council of Governments Memorandum 122707 Public Hearing on the proposed Regional Plan of Conservation and Development March 4, 2008 at 7:00PM Middlebury Library, 65 Crest Road, Middlebury, Ct

Mr. Minnich commented that 3-a looked interesting and it is something we might want to consider in the future regarding definitions of commercial trucks being parked in residential areas.

A motion was made by R. Russ and seconded by G. Martin to place on file 5-a 5-d with all in favor

4. Articles on agenda

- a. **Applicant:** Tamarack Energy
Mark Mirabito
Re: Discussion regarding Watertown
Renewable Power, LLC
At: Echo Lake Road, WTN

Mr. Minnich said he wanted to thank Mark for being here and did not have to be here under law and answering some questions the Commission has.

Mark Mirabito, Project Developer with Tamarack Energy in Essex, CT and I am the project manager for the Watertown Renewable Power project. I do not have any formal presentation plan and am just here to answer some questions that came up at the last meeting and would be happy to answer what I can.

Ms. Wick said there was some question raised about what kind of smoke or pollution would be coming from the plant and I would like to know what the requirements are for the plant and do you have to burn things hot enough so that there is not smoke. What happens when you have an inversion – let's say a weather inversion.

Mar Mirabito said regarding smoke – there really should not be any smoke coming out the stack if the plant is operating properly. Smoke is technically particulate and the exhaust gas from the plant that goes through a series of pollution control devices. One of which is a bag house which is essentially a large rectangular structure that has a series of essentially vacuum bags in it. As the exhaust gas passes through it, any particulate gets collected on those bags and periodically the bags are pulsed and the ash that is collected will be transferred to a container and taken off site either to a land fill or for beneficial use so there really should not be any smoke. As far as the rest of the emissions, the plant is subject to DEP air permit regulations. We have submitted a permit application to DEP in September and that application is under review and the emissions from a bio-mass plant are significantly less than what you would see from a traditional fossil fuel plant. The way the DEP operates in establishing the limits of each pollutant that may come out of the stack is to look at the existing plants in operation and requiring our plant to be best in practice to meet the most stringent regulations that are being met by an existing facility. So essentially, constantly ratcheting down the emissions from any subsequent plant that is built – bottom line is there is strict DEP regulations on what can be admitted – they get guidance from EPA and will be required to be in compliance with the air permit regulations.

Mr. Rondeau asked who is responsible for policing the....

Mr. Mirabito said first of all the plant operators are gong to be responsible to monitor continuously the emissions from the plant – there will be a device at the top of the stack that measures the criteria, pollutants that are part of the permit. The DEP has access to that data at any time, there will be quarterly reporting. There is some frequency reporting required as well as the DEP can come at any time or even virtually access the data.

Mr. Martin said – location of the plant in reference to residential housing. I went in on the location that you have up in Massachusetts and I notice that it is set back from any residential construction. There is a forest area, there is the plant, there is some industrial area and quite a way away is residential development. How does that map out to the location you have selected here.

Mr. Mirabito said Tamarack Energy does not own or operate that plant. Some of the principals that now work for Tamarack Energy were involved seventeen years when the plant was constructed and built. We have a lot of exposure to that plant but do not currently have any involvement.

Mr. Martin said you use that as your sample plant that you are offering....

Mr. Mirabito said we have some contacts there and is also the closest bio-mass plant, so as far as tours go, it is the most accessible. Our plant is about a mile west of Route 8 on Echo Lake Road, the entire section of Echo Lake Road from Route 8 up further west of our property is industrial zoned. The closest residence we believe is actually in an industrial zone property but the residence is about one-quarter mile east just across the from the waste transfer station.

Mr. Martin asked – single residency?

Mr. Mirabito said he believed it was a single residency.

Mr. Martin said he is looking more for a.....

Mr. Mirabito said the closest neighborhood and I don't know this for sure, I would have to look at the tax parcel map but our site is right here – it is outlined in black and kind of a boot shaped site. As you come up Route 8 on Echo Lake Road, the transfer station is right here, there is some scrap yards on the south side of the street, the residence that I mentioned is right here. The closest residences I would imagine are up on Park Road as you go up the hill and turn right on Park Road.

Mr. Martin asked – how about the back side of this property?

Ms. Wick said that is State forest. The only houses in the industrial zone are basically pre-existing non-conforming.

Mr. Martin said do you have any idea what the distance is to your nearest neighborhood development like these streets back here.

Mr. Mirabito said I do not know – on the other side of Route 262 there is obviously some large neighborhoods here. I do not know the exact distance. I believe the closest residential zone property is $\frac{3}{4}$ of a mile.

Mr. Martin asked how that compared to other plants that have been constructed either that you have done or that are similar. On an aerial view of the location that you are talking about, it is pretty well buried – is that the process used in location?

Mr. Mirabito said one of the site selection criteria is to try and find industrial zones that have minimal impact on neighboring residence and we believe this site does do that. We also take into account the location of the major road ways. Route 8 is only a mile away. You consider where the transmission lines are that you need to tie your power plant into in the State forest just north of our property is where we get to interconnect and it is only a 500 foot span. This site was picked after a review of over 30 sites in the State of Connecticut and it met all of our key criteria, one of which was zoning/proximity to residential areas.

Ms. Wick said – would the reason that you would want to put it in an industrial zone be for aesthetics so it would not be visible. I would think if as you said there is no pollution problems and is there any odor, then why would you be so concerned about putting it in an industrial zone?

Mr. Mirabito said aesthetics come into play, there are other requirements of an industrial zoned area that we may require – I believe it has to do with whether equipment is inside or outside. I would have to look back at the regulations to refer to the exact criteria but it is pretty clearly an industrial process and it makes sense for a number of reasons to be in an industrial zoned area. Another element of this site location is as you go up Echo Lake Road there is actually a small dip in the contour of the road and the site will sit down in a little bit of a gully which will help as far as the impact of the view of the stack. It is 170 feet and that is based off of our air permitting modeling such as the dispersion of any pollutants that are there is proper/sufficient. We do have some simulations that we created showing a 170 ft stack. I understand that the Siting Council which is the State level agency that reviews the actual siting of this project will require us to float a balloon to that stack height so that in their review they can get a sense for what threat would look like. The statistics we did are artistic renderings but another way to look at it is with the balloons. I believe those renderings are in our Siting Application which is in the library.

Mr. Rondeau said – from what I understand you are going to be using waste wood, pellets?

Mr. Mirabito said clean waste wood as long as it is not painted or treated source of wood so it could be forest residue, tree trimmings from utility line crews, it could be pallets, a variety of sources.

Mr. Rondeau in theory if they were chemicals that were spilled on pallet and then brought into your facility and unbeknownst to you, and they were burned, is there any means of preventing those chemicals being exhausted in wherever the wind

may blow, those would be subjective to nearby neighbors. Any method within the system to prevent that?

Mr. Mirabito said there will be an overall QC/QA program to monitor the wood procurement program so whatever suppliers we have will have requirements specifications for the wood they deliver to us. There will be in addition to the monitoring they do at the source where they pick it up they will be monitoring where they are being dumped on site into the truck dumpers before they are conveyed to the boiler and if there was to be an excursion, some chemical you would catch that with your continuous monitoring.

Mr. Rondeau asked if it was visual?

Mr. Mirabito said no. There are instruments at the top of the stack that can measure for the various chemicals that could be there.

Mr. Martin said so you are telling me that sensors on top of the stack have the capacity or the capability to sense a multitude of different chemicals that would be coming out of that stack?

Mr. Mirabito said yes, a number of chemicals. No every possible one but that is where you need to rely on your QC program to make sure they don't even get that far.

Mr. Martin said the QC program being strictly being manual and visual, a person looking at tons of material coming in and getting dumped into a hopper and going up the.....

Mr. Mirabito said correct.

Mr. Minnich asked what is the date of the Siting Council hearing.

Mr. Mirabito said it is February 5th and I was not sure if you have a copy of this or not, so I'll turn this in. This is the notice from the Siting Council on the details of the hearing – there will be basically a site walk at 3:00PM on the 5th and then at 4:00PM in the auditorium at the High School. From 4:00PM to 5:00PM there will be the testimony, cross examination of myself, colleagues and some consultants that are involved in putting together the application. Then there will be a break for dinner and 7:00Pm is the public participation portion where anyone from the public can ask questions. The Siting Council will be there to hear concerns and will take that into consideration in their review of the application.

Mr. Minnich said this access is on a town road, correct?

What involvement will you have with the Department of Public Works with regard to access to Echo Lake Road and all those site lines and things we won't be involved in.

Mr. Mirabito said we will be working very closely to make sure the access road and access to that is done properly and safely. We were out there today. To give you a history, the traffic study that was conducted, not only looked at the impact to the intersections of the truck traffic that will be added and it was deemed that it will be none, no adverse impact to the 40-50 trucks that will be coming each day. We also looked at the access road itself and whether or not some type of signal is required. The recommendation of the traffic engineer per DOT recommendations was a three way stop. We were there today, Mr. Berger and Mr. Cavanaugh and Chief Gavallas. To look at the fact that the sight lines are not sufficient because the traffic on Echo Lake averages 50 mph, you need about 800 feet of sight distance for a truck to pull out of there safely and there is only 500-600 feet in both directions. Creating the site line would require clearing trees in one direction, significant amount of trees on a neighboring property and in the other direction it required trees and earth and rock from the State forest so it is unlikely that it is going to be a viable option. The discussion today revolved around considering a signalized traffic light – one that would be triggered by a truck leaving the site otherwise being green, so since trucks are only going to be coming 7 to 7 during the week, all other times people could continue through there just like they normally would. If there is a truck trying to leave, there would be a yellow then red signal for safe egress. We are going to consider that option, it was just brought up for the first time today, the review with the traffic engineer and will continue to make sure that public works is comfortable with the solution. We want it to be safe as you all do.

Mr. Minnich said his understanding was there was a site walk that you were going to be doing with some members in Town soon – is that still going to occur?

Mr. Mirabito said yes there is a site tour planned of the Fitzburg bio-mass plant in Westminister, MA this Friday at 10:00AM. As of now, Mr. Martin is the only attendee, you all are welcome. We have some invites out to some other people, but I'm not sure if we will get other people, but regardless we are going to go up there with Mr. Martin.

Mr. Martin said Sean Williams might be coming too.

Mr. Mirabito said it is about a 2 to 2-1/2 hour drive from Watertown and this is the date the Town Manager.....

Mr. Mirabito said I would be leaving from home, I didn't intend to come through here.

Mr. Martin said it is very easy to get to, look up map quest

Mr. Mirabito said he would be happy to provide directions.

Ms. Wick said the Economic Development Commission has been there, correct?

Mr. Mirabito said yes, they were there this summer – four members of the EDC went and were very pleased with what they saw. We think you will be as well. Please let me know if you are interested, we would be happy to have as many of you as possible without overwhelming the plant. You want to have a tight enough group to hear what he is saying.

Mr. Martin said you mentioned there were how many sites you were looking into?

Mr. Mirabito said we originally looked at 30, this is about 5 years ago.

Mr. Martin asked if there were any other sites considered and brought before the local community?

Mr. Mirabito said no.

Mr. Martin said so this is the only site that you have considered and brought forward.

Mr. Mirabito said yes and has gotten beyond the initial investigation. We had identified about 10 key criteria. We did enough research to understand where each of those sites fell within that criteria and targeted in on the Echo Lake Road site as the ideal location. The response we got from the community encouraged us to continue.

Ms. Wick said if trucks are heading north on Route 8 and getting off, how would they get around, go to the Echo Lake Road area, would they...

Mr. Mirabito said they would get on the frontage road – if they are going north on Route 8...

Ms. Wick said if they are coming off Route 8 from having been heading north on Route 8, so they would be coming off of exit 37.....

Mr. Mirabito said the route in red is the route we are envisioning being the primary route since it is the most direct route and these truckers are going to be wanting to find the quickest route to the site.

Ms. Wick – said none of these trucks would have any impact on local traffic, you are not talking about going any where near local roads with any of these trucks?

Mr. Mirabito – said I don't know that none of those trucks would go there, the wood is going to be coming from a 50 mile radius and so they are going to be using the most developed roads.....

Ms. Wick – said are they likely to be going Route 6 and coming through town...

Mr. Mirabito said – just from the geography of where the wood is coming from and the fact that there are major roads available to them – they are going to want to go via the quickest route and avoid local roads for the same reason you would want them to avoid it. We do not believe any significant number would be going through beyond those routes that we met.

Mr. Rondeau said – if you are using a 50 mile diameter to get your wood, then you could conceivably be getting wood from Litchfield, Morris, Bethlehem – North and west and you would not have access to Route 8

Ms. Wick said they would come on 109 or they could come straight down 63.....

Mr. Rondeau said – why wouldn't they come down Route 63 and then....

Mr. George said because they have to go through Town, If you come down 109, then you are right on Route 8

Mr. Mirabito said because we can't process any wood on site, all we can receive is chipped wood, we are going to have to create some satellite yards within that 50 mile radius so when people have stumps or whole trees or branches, they can be dumped, processed and then delivered to our site. Those will be strategically located so that from their location to our plant, they would use the biggest roads.

Mr. Martin asked how many plants are in existence?

Mr. Mirabito said – around the country there are more than 100, I don't know the exact numbers. In New England there are about 30, there is nothing in Connecticut. There are several proposed including ours but nothing yet. One of the reasons we like this location is our access to Fairfield and Westchester counties because of the development activities that are going on down there, there is a large supply of land clearing debris that is currently disposed at waste transfer stations. This is a beneficial use for that wood and it is a strategic source of wood for our project since we would be the first plant between some major areas in New Haven, Fairfield county, Westchester county for that fuel. Currently it is going to the transfer stations and then out of State.

Mr. Minnich asked for any other comments.

Mr. Rondeau said his last comment is – is you decided that you wanted to expand this because of, whatever, is that something that you built into the existing plans to be able to do that or is the plant that is there be the maximum it could ever be?

Mr. Mirabito said – I can't say for sure this is the maximum, even though it is a 33 acre site, you have wetlands down the center that take up about 1/3 of the

property. This area to the west is more hilly and would be harder to construct a facility so we really had to pigeon hole our facility between wetlands and the State forest. There is not a tremendous amount of room – I don't want to say for sure we would never do that but that is not our intention. If it were, it really would not be discernable to you, there would be additional equipment in the building, the wood yard might need to expand in size but it wouldn't be any more significant impact than now, maybe a few more trucks and fuel....

Mr. Martin said – it is a 35 acre site?

Mr. Mirabito said – 33.

Mr. Martin said what is the impervious surface that will be on that site once this is all built?

Mr. Mirabito said he did not have that off the top of his head. We have presented that to the Conservation Commission and this project was approved last week.

Mr. Martin said- it is on the inner most part of that parcel?

Mr. Mirabito said yes.

Mr. Rondeau said – the point I am getting at is I want to make sure we know what we are getting and is not something that starts off as a “x” kilowatt plant and then ten years from now it is three tons as big.....

Mr. Mirabito said he cant' say for sure that this wouldn't some day in the future grow in size, I can tell you it would be limited, it could not triple in size, it could not even double in size. There is always the chance that the economics would drive us towards considering something like that. If we did that, the change would require a change to the air permit application, it would require going back to the Siting Council, it would require me coming back to you and making sure you understood the implications of that. Even if we did do that, it would not be discernable to you – the building might grow by 10 or 20 feet and there would be a new steam turbine in there.

Mr. Minnich said anything else? I just want to thank you and your company for efforts you have taken to inform both at public hearings our Commissions and others on a volunteer basis that has really been a good effort on the part of your company here and our town, we thank you for that.

Mr. Mirabito said I guess before I go I ask if you do have time to come to the hearing on the 5th. And describe your positive experience as far that would be a nice thing for the project. If nothing else just to listen in. Please let me know if anybody else, maybe through Mr. Martin if anybody else is going to join us on Friday and be happy to show you that site.

Mr. Minnich asked is there any further comments on that?

Discussion only – no motion needed.

b. Applicant:	Joseph Masi and Margaret Raymond
Agent:	Stuart Somers Company
Re:	15 lot subdivision to be known as French Hill Estates
At:	French Street, Oakville, CT
Zone:	R-12.5

G. Martin abstained from this vote
R. Rondeau sat in for G. Martin

Mr. Minnich said next item on the agenda is item 6b Joseph Masi and Margaret Raymond, Stuarts Somers Company for a 15 lot subdivision to be known as French Hill Estates. Is there a motion to table?

Mr. George said I will make a motion to table.

Mr. Minnich asked is there a second?

Mr. Russ said I will second.

Mr. Minnich asked is there any further discussion? All those in favor please say I all those opposed please say no.

Mr. Martin said should I abstained and not vote.

Mr. Minnich said you should abstain and recluse yourself. Ray would you sit in on Gary for the vote. And your vote on the table is? On a vote of 7 in favor and none opposed. The motion is approved to table that.

Text of Motion: Table
Motion made by; D. George
Seconded by: R. Russ
Aye: 7 Nay: 0

G. Martin came back to meeting after the vote
R. Rondeau no longer seated for G. Martin

c. Applicant:

Re:

At:

Zone:

Kurt Karpavich

Special Permit #237

Wind turbine

60 Farm Circle, WTN

R-70

Mr. Minnich said next item on the agenda Kurt Karpavich, for Special Permit #237, Wind Turbine at 60 Farm Circle, Watertown on R-70. Just to start the discussion here you may want to continue this it is up to the committee. I asked the applicant, he is obviously required to conform to all the regulations of the special permit. One of the concerns that certainly in drafting this he can't put a wind turbine up for aesthetic purposes. It has to be actively connected to the Connecticut Light and Power system to generate energy that is the reason for this whole thing. As you recall at the end of the hearing I asked Ruth if we had on file anything relating from CL&P company and read again for this part of the record that under 7.25.10 of our regulations for wind turbines it is required that prior to a special permit approval application, applicants must have conditional interconnected approval from CL&P. Ruth is responsible that is that we did not have anything from CL&P and during the intervening times I asked that question. And now Ruth gave a document that she got from Curt. Just for the record I indicate it lists comments about each of the sections. And he responds to section 7.2.10 and he says applicant meets utility company interconnection policy. Having said that it's my view that if he does not have CL&P company a letter stating that he has approval and he does not have that approval form at the time, that we are approving this application then he does not conform to the regulations. However given the fact that he says verbally he meets it and I am not sure whether he has that approval. And it is not clear whether he has it the approval. So at least on that one item in terms of discussion here I think Ruth needs to help us to make that determination if indeed has from CL&P an interconnection approval. A conditional or inter conditional approval.

Mr. Rondeau asked I would ask two questions one is if we are not voting on it tonight? There is still a question as to whether we are actually voting on it tonight? If that is an issue or not, but I would just ask and I don't know I am just asking this question. Is there a possibility that someone could conceivably put up a wind turbine and have it power their but not necessarily connect to the grid? I would think and my understanding was connecting it to the grid would allow you to self act any additional electricity that you are generating that you are not using at that time.

Mr. Minnich said well Jeff is probably a better one to answer what I got from CL&P and I asked the question. That CL&P will require it be connected to the grid because they don't want to have two electrical sources coming into the home. So that is the comment I got from the gentlemen I had his name down that I got is that as part of the conditional approval is that it just goes into the grid. And that is what he told me.

Mr. Franson said the involvement I have is I know there is a gentlemen Joe Debbs who is in charge of the department specifically for co generation. From half a megawatt 1000 watts all the way to 50 megawatts and there is an evaluation process and permitting process. That is all about I know of that. I have not been involved in how the process works, how the permitting works and all that.

Mr. Minnich said Joe informed me that CL&P would not as a practice be giving approval prior to this process here. But what they do and it is their custom is to give what he terms conditional approval and those are the exact words to which we put into the regulations.

Mr. Rondeau said I can understand that but my question is I guess arrives from some personal experience but if you have a propane generator there is an actual switch that can be put on your electrical panel so that when your generator turns on it actually turns the switch off going out to the pole so that workmen will not get electrocuted thinking that there is no electricity in there. I know you need a permit to put that in.

Mr. Franson said but that is an emergency generator and the purpose of that is to supply your house if you lose power and that is under the directive of electrical inspector. But if you have some type of generator that goes in like a windmill, gas power, or whatever that's under a different regulation and it requires different rules.

Ms. Wick said so basically what we need to know is, does Mr. Karpavich have a conditional letter of approval from CL&P?

Ms. Mulcahy said he did submit the specifications of the windmill or wind power or wind turbine the technical specifications and it lists the grid feeding specifications on it.

Ms. Wick said it is not specific for his turbine and that is somewhat what Dave said CL&P he has to go to CL&P and say I am going to do this and they say we will give you a conditional letter so that when you do this we will approve it. For our regulations we want to know if he is going to CL&P. There should be somewhere a letter to that effect. If not he does not meet. That would be simple.

Mr. Franson said the only thing I do not know is, I do not know the process within CL&P. They may not do an evaluation of specifications until they have local approval otherwise they could be looking at 100 generators or units that never get approved and sort of get wrap around an axle.

Ms. Wick said that even so DOT they say we cannot give an approval until you get an approval but we can at least give you notice that if this gets approved then

we will take our process. So that there is some way that we can know that they are aware of this.

Mr. Minnich said I asked Joe Debbs this very question and he said that is the process that they customarily go through which they need local approval and they also understand that we want to make sure they are going to say okay to this and the way that it operationally works our process is that we will give them a letter of conditional approval that may turn into a permit.

Mr. Franson said apparently we do not have that letter.

Mr. Minnich said on our records we do not have that letter.

Mr. Rondeau asked we have 65 days from today to approve this do we not?

Ms. Wick said that is one of the things we have to find out.

Mr. Martin asked in your discussion was this project brought and did you discuss it?

Mr. Minnich said I did not even know this project was even coming to us. This was done during the regulations. I talked to him when we were preparing the regulations. I thought this was going to all end up in court.

Mr. Rondeau said could we table. We could not vote on it even if we wanted too. And we do not know what the applicant can actually give us. Because we do not know as Jeff says he does even know. At least we can wait till our next meeting for the applicant to either provides us with that or provide us an explanation as to why.

Mr. Minnich said you can always table but you need to get somebody to help you do that tonight. I do think we need to talk about some of the pieces of information that we may want.

Mr. Martin said one of them is the 20 foot was that an accurate, or did we make a mistake here on a 25 foot to 25...

Ms. Wick said it is a side yard setback is 25.

Mr. Martin said we use the physical structure height as opposed to a...

Ms. Wick said I think what you have to find out here we talk about a wind turbine do we have specific regulations about the wind turbine so I would like to and that is a question I think that we have to ask the attorney. Do the regulations that we pass for wind turbine set up a different set of requirements for that other than your standard requirements for what is your usual accessory structure?

Mr. Minnich said I think that is a good question or good idea that we need to approach our attorney on. One of the things that I do want to comment on in reviewing our regulations I asked our former attorney verbally he did not need to give anything in writing about this very topic about our being specific about some of these things obviously was going to be contrary to some of the other things that are in the regulations and Franklin said that we can be more specific and it that more specific the more that would be prevailing. That is not in writing and it was a verbal and so we need to get that in writing. I certainly am concerned about the location it was one of the concerns, I submit in my own view of it that we do have the right to determine where it goes on his property within the guidelines of our regulations and I think that is part of the special permit that also goes into the whole concept of what we talked about before when we set up these regulations that we could not set a regulation for every single circumstance and therefore we needed to take into account what the neighbors thought about it. The wind turbine not one that we approved but that has been approved there was no neighbor complaints or problems and there was not anything to read just but this there certainly is I do not know the right place but I think that is a topic we ought to.....

Ms. Wick asked how the wind turbine could have been approved without a special permit.

Mr. Minnich they said they made a variance.

Mr. Martin asked was this under our purvey?

Mr. Minnich said they had a variance from ZBA.

Mr. Martin said it never came to us.

Ms. Mulcahy said just a staff question. On referral to since Franklin Pilicy's handling the legal lawsuit on the wind turbine and are we referring this Attorney Jessell this new one?

Ms. Wick said I think what we had to do before we have to ask Attorney Jessell?

Mr. Minnich said this is Attorney Jessell verbal as to where we ought to go.

Ms. Wick said we can ask him if he would have Franklin do it since he did all the other stuff.

Ms. Mulcahy said since Franklin already reviewed the regulations when we they were written.

Mr. Mancini said I have questions Attorney Pilicy brought up on article 5 section 52.9 standards for approval existing and future character of the neighborhood.

That is one and then article 5 section 52.5 environmental text study effect on property values and what we were just talking about now article 1 section 7.24 additional setbacks as everyone knows I propose a lot higher setback than approved by this Commission I want to see if we have to abide by these or not, because if we have to abide by them we have to go by these numbers. If we were told that we have our own set of regulations that is another thing so am not ready to vote on this. I am ready to table this into a future date to make sure I am doing the right thing here no matter how I go.

Mr. Martin said I think this has to be looked at and I do not know if it is legal review of this or if it is a review amongst us. I think maybe the true diligence may not have been done by us on this. I kept hearing the same thing we cannot whether if it was correct or not correct we cannot deny this he brought up some good points here that I wish I had gone and read a little clearer and closer and brought up the issues myself. But I did not and now that they have been brought to my attention I would like to have a little bit more interpretation of what's being said here as far as the legal ramifications of us fixing it. I do not want this going to court.

Ms. Wick said I think that is part of what we are discussing is the section on whether our turbines regulations make it separate and it does not come under the regular accessory structure regulations. The other part that he was referring to is the requirements for special permits that 52.5 and 52.9 and now one of the things I think these environmental impacts are regulations allow us to waive them but the applicant has to ask us to waive them. So the question is and it says very specifically he has to do it in writing.

Mr. Minnich said I think we need to address that obviously but also want to state we have done a lot of special permits it is a rare occasion that we get to this point that we get to this nitpick.

Mr. Martin said you are affecting a lot of people, you are affecting property values. Listen I think everybody has a good argument here but I think all arguments have to be addressed and weighted and then the proper decision made.

Ms. Wick said I certainly think the question of property values it really very subjective and we had someone come in and give an appraisal but that is why I asked the question have you done such a thing with other wind turbines. And he said no. So it is a subjective appraisal I think and certainly can take what he said and weigh it. I think we also have the right to put in our own perspective on that as well. I know Gary you have said that you would not like that in your neighborhood. I would not have a problem with it my neighborhood. So I think it tends to be a subjective issue.

Mr. Martin said but do not think it is only a dollars value that you can put on and saying 100,000 dollars my house goes down by 100,000 dollars. How about the

issue of the value of your house as far a desire for somebody purchasing it. How many do you take out of the market for that house once that thing goes up.

Mr. Rondeau said it is market value.

Mr. Martin said it is not only market value it market attract ability and do you now wipe 50% of the potential people that would be interested in that house because of that thing sitting there. I think we have to take all that into consideration not just the fact...

Ms. Wick said I think we do, do you add to the market do you say "by god there is a wind turbine in this neighborhood and I would like one too" I do not know. But I think it is something that we have to look at. But it still is very subjective.

Mr. Mancini said I believe that we reduce the marketability of the property because, I will give you an example my parents sold a house in Middlebury two years ago and the corner of their property had the right of way for the CL&P tower that is going through and the real estate told them at that time says your house is worth so many dollars but you do not have that many people that are going to want to buy this house because of that the power lines going over head. So the Guerrera's house might be worth 600 or 700 hundred thousand dollars today but there may have been twenty people that wanted that house possibly now there may only be five. Then they might not want to pay that 600,000 thousand dollars anymore. So I really do believe that property will go down on that house and they will have a harder time finding people that would want it even for a lower price.

Mr. Rondeau said that is true and I do not disagree with you but you also have to consider the neighbor could allow his house to go into disrepair not painted, let the shutters fall off, let roof go and in general and that is going to affect the neighboring property value as well and we can't go around and tell the guy he has to paint his house and so on and so forth. So you have to kind of look at, there is a lot of things that could affect property value I am not suggesting this is a good or a bad thing but there is a lot of things that property...

Mr. Martin said but you could put trees and block out the house. You are going to have to put some big trees and block out the house. A 65 foot tower...

Mr. Rondeau said in reality if you look at the photograph that was given to us by the real estate agent that actually has a tree that was planted in direct view of the house where the second proposed windmill was going to be which when the leave you were going on it would probably block out 99% of the view.

Mr. Martin said it is not a clear cut decision. A lot of things have got to be weighed.

Mr. Minnich said to come to some consensus here where we go. I think we are going to get some of those questions answered from the lawyer. It is also that we have tonight and it is my view and I want to make sure we are on the same page. I am not suggesting that we spend a dime of town's money to have the lawyer respond point to point to the attorney what has presented to us. I think we need to ask our own questions and we do not need to take the other guys position and have a right to legal briefs on that it is a waste of. Do you agree with that?

Ms. Wick asked do you want to get this opinion as an oral opinion.

Mr. Minnich said we want a opinion of the questions we ask tonight but he also wrote I do not think we should spend our time to have to address point by point. Also I think we also have to keep in the mind set this may be approved. I think we all need to come to some conclusion as to where if we were to approve it where it would be. And I think we need to think about that so when the time comes for a vote obviously if it is no, then that does not have to be thought about, but just hoping we do not have to have another meeting to decide where it is going to be. I think we can decide that given all the things we already know from the site walk at the time we make our decision.

Mr. Martin said just for a point of clarification because I remember us doing this but I just cannot remember the specific of it but the two acres we talked about for requirement for having in this in a lot R70?

Ms. Mulcahy said no R12.5 and R30.

Ms. Wick said I have the regulations and it says wind turbine is permitted in zoning districts R30, R70, and R90 and on residential lots that have a minimum of 2 acres only for the purpose of generating electricity pursuant to these regulations. According to Attorney Colesnick by putting in and on residential lots have you are saying the R30, the R70, and R90 must have 2 acres. But when you say and but if you are saying and you are listing R30, R70, R90 and 2 acres lots. In other words it is the way I read it says in addition to.

Mr. George said that was the discussion we had before...

Ms. Wick said but the attorney saying does not matter our intent was although the courts do look at intent. However I think to me when you say and you are adding it to the others.

Mr. Minnich said I think quite frankly it is a lot about nothing. Because I really think we have the right to interpret our regulations. And I am absolutely clear it is not ambiguous at all. The first three zones that you mentioned were part of the original draft. It was suggested to add 2 acres we had a further discussion that would only apply to residential properties. So that means that it can be in any of those 3 residential zoning districts that are listed and it could be in any other

residential zoning district that has 2 acres now if we need to put comma in there we will put a coma, but it is our right to interpret our regulations and it is very clear to me what we did. And in the end it is our decision and it is not up to some attorney to tell us what we wrote.

Ms. Wick said and I agree but I do not think that would be a problem for us.

Mr. Minnich said if we need to put a comma there we could put a comma there because we added it and if it is confusing we can do it right now because it is not anything we need to amend. It is because it was an addition to what we did and we asked staff to do it and we can do it as a clerical issue if it's...

Ms. Wick asked can you take out the and between R70 it would be R70, R90 and residential lots that is the way I think it would take out the one and R70 and R90. But I do not change the meaning of it.

Mr. Minnich said we do not have to do this part of this application of interpretation I would just suggest that we may want to do this. Is doing exactly what is suggested as a form of a motion. We take the and out in front of the R90 and make that clear as to what we did. It does not need another hearing under zoning I consider this clerical because this was added verbally and so that's what I would like to do to clear this up so that the issue...

Mr. Rondeau asked my question is if the application has to be voted on based on what the ruling was at the time of the application. If this were to go to court or whatever they are not necessarily going to look at what amendments we make they are going to look at what was in the regulation at the time the application was...

Mr. Minnich said we are clearly are going to look at this discussion we had this evening and what our intent was what we clearly did and this not unclear at all. I suggest we clear it up and is to take out the and before the R90 in section 7.25.1 and that will be what we have as our regulation.

Ms. Mulcahy said it was a clerical as Dave explained we had it in the computer and then the amendment was added on and we did not take out the other and but when Judy read it in, it did not read and and because and and is not clerical.

Mr. George said I will make that motion.

Mr. Russ said I will second it.

Mr. Minnich asked are you clear with the motion? All those in favor in the motion please say I all those opposed please say no. The motion carries.

Mr. Martin asked could I ask a quick question people said that there was one of these up already or was that an approval?

Mr. Minnich said it is a zoning approval on Straits Turnpike.

Mr. Martin asked nothing is up?

Mr. Minnich said I do not believe it is up.

Mr. Martin asked is there a single one of these in Connecticut?

Mr. Minnich asked is there any other discussion? Is there a motion to table?

Mr. Mancini said so moved.

Mr. Minnich asked is there a second?

Mr. Russ said second.

Minnich said all those in favor please say I and all opposed please say no. Motion carries.

Text of Motion: Remove the word “and” in front of the R-90 zone
Made by: D. George
Seconded by: R. Russ
Aye: 7 Nay: 0

Text of Motion: table
Motion made by: C. Mancini
Seconded by: R. Russ
Aye: 7 Nay: 0

d. Applicant:

Agent:

Re:

At:

Garwin Hardisty

Ron Wolff

3 lot subdivision to be known as

Cider Hill Subdivision

Woodbury and Old Baird Road,

Watertown, CT

Mr. Minnich said next item on the agenda is item 6d, Garwin Hardisty, Ron Wolff, 3 lot subdivision to be known as Cider Hill Subdivision, Woodbury and Old Bair Road in Watertown. We closed the public hearing on this correct? We are now in the motions of approval.

Ms. Mulcahy said I have a draft here.

Mr. Minnich said let's just talk through what we want to have here. Number one is a condition requiring easements, deeds, and expanded stuff. Move on to standard, the other land labeled not in approved lot is on there, driveway we talked about before, required maps so it meet section 4 Town of Watertown regulations, then the Town Engineer should be followed, all lot pins replaced, the utilities underground of sidewalks, street and trees.

Ms. Wick asked didn't we say of a native variety?

Mr. Rondeau asked just for clarification on #10 to is, our we suggesting that trees are being planted from the road towards the house every 50 feet?

Ms. Mulcahy said just along the common driveway.

Mr. Minnich said no lighting is fine.

Mr. Martin asked do we normally list the caliber of the trees you don't want to list the caliper of trees.

Ms. Mulcahy said it is in the regulations.

Mr. Minnich said pre construction meeting is there any other conditions that you want to add to this?

Ms. Wick said does everyone agree that, that is clear on that there is no way that somebody can say I do not have to do that? That basically it says upon completion of the improvements to Old Baird Road that they shall relocate it...

Mr. Martin said the one thing that I would suggest is that and I do not know if we have the legal ability to do that it should also be placed on their deed.

Ms. Mulcahy said you cannot do that.

Mr. Martin said so I buy that lot the seller does not tell me that I am going to have to do that and 5 years down the road you come tell me that I have to do that and I am going to tell you to pound sand.

Ms. Wick asked can't you put that on the deed?

Ms. Mulcahy said deed restrictions are not up to us.

Ms. Wick said no but you can put conditions of approval....

Ms. Mulcahy said you do not have any authority over deeds.

Mr. Martin said I understand I just feel it is important to make it clear. It has got to be clear to the purchaser of the property that this could happen in the future. In whatever way that it is done and if it is not done properly there should be legal ramifications to the seller.

Mr. George said they agreed to do that at the last meeting. And we said we would put it on the maps. And that is what we are doing.

Mr. Minnich asked currently these driveways are not on Old Baird Road right?

Ms. Wick said I just wanted to say that it was clear by everybody because we do not want it to come back and say I did not know I had to do that. The only other thing is under the whereas is sixth line down 24.3 70 acres to go.

Mr. Minnich said anything else? Hearing nothing else I will read the draft motion.

WHEREAS, the Watertown Planning and Zoning Commission (hereafter “Commission”) received an application for a three lot subdivision on November 7, 2007 located on Woodbury Road and Old Baird Road, Watertown, CT in an R-70 Residence District consisting of 34.196 acres with a common driveway for the three lots from Route 6 with 24.370 acres of other land and 3.5 acres of open space owned by Garwin Hardisty, 42 Timber Lane, Woodbury, CT which includes a Record Subdivision Map dated 3/22/06 prepared by Riordan Land Surveying, 701 Middleroad Turnpike, Woodbury, CT, a Site Development Plan, Grading, Sedimentation Erosion Control Plan dated 7/25/07 with a revision date of 12/17/07 prepared by Ronald Wolff Associates, LLC, 84 Rucuum Road Ext., Woodbury, CT; and

WHEREAS, the Commission convened a public hearing on January 2, 2008;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission approves the subdivision application for a three lot residential subdivision in an R-70 Residence District titled “Cider Hill ” on Woodbury Road and Old Baird Road, Watertown, CT with the following modifications:

1. The following is a list of required Easements, Deeds, Agreements and Documents to be provided to the Town of Watertown for review:
 - a. Common Driveway agreement for the proposed access way onto Woodbury Road.
 - b. Deed to the Open Space parcel to the Town of Watertown.
 - c. Conservation Area easements around the designated wetlands and the 50' review area to the Town of Watertown.
2. A bond shall be posted for all public improvements and the common driveway in accordance with the bond policy adopted by the Commission, soil erosion and sediment control, public improvements, the common driveway, drainage and site stabilization. An estimate of all improvements prepared by the applicant's engineer must be submitted to the Town Engineer for review and approval. This estimate can be e-mailed directly to Charles Berger, at berger@watertownct.org, and Ruth Mulcahy at mulcahy@watertownct.org. According to town bond policy, the bond provided by the developer will be a Letter of Credit and/or a Cash Bond to be reviewed and approved by the Land Use Attorney.
3. The other land shall be labeled "Not an Approved Lot" on the final Cider Hill Subdivision Record Map.
4. The driveways for Lot 1 and Lot 3 shall be relocated to access onto Old Baird Road upon the completion of improvements to Old Baird Road for public traffic. The expense for the relocation of the driveways onto Old Baird Road shall be the responsibility of the owners of Lot 1 and Lot 3. The Common Driveway Easement for Lot 1 and Lot 3 which abuts Lot 1 and Lot 3 shall be extinguished at such time Old Baird Road is improved for public traffic. These proposed future driveways shall be shown on the Record Subdivision Map and a note of this condition placed on the map.
5. All required maps shall meet the requirements of Section 4 of the Town of Watertown Subdivision Regulations.
6. All recommendations of the Town Engineer shall be followed.
7. All lot pins shall be placed before issuance of a zoning permit.
8. All new utilities shall be underground.
9. There shall be no sidewalks.
10. There shall be street trees of a native variety planted every 50 feet along the common driveway.

11. No lighting is proposed for the common driveway. Any future lighting is subject to the outdoor lighting regulations and approval by the Commission.
12. Prior to Town officials signing mylar maps, final plans and subdivision documents shall be submitted for approval and accepted for approval by the Town Engineer and the Administrator of Land Use/Zoning Enforcement Officer, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission. All final approved plans shall also be submitted in disc format acceptable to the Town Engineer.
13. A preconstruction meeting is required to be held with Town staff, the developer, the onsite contractor, and the site design engineer prior to any site activity. The Developer will complete all tax conveyance forms to the Town of Watertown.
14. The Record Subdivision Map mylar and required legal documents must be filed on the Town of Watertown Land Records

Two recording mylar copies and two paper copies of the final approved Subdivision maps should be submitted to the Land Use Office for review and signing. One signed mylar of the final approved Record Subdivision Map and Site Development Plan is required to be filed on the Town of Watertown Land Records, before April 15, 2008.

Mr. Minnich asked does anybody make that motion?

Mr. George said I make that motion.

Mr. Minnich asked is there a second?

Mr. Mancini said second

Mr. Minnich asked is there any further discussion? Carol would you please call the roll for purposes of recording our votes. On a vote of 7 in favor and none opposed the motion is approved...

Text of Motion: Approve
Motion made by: D. George
Seconded by: C. Mancini
Aye: 7 Nay: 0

J. Franson left the meeting at 11:00PM
R. Rondeau sat in for J. Franson

e Applicant:	Loresen Enterprises
Agent:	Ted Hart, Milone and MacBroom
Re:	Site Plan Modification
	For exterior lighting
At:	Honda of Watertown
	816 Straits Turnpike
	Watertown, CT.
Zone:	B-SC

Mr. Minnich said next item on the agenda 6e Lorensen Enterprises, Ted Hart, Milone and McBrown, Site Plan Modification for exterior lighting, Honda of Watertown, 816 Straits Turnpike, Watertown, in B-SC zoning district

Ted Hart said good evening I am a professional engineer with Milone and MacBroom. At the last meeting I requested a continuance so that I could update and meet the illumination criteria listed in the appendix of the new lighting regulation. I have received the lighting regulation previously and it did not have the appendix. I wanted to update the plan and I have an updated plan that I would like to pass out. What is in this handout package is, a letter describing the lighting, a revised lighting plan, and catalogue cut sheets for the light fixtures. And I also included a picture of the frontage of the property showing some of the flood lights that are on the property currently and we can talk about that. The one significant change from the previous plan that I had at the last meeting is we reduced the light intensity the maximum light intensity at the very front of the property from 25.6 foot candles down to 20.3 we have a slightly different laminar lighting fixture that spreads the light a little bit more and there is less hot spots with this lighting fixture. What I would like to go through is the lighting table on the second page of letter. What I have shown on the first two lines of the lighting table are the requirements listed in the appendix A14 for high activity parking lot and medium activity parking lot. You will see that there is an average 3.6 foot candles a minimum of .9 and a uniformity ratio of 4 to 1. And then I listed the medium activity parking lot lighting where it is 2.4 and .6 and 4 to 1 uniformity ratio. Then what I did is we analyzed the lighting at the site or on the site we proposed the light fixtures we have and what I have shown on the map is on the right Hand side we have Straits Turnpike. I have shown in blue and we have a higher light illumination for basically the front row area at the front of the property of the cars along Straits Turnpike what we would like to have is a average lighting of about 9.1 foot candles we have a minimum of 2.3 and uniformity ratio of basically of 4 to 1 so here we have met all the criteria except for our average is higher than the 3.6. Then I looked at the lighting for the rest of the site the side of the building both sides and the rear of the building and we

did the calculation for that area we have 2.7 for the average which is somewhere between the medium and high activity parking lot criteria in the regulations. And we have a maximum of 12.2 and a minimum of .6 foot candles and a 4.5 to 1 uniformity ratio. Then I also looked at the total site and how that conforms to the criteria. We have a 4.2 average lighting maximum of 20.3 which is up front and a minimum of .6. The uniformity ratio though goes from about 4 to 1 to 7 to 1 because the uniformity ratio is the average divided by the minimum. So we talk about the 4.2 and divide by .6 and you get a 7 to 1. And the reason for that is that we have higher light intensities in the front area and in the back we don't really have a desire to have brighter lights so we got some .6 in back here. The previous plan that we had, had 0 and .1 in the back along this property line. So when the computer did the analysis we did not get a uniform ratio because you cannot divide by zero. So that's our lighting plan its basically I think we have done a pretty good job of meeting the numbers required in the appendix and I think it will be an effective illumination plan for the intended uses and it will avoid illumination of adjacent properties. All these fixtures are full cut offs we have also provided house side shields on these as you can see we have a sharp cut off on the backside of all the lights that go along the property line. By the time you get out to Straits Turnpike at the curb line you have all zeros and you have .2, .3, .1, along the Northern property line for your light intensities. So I believe we have met the intent of the regulation. In speaking to Ruth today whether there was another question and that's why I added the picture of the frontage there was a question of who pays for the lights. If you look at the picture that I have there is a telephone pole basically in the middle of the front aisle and it has a very large floodlight on it. It basically illuminates the site I think there is 2 in foreground that is not in this picture that also illuminates the site. Those will be taken down they are not going to be used any more. So the idea that these floodlights on these telephone poles will still be there, we plan on taking those down. They are large lights that are tipped out to illuminate large areas. So that is the lighting plan. Are there any questions?

Ms. Mulcahy said I was just wondering on those 2 properties that we discussed about the cut off the full cut off the light trespasser were you going to be able to do that on those? I still see it here as 1.4 on the neighboring property and yes right along there on the neighbors property there?

Mr. Hart said 1.4 is the very minimum light and this is also a commercial area along the frontage of Straits Turnpike. I can ask if we can put more of a cut off on this light. See what we have got a light here and a light here so that there extra little so that no one can trespass there. We did try to do the best we can with cutting off this light. As you can see on the rest of this we are at basically .2, .3 all long the property line.

Ms. Mulcahy said if you go along the bottom on the opposite side then you are up again to 2.6 and 2.4 on the neighbor's property there.

Mr. Hart said that is not quite on their property there. It is right on the property line. There is a little hedge there of junipers or arborvitae. I did not bring all the photos but there is a light pole right here on the Toyota Dealership where they have the big floods lights like are out on the front here.

Mr. Rondeau said maybe you can put an additional side shield or something.

Mr. Hart said I will work with them and see if there are any additional shields we can put on. I know that they have a lot of, there is a million varieties of these code metrics where each one of these lights and I will ask them to do a little better job with the cut offs if we can do that.

Mr. Rondeau asked could you just remind me what the upper side is on the North side. Is that a car dealership?

Mr. Hart said I forget what there is there. It is not a dealership. I don't think there anything right there now.

Mr. Russ said it the Mancini building north of Honda.

Ms. Wick asked what are the hours on these lights do they stay on 24 hours?

Mr. Hart said I believe they do.

Ms. Wick said there is absolutely no reason for that.

Mr. Hart said I think what we could do is reduce the light intensity at night we do want to have some light on for security.

Ms. Wick said but basically the light plan that you are proposing here is for sales purposes right?

Mr. Hart said yes.

Ms. Wick said assuming that we think that's alright to do. When the business is closed those downs should be down by at least half so that you would have minimum light for security.

Mr. Hart said generally what these dealerships do; I believe is that to turn off half of the lights.

Ms. Wick said I need specifics. The other thing is that a lot of this light goes beyond your property line into basically the state right of way where the grassed area.

Mr. Hart said that is correct.

Ms. Wick asked is that light necessary to be that much light in that area? My concern is when coming down we worked really hard when you are coming down Straits Turnpike you don't have this incredible amount of light that makes it look like mid afternoon and so it would seem to me that you don't need as much light on the grassy area you are not selling anything there.

Mr. Hart said no and that was not our intent, I mean our intent was trying to cut it off as quickly as possible.

Mr. Martin asked the poles that are there are they part of the 26 foot there and 24 anywhere else?

Ms. Wick said those are 20 foot poles.

Mr. Hart said 26 foot poles are in the front these are basically, so we can light more than just the front row here we want to get light on the front parking area at twenty feet we really cannot get enough light throughout that parking area. So that is why we have the 26...

Mr. Rondeau said if you angle them just a little you would still get the same effect.

Mr. Hart said that is not really what the intent of your lighting regulation is. You do not want to have those angled. You want them straight down and you use full cut offs.

Mr. Rondeau said you can use a full baffle.

Ms. Wick said I certainly understand what is there and this is better than what is there, but my recollection is the whole idea of taking the auto dealership out of the non conforming status was to get them to conform. I would like move as close to conformity as possible. What is your total illumination relative to what the regulations would require not what you have now but if you were to conform to the regulations?

Mr. Hart said well I think what the total illumination is 4.2 foot candles average where you have a regulation that says 3.6.

Ms. Mulcahy said for the high intensity uses. It is much lower for the other things.

Ms. Wick said I will even accept that this as an high intensity use certainly if it is being used as for your selling area. So it still is a fair level because 4.6 it looks to me except for the ones in front. What average is because you have very little back here?

Mr. Hart said that is why I did the two analyses, I mean the previous plan we had zeros and .1s back here that we had a 3.4 or something average for the original plan.

It is numbers and you have almost nothing back here so your uniformity ratio goes to the roof.

Ms. Wick asked what is back here are these mostly cars that are stored not your selling area? Is your selling area all in front?

Mr. Hart said generally it is these cars over here are also new cars, new cars waiting to be prepped. So this is also an area for new car sales but it is generally this is where it is lit, the new car showroom. As I said before I think I passed this out at the last meeting. Honda has a program they wanted 30 foot candles in the front for areas that were basically dark. Sixty foot candles for areas that were lit up the surrounding areas were lit up. That's what they were looking for we did Audi dealership in New London and it was 50 foot candles.

Ms. Mulcahy said Ted I have a question for you on the lights that you would consider to be necessary for security can you circle. What areas you would think necessary because our regulations say that only the necessary ones for security can be left on after business hours. Can circle it on here or one map that I could keep so we can keep that as part of our motion?

Mr. Hart said I think it would be 50% basically. I think we would have to go through and do every other light. We need some back here because car dealerships have problems with people who want to steal new wheels and things like that. So we definitely want some lighting back here. These we can probably take off every other light.

Mr. Martin asked how about we just say that every other light be turned off after hours.

Ms. Wick said who probably could more than every other considering that intensity of the light that is here in the front.

Mr. Minnich said I am trying to move along here.

Mr. Rondeau said rather than saying every other light why don't we say average illumination has to be.

Ms. Mulcahy said because it is too difficult to enforce I would not be able to go out with a light meter and say if somebody complains about it is easier to say specific all the lights in the back are off and the ones in the front or on the side or every other one. Something has to be specific because there is no way of enforcing it.

Mr. Minnich asked is there anything else for Ted? Ted do you have anything else for us.

Ms. Wick asked this is a special permit right so we did not have a public hearing? So we have done this by vote we decided we did not need the public hearing. We decided we did not because it is an extension of what they came here with a couple of weeks ago or whatever it was.

Mr. Minnich asked is there any further discussion? Ruth has drafted a motion. Town official, Mylar's, standard language, were voting to approve the waiver of sections 61.4 C, were also doing the lighting before cut off, the height of the poles is to stay at 20 feet, there is 2 paper copies of the Mylar's, and I am suggesting for #6 is the language that Ruth helped to write out here a moment ago is that all non essential lighting shall be turned off after business hours leaving only the specified lights shown on the plan for sight security as approved by the Land Use Zoning Enforcement Officer rezoning in approximately one half of lights of the lights turned off. That is the language.

Mr. Hart said did I hear 20 feet.

Ms. Mulcahy said that what was on your last plan. I took it off your last approval.

Mr. Minnich said is there some that are more.

Mr. Hart said all of these lights are 20 feet these four lights in front here are 26 feet.

Mr. Minnich said and 4 lights along Straits Turnpike are 26.

Ms. Wick said I would still like to see less light coming off the property along Straits Turnpike. I do not know how we get to that.

Ms. Mulcahy said I do have no trespass on #3 he would have to get that no trespassing.

Ms. Wick said if you count trespassing not beyond the site boundaries that means you cannot go into the state right of way either.

Mr. Mancini asked Judy are you saying you want fewer lights after regular scheduled hours?

Ms. Wick said I want it to stay on their property especially along the front.

Mr. Minnich asked is there anything else to include in this? Hearing none let me read the draft motion.

WHEREAS, the Town of Watertown Planning and Zoning Commission received an application to modify the condition of approval for Special Permit #221 regarding lighting that read as follows: “All outdoor lighting on the property shall be full cut-off fixtures whereby lighting is directed only onto the site. Lighting is subject to approval of the Town Engineer, the Zoning Enforcement Officer, and new lighting may not have more foot candles than what currently exists” to modify this condition allow increased site display lighting for a car dealership located at 816 Straits Turnpike, in a B-SC Shopping Center Business District which included a Site Plan-Photometric Plan Sheet 1 dated 12/21/06 revised 1/17/08, Property & Topographic Survey prepared for Jon T. Lorenson Sheet No. 1 of 1 dated 9/30/97, Illumination Survey Sheet No. 1 of 1 dated 9/14/07 prepared by Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410; and

WHEREAS, the Commission heard a presentation of the application for modification of lighting for a Special Permit car dealership use on January 2, 2008 and January 16, 2008; and

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission approves the lighting modifications to increase the maximum allowed lighting for Special Permit #221 located at 816 Straits Turnpike, in a B-SC Shopping Center Business District subject to the following conditions:

1. Prior to Town officials signing a final mylar map and two paper copies, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
2. By a vote of four consenting votes the Commission waives the Outdoor Lighting Regulations Section 61.4 Outdoor Lighting Appendix A-14 with due consideration of the Section 61.4 C. 1-6 to allow an increase in the maximum ratio of uniform illumination to be greater because the applicant would like additional lighting for display not site safety.
3. All lighting shall be full cut-off fixtures and shall not trespass beyond the site boundaries.
4. The height of the light poles as indicated on the plans is 20’ and 4 light poles along Straits Turnpike at a height of 26.
5. Two paper copies and one mylar copy of the final A-2 survey site map shall be submitted with a signature block for the Chairman of Planning and Zoning and the mylar copy filed on the Town of Watertown Land Records.

6. All non-essential lighting shall be turned off after business hours leaving only the specified lights shown on the plan for site security as approved by the Land Use Administrator/ZEO resulting in approximately one half of all lights turned off.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on January 16, 2013.

Mr. Martin asked with that light for the 50% wouldn't it be better to say no more than 50% cause they may feel that 30% is accurate and they would go with 30%. I would hate to throw that in.

Mr. Minnich so that section #6 shall read then all non essential lighting shall be turned off after business hours leaving only specified lights shown on the plan for site security as approved by the Land Use Administrator Zoning Enforcement Officer resulting in no more than 50% of the lights turned left on. So does anyone want to make that motion?

Mr. George said I will make that motion.

Mr. Rondeau said can I make one clarification when reading up in the section 614c and then you said 1-6.

Mr. Minnich said 1-6 or 1 through 6. Anybody else? Any further discussions? We all understand the motion? Is there a second? Carol would you please call the roll. On a vote of seven in favor and none opposed. The motion is approved.

Text of Motion: Approve
Motion made by: D. George
Seconded by: R. Rondeau
Aye: 7 Nay:0

f. Applicant:	Echo Lake Brownfield, LLC
Agent:	Ted Crawford, Milone and McBroom
Re:	Site Plan Approval and associated Site plans for the filling of Land under Section 65 and Site Plan Approval under Section 51 of the Watertown Zoning Regulations

At: **22 acre parcel located in the eastern Portion of Watertown on the north Side of Echo Lake Road, WTN.**

Zone: **IR-80**

Ted Crawford licensed professionally engineer with Milone and MacBroom representing the applicant for the application. I believe we went through the project Pretty thoroughly last meeting subsequent to that meeting we met with town staff And addressed a few comments and I will just read them off for the Commission. We added cross sections throughout the site at 50 foot increments through the entire Fill area here and here and those are included in the revised site plans. Additional temporary waste stock pile area was indicated on the site plans a note regarding the compaction of the fill was added on the site plans. A narrative was provided by the applicant regarding a remediation of the site and I have copies of that narrative for the Commission just in case they did not get any. The plans that I am reading were submitted last week. There were the January 8th I think.

Ms. Wick said but they were not in our packets.

Mr. Crawford said on the title sheet there should be a revision date. In addition to the narrative the construction entrance was extended to over 100 feet coming out onto Echo Lake Road and most recently we discussed with public works determining the feasible access point. We might have to do some shifting to achieve some site line issues. The plans are substantially the same that we discussed last time.

Mr. Rondeau said you said the revision was strictly the driveway entrance. Is that what you are saying?

Mr. Crawford said there might be might have to coordinate to shifting the entrance slightly.

Ms. Mulcahy said did everyone get the description of what is actually...

Mr. Crawford said I just passed out that narrative...

Ms. Mulcahy said just understanding that we have is that you going to bring in 30,000 cubic yards of soil from the Phoenix Soil the once that accepts the contaminated, so it is formerly contaminated soil that has been treated?

Mr. Crawford said that is my understanding of it. If you have additional questions...

Ms. Mulcahy said you would be covering up the contaminated soil on this site except for the PCB soil. Is the only one that is going to be removed? It is not the rest of the contaminated soil or the construction debris. That is going to be covered...

Mr. Crawford said it is my understanding that the construction will be removed as well.

Mike Mahan representing Echo Lake Brownfield the PCB soil that is on the site that is above 5 parts per million will be removed and disposed off at a hazardous waste treatment facility out of state. The land fill the former land fill material that was brought in the construction debris and miscellaneous debris will be brought back into the land fill confines. It now spreads out into the wetlands, but that will be part of the second Phase of this. Because it will require a wetland permit for that.

Ms. Mulcahy asked I am just going to try and make sure that I have the right thing down in the motion. The 30,000 cubic yards is coming in now in Phase I is that correct? And that is coming from Phoenix Soil that is the formerly contaminated soil that has been treated?

Mr. Mahan said part of it will be coming from Phoenix Soil other will be coming from various sites that we have approved and screened the soil to make that it clean material there is soil coming from Phoenix Soil that is their outlet of back end of the soil that is correct.

Ms. Mulcahy asked and then you are going remove the tires is my understanding and then you are going to remove about 2,000 cubic yards of the PCB contaminated soil?

Mr. Mahan said we are going to remove any tires that are outside of the wetland buffer zone right as part of this phase.

Ms. Mulcahy said I just want to make sure the Commission knows that what is actually happening that you are going to be burying the 30,000 cubic yards is brought in to bury the other contaminated soil.

Mr. Mahan said to cap the soil that is in that is in place. But only soil that does not have PCB's and meets pollutant mobility criteria. Any soil that is above the pollutant mobility criteria will have to be removed as well.

Ms. Wick asked that could migrate to the wetlands?

Mr. Mahan said that is correct that will have to be removed. The reason for bringing material in to cap a site is there 2 criteria that we have to achieve here. There is the pollutant mobility criteria which is one concentration that you are allowed to have in soil. And then there is the direct exposure criteria by bringing in soil and capping contaminated soil that is there, it allows you to disregard the direct exposure criteria because you are creating a situation where people can't come in contact with that contaminated soil. Is doesn't get you out of the pollutants mobility

criteria which is a more stringent...

Ms. Wick asked aren't there different requirements for different uses of the property when it is cleaned up and another words if it is going to be an industrial parcel it has to have one criteria if it is going to be a park or something...

Mr. Mahan said that is correct. And as part of our remedial action plan which was submitted to the town. We are going to put a land use restriction on this property. And what that is it is a legal document that is accompanied by a A2 survey that shows what is still left in place there. And that it meets the regulations at that point. But it will not allow for any type of future development other than industrial or commercial use of that property so you could not put a playground there you cannot put a school there or a house and that gets filed on the land records.

Ms. Wick said that would be available for commercial use of the property either industrial or commercial.

Mr. Rondeau asked I can't remember if I asked this I just remember the answer. There is a lot of trees there currently on this parcel and there is PCB's in the soils that could have been sucked up into the trees and now would be in the structure of the tree itself? Would you cut down all those trees from the land and where are all those trees going to end up?

Mr. Mahan said the PCB's are confined to an area that is not highly vegetated right now so that the trees that are being cut down most likely have not absorbed any PCB's on the site. In my experience I never have come across where we got vegetation, it will kill the vegetation and addition to that it only becomes a hazardous waste over 5 parts per million. I am not aware of any study that any vegetation has ever absorbed anything over a detectable level of PCB's. I do not see that as being an issue.

Ms. Wick asked you are not burying any tires?

Mr. Mahan said all the tires on this site have to be removed.

Wick said you are leaving some for Phase II because that is in the wetlands.

Mr. Mahan said we just cannot get to them based on the location of them being in the wetlands.

Mr. Minnich asked is there anything else?

Mr. Mancini said I have a question is bothering me about this 30,000 yards of cubic soil permanently contaminated soil that has been cleaned by Phoenix Soil. When did this come about I mean when did you say when you are going. I asked the question the last time you were here about clean soil if it was contaminated or if it had rebar and iron like you said it is going to be no it is going to be natural soil from other areas. You never mentioned contaminated soil.

Mr. Mahan said I think my response was that it is definitely not going have rebar and it is not going to have construction debris and it is not contaminated soil it is certified clean fill material. We have a permit from DEP for this site to allow for DEP has approved it and in our permit that soil that leaving that facility to come here has to be tested in accordance with the sampling plan that went along with that permit. It needs to be free of all volatile organic compounds and detection of TPH or hydrocarbons has to be below 100 PPM and the clean up standard is 2500 so it is 25 times less than the clean up standard established for it. In all essence it is clean material.

Mr. Mancini said I did not hear that it was coming from formerly contaminated soil I did not hear that last comment from you.

Ms. Mulcahy asked we just had a presentation on wondering about the testing and one of the consultants that the town hired they said the amount of testing is about a little block like this for a room full of soil. Is it more strict for the testing that is coming out of this plant?

Mr. Mahan said the testing plant calls for every 100 cubic yards of soil needs to have a test on it. So every 5 trucks loads we need to have a test on this soil.

Ms. Mulcahy asked the test sample is how big?

Mr. Mahan said it is representative of that material if we are going to bring in a hundred cubic yards of soil. It is a representative sample of that entire 100 cubic yards. So it is a composite sample of the 100 cubic yards.

Mr. Rondeau said but it is only a cup?

Mr. Mahan said that is all the laboratory needs is a cup but it is a cup comprised of probably five different sampling locations in that load of soil.

Ms. Mulcahy asked just to reassure the Commission does this happen, the Phoenix Soil has disposed of in other towns as well?

Mr. Mahan said Phoenix Soil right now is bringing us to Hartford and they have approval to take it to a location in Naugatuck as well right now. It is common, there are other locations those are the only ones that I know of but they have

issued permits to Phoenix Soil to be able to bring this material to that location. There are also passing legislation now to be able to bring other sites to different sites in the state of Connecticut so you're probably going to be faced people coming to them and bringing other sites wanting to dispose of it. Not just sites that went to Phoenix Soil but other sites that have material that meets a certain criteria but doesn't meet the criteria of where originates.

Mr. Martin asked who provides the testing of Phoenix Soil or independent lab?

Mr. Mahan said independent lab has to certify by the State of Ct the Department of Health.

Mr. Rondeau said sounds like it will be than what is there now.

Mr. Mahan said definitely. There is no doubt about that.

Mr. Minnich asked anything else? Okay you have a draft motion of approval before you. Anything else from you folks Ted? I have #6 words to the effect that effective January 16th 2008 the use of this 22 acre property as a land fill is revoked and the..

Ms. Mulcahy asked do you want to put it up as #3? The applicant has agreed that this application includes the intent to abandon (that's the legal term) any rights to the Non conforming land fill used on the top of the...

Mr. Minnich said I do not have a sixth then. Anybody else? Okay let me read this draft motion?

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Site Plan application for Phase I of a site restoration to bury the on site contaminated soil and construction debris with approximately 30,000 cubic yards of formerly contaminated soil from other sites treated by Phoenix Soil, LLC and to remove tires and 2000 cubic yards of PCB contaminated soil on the site outside of the Inland Wetlands and the 50' regulated area located in an I-R 80 Restricted Industrial District which included a Compiled Existing Conditions Map Site Remediation and Filling-Phase I Sheet 1 dated 12/21/07 with a revision date of 1/08/08, 2004 Aerial Photo Map Sheet 2 dated 12/21/07 with a revision date of 01/08/08, Grading Plan Sheet 3 dated 12/21/07 with a revision date of 01/09/08, Sediment & Erosion Controls Sheet 4 dated 12/21/07 with a revision date of 1/08/08, Erosion Control Specifications and Details Sheet 5 dated 12/21/07 with a revision date of 1/08/08, Cross Sections Sheet 6 dated 01/08/08 prepared by Milone & MacBroom, 99 Realty Drive, Cheshire, CT 06410; and

WHEREAS, the Commission heard the presentation of the application on January 2, 2008 and January 16, 2008; and

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission approves the Site Plan application for site remediation and filling Phase 1 located on Echo Lake Road in an I-R 80 Restricted Industrial District subject to the following conditions:

1. Prior to Town officials signing a final mylar map and two paper copies, the final map shall be submitted to the Land Use Office for review and approval by the Town Engineer and the Administrator of Land Use and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
2. The recommendations of the Town Engineer shall be followed including any additional sediment controls and site line improvements as necessary on the site.
3. The applicant has agreed that this application includes the intent to abandon any rights to the non-conforming landfill use of the property.
4. The approximately 30,000 cubic yards of formerly contaminated soil originating from sites throughout the region brought to the Town of Watertown shall be tested and certified as clean by a licensed environmental professional and the quarterly reports shall be submitted to the Town Engineer. The Town of Watertown may require additional testing if necessary at the direction of the Town Engineer.
5. The final A-2 survey Site Plan map showing the location of the Phase 1 site restoration shall list the conditions of approval, contain a signature block for the Chairman of Planning and Zoning and the mylar copy shall be filed on the Town of Watertown Land Records.

In accordance with Section 8-3(i) of the Connecticut General Statutes, all work in connection with this Site Development Plan shall be completed within five years after approval of the plan. Said five year period shall expire on January 16, 2013.

Mr. Minnich asked is there such a motion?

Mr. Crawford asked item regarding testing on the LAP was that a town 3rd party review?

Mr. Rondeau said yes it is #4.

Mr. Minnich said The Town of Watertown from the soil contamination Phoenix Soil LLC shall be tested and certified as clean by license of environmental professional hired by the Town of Watertown and paid for by the applicant.

Mr. Mahan said I think we need clarification. Is that on regular basis or is that a one time occurrence? Because under our sampling plan with our approval from DEP we already have to do that sampling. So we are going to be doing that sampling and paying for that sampling twice. That sampling is pretty extensive and pretty expensive to have to pay for that twice. We have a licensed environmental professional that is licensed by the state to do this. They are acting as the Commissioner of DEP.

Ms. Wick asked is this a third party?

Mr. Mahan said the laboratory is a third party. The licensed environmental professional is on our staff. They have a responsibility to the DEP to present this data to the DEP.

Mr. Rondeau asked are they taking the samples? Is your guy taking the samples or is the laboratory?

Mr. Mahan said the laboratory is taking the samples. Our LEP is reviewing that to...

Ms. Mulcahy said I think that the reason just to clarify, was because I thought the town should have some sort of safeguard to, if they thought because this is not a usual source of, you said Hartford and Naugatuck are the 2 other sites where Phoenix is allowed to put this. And I just thought the town should have some sort of safeguard in there.

Mr. Mahan said the safeguard is that we the owner of the site, we do not want just as other properties anybody would own. You do not want people bringing stuff to your site that is contaminated...

Ms. Wick said we had somebody who owns property here in town who brought lots of contaminates here.

Mr. Mahan said we are a publicly traded company. I don't think...

Ms. Wick said this was an LLC once burned twice shy.

Ms. Mulcahy said this is just a safeguard if there is a question and as you said every truck loads are taking once cup out to sample and maybe the town would have additional things we want to get this approval through and that was one of the reasons I put it in here. Because it was something that we wanted to get you

started but at the same time leave this open for the town to do their own testing and have it paid for so that they are reassured. We do not know the Naugatuck and Hartford site.

Mr. Mahan said I understand when spending that much money on analytical and another LEP it is not to replicate this twice it is not financially...

Ms. Mulcahy said we just went through this with the Bailey site and the sampling they did not have any problem paying for additional testing on the samples the monitoring wells were the expensive part of it. It was not the sampling...

Mr. Mahan said this is going to be on a continuing basis if you look at sampling every 100 cubic yards and doing it twice you are looking at a substantial amount of money to do that twice.

Mr. Rondeau said it is only 300 samples.

Mr. Mahan said 300 samples times probably 400.00 dollars a sample.

Mr. Martin asked could we set a sampling level of 10 additional samples at our choosing?

Ms. Wick said maybe we can just put in give us the option and do it if we think we need it rather than leave it up to the Town Engineer.

Mr. Mahan said I do not have a problem with sharing out data on a regular basis in providing the town a quarterly reports to show that okay we brought in a certain amount of , a monthly or quarterly report whatever you feel comfortable with that is certified by our licensed environmental professional that shows the volume of soil that came in, the testing, the results of that testing, I do not have a problem with doing that.

Ms. Wick said what I am saying first of all I do not think we should just limit to Phoenix Soil because the indication is that this soil coming in from other places.

Mr. Mahan said right.

Ms. Wick asked 30,000 cubic yards of formerly contaminated soil originating from sites throughout the region brought to the Town of Watertown leave it there shall be tested and certified clean by the license professional and then add to that we would how often do you submit reports to DEP?

Mr. Mahan said quarterly.

Ms. Wick asked is quarterly sufficient?

Mr. Martin asked how long is this process going to go on?

Mr. Mahan said for Phase I it's probably looking at a year and half.

Ms. Wick said and then put in the condition that town may require additional testing if necessary. It is not likely, if everything works out fine but we want to have the option if there is a question on something.

Mr. Crawford said if there is a question on our data than we have no problem. If you want to verify what we are doing.

Ms. Wick said I think that would be sufficient. Do you all agree?

Mr. Minnich said I will read #4 again all the rest is the same. Approximately 30,000 cubic yards of formerly contaminated soil originating from sites throughout the region brought to the town of Watertown shall be tested and certified clean by the licensed environmental professional and quarterly reports shall be submitted to the Town Engineer the town of Watertown may require additional testing if necessary at the direction of the town engineer. Carol you have all that right.

Mr. Berger asked on item #2 as we were unfolding the plans orientated Ted talked about some site line issues that we are continuing to find tune. Which we have not done yet. So in item 2 which talks about I do not have it right in front of me. I would also like to specifically mention site lines improvements contained in that Ms. Wick said additional sediment controls and site line improvements...

Mr. Berger said as necessary on the site.

Mr. Minnich said the recommendations of the Town Engineer shall be followed including any additional sediment controls and site line improvements as necessary on the site. That is the new reading in #2. Is there anything else? I will then read the motion.

Where as the Town of Watertown Planning and Zoning Commission received a Site plan application for Phase I of a site plan restoration to bury the onsite containment Soil at construction debris with approximately 30,000 cubic yards of formerly contaminated...

Mulcahy said just read 2 and 4.

Minnich said 2 and 4 thank you. The recommendations of the Town Engineer shall be followed including any additional sediment controls and site line improvements as necessary on the site. And #4 the approximately 30,000 cubic yards of formerly containmenated soil originating from sites throughout the region brought to the town of Watertown shall be tested and certified as clean by a licensed

environmental professional and quarterly reports shall be submitted to the Town Engineer the town of Watertown may require additional testing if necessary at the direction of the Town Engineer and paid by the applicant.

Mr. Minnich asked has somebody made a motion? Carol would you please call the roll for purposes of recording our votes. On a vote of seven in favor and none opposed the motion is approved.

Text of Motion: Approve
Motion made by: R. Rondeau
Seconded by: G. Martin
Aye: 7 Nay: 0

Ms. Wick said it is midnight now.

Mr. Minnich said I do not know about the other items on the agenda I am suggesting we table item 7 1 executive session and item 7b request for 8-24 approval. Is there a second? All those in favor please say I all those opposed say No. Motion carries.

7. New Business

a-1 Executive Session

James P. Rizk/Joseph Taddia Vs Watertown Planning and Zoning Commission

Text of Motion: Table
Motion made by: C Mancini
Seconded by: R. Russ
Aye: 7 Nay: 0

b. Request for 8-24 Approval, Public Works Department 5 Year Capital Improvements Program (CIP) Plan

Text of Motion: Table
Motion made by: C. Mancini
Seconded by: R. Rondeau
Aye: 7 Nay: 0

Mr. Rondeau said so moved.

Ron is leaving.

g Applicant:	Nick Perugini
Re:	Preliminary Discussion
	Proposed office building
At:	505 Straits Turnpike, WTN
Zone:	RT

Mr. Minnich said Nick Perugini is the next one Preliminary discussion proposed office building, 505 Straits Turnpike in Watertown.

Paul Buenvich said Good Evening or morning Commission members. Professional Engineer from Land Data representing applicant Nick Perugini. This will be pretty brief I guess. This is for site 505 Straits Turnpike there is an existing house on the site. This is just north of the intersection of Bunker Hill Avenue on the east side just South of the lawyers Griffin and Damico and Patennich's building. It abuts it on the North side. There is an existing house in some state of disrepair that Mr. Perugini would like to take down and put up this proposed office building shown in green on the plan. It is going to be slightly smaller than the one we show here. It is going to be a 2000 square foot building footprint two story with an entrance on above and below and the parking is going to be around the back with the main entrance. So it is going to be a 4000 square foot office facility proposed. It's existing sewer and water has a force main to Bunker Hill Road where the sewer has been extended I believe now it is Straits Turnpike so there will be sewer and water available the site drains away from the Straits Turnpike down to the back. So that we are proposing some storm water galleys for onsite storm water retention and all that. We can't read the storm on Straits Turnpike anyway. The main thing about this site this is in an RT residential transition zone there is two variances we need one for site area we do not have an acre and half it is just over a half acre. We meet all the setbacks for parking, building side yard and everything except for the total impervious area coverage exceeds the maximum partly because it is a small site and we do need a certain amount of parking and asphalt for that. Those are two things we need but basically it is what you see there one entrance coming in on Straits Turnpike, parking around the back and two floors, there is going to be an elevator in this building Mr. Perugini informs me. It might be some kind of professional medical office that is still to be determined. We are here before the Commission if the Commission needs to I believe and I did not get a chance to talk to Ruth about this yet. The Commission has to formerly turn this down before we can go to ZBA I always get confused on that point.

Ms. Mulcahy said I just wanted to come here because there are two variances needed it does not have the lot area for what they had approved and special permits as we heard tonight there is many restrictions on them but I thought it would be a good idea for preliminary discussion before he goes ahead with variance applications.

Ms. Wick said I think Mr. Perugini should know that even if he gets the variances it does not automatically mean it is going to get approved.

Ms. Mulcahy said that's the part the Commission has to tell him.

Ms. Wick asked isn't there something about us sending a letter to ZBA? That is what we really should be deciding on. I have to say that I think this beneficial I mean I was on the Commission when we developed the residential transitions zone. And the reason we did that is because it is such a high traffic area and there were 2 other houses there that were in disreputable state and that's when the Griffin & Pettinicchi came in and I think what they did there added tremendously to that area. This has more restrictions because of the size of the lot but it can be done in such a way that it would improve the look of that area coming into town. In addition I think Mr. Perugini has tried to buy some property from the lot next door that is owned by Stop and Shop they would not sell any of it. I think he has gone out of his way to try to get additional property.

Mr. Minnich asked anybody else? My comment is I do not have any problems with this. You need to get your variances of course.

Mr. Martin said the situation now is an eye sore so it can only improve it.

Ms. Mulcahy said it is an overlay zone in that area. In some ways I am not sure because there is an overlay zone next door. The zone maybe the 2 acres the way the regulations reads it's a minimum of two acres.

Ms. Wick said it was meant to make it for each lot.

Ms. Mulcahy said so he is ready to go for the variance then.

Mr. Minnich asked is there any other comments? Did you have anything else you wanted to say at this point?

Nick Perugini said No we don't have much to say I really want to clean up that area the houses definitely an eye sore. The problem is renting it, people do not live there that long 6 months the most. They move out the traffic, the noise and everything else. The house is beyond repair it is totally a mess. Put up a house similar to next door a nice house.

Ms. Wick said you might have to come back and we will tell you how we want it look. You understand that.

No motion needed.

h. Applicant:	Mike Perugini
Re:	Site Plan – free standing sign
At:	40 Depot Street, WTN
Zone:	BC-F

Mr. Minnich said the next item on the agenda is 6h Mike Perugini, Site Plan for a free standing sign at 40 Depot Street in Watertown in a BCF district.

Ms. Wick said this is really hard to go into at this hour.

Ms. Mulcahy said we will have to do more than just a sign. Did you read your packet. We are going to do more than the sign I think the Commission is going to have to decide that and direct it. I think it needs variances as you can see from the memo and I think we need some other things but that would be up to the Commission to direct him.

Mr. Minnich I think we should put this on another agenda.

Mike Perugini I live on 205 Dalton Street here in Oakville. It is in regards to a sign that I am looking to relocate on my property on Depot Street. It was approved by a zoning board the setbacks already.

Ms. Mulcahy said as built does not match what was approved I have gone through it. On other occasions with you what I needed on the site. And the reason that you definitely needed a site plan approval for the new sign location. Because that is new and you did get a variance for it. But you also need in order for me to sign a zoning compliance you are going to need to get other things on the site approved by this Commission. And that includes the parking, and includes the setback, and the description of the use we need a new description of use because you have changed that from original approval of what you said you were going to be doing there. I know you got that from the fire district but now it up to me to sign a zoning compliance in that's what you are ultimately looking for in order to get your co. I have gone through this with before and what we need to do is have more of it an overall thing and on your original approval there other things mentioned like your storm water plan which is never been submitted. And you never got permission from the Town Engineer to connect into the system and did any calculations on that. There are many things missing from the file and I did some checking so it going to be an overall site plan approval and you need some variances to go along with it.

Mr. Minnich asked does he need to have a copy of this? I think we need to put this on another agenda because it is more complicated.

Ms. Mulcahy said the one thing I did want the Commission to rule on tonight is he asking for fee waiver you have certain conditions which you have to meet in order to grant a fee waiver we told the Perugini's that we would hold his check until tonight it has not been deposited. You have to make that decision we should not be holding on to it in the office.

Ms. Wick said the main reason we need a new site plan the 5 year time period has passed and the site plan was not completed. So that does not come on that we have listed here for reasons to waive the fee.

Ms. Mulcahy said I listed the reasons to waive and he doesn't qualify for one those it either has to be a benefit to the town. It is on the memo I just gave the memo.

Ms. Wick said have filed within a year the Commission determines whether there has been error in applying fees to land use application.

Mr. Minnich asked is there a motion then on the waiving of fees?

Ms. Wick said I make a motion we do not waive fees.

Mr. Minnich asked is there a second? I will second the motion. Is there any further conversation. Carol would you please call the roll for purposes of recording our votes. The motion is not to waive the fees. May I make for the record Ken would you sit in for Ron. Thank you. On a vote of seven in favor and none opposed. The fees are not waived. We will come back to this in a meeting very shortly. It won't be tonight though.

Text of Motion: Deny request to waive fees

Motion made by: J. Wick

Seconded by: D. Minnich

Aye: 7 Nay: 0

Text of Motion: Table

Motion made by: R. Rondeau

Seconded by: C. Mancini

i. Applicant: **Town of Watertown**
Agent: **Chuck Berger**
Re: **Preliminary Discussion**
Donation of 20,000 Sq. Ft.
Metal building to be used for
Recreational purposes
At: **570 Nova Scotia Hill Road**
Veterans Memorial Park, WTN
Zone: **R-30**

Mr. Minnich said next item on the agenda is 6i applicant Town of Watertown, Chuck Berger, Preliminary Discussion of Donation of 20,000 Sq. Ft. metal building to be used for recreation purposes at 570 Nova Scotia Hill Road.

Chuck Berger said I am the Town Engineer with me tonight is Lisa Carew, Recreation Director, and we are passing out a newspaper article for those you that do not know. The town has been offered a 20,000 sq. ft. metal building I believe at no charge other than to find a home for and set it up again. We have met internally and our proposing location that we have investigated two location at Veterans Park. What you see up here on the board is Veterans Park, the dark green is the property boundary out here is Park Road. Up here is Jericho and here is Nova Scotia with interior road loop and the pond on your way in. We are looking at two potential locations and this is the power line right up here in the bright yellow. We are looking at a location here also as an alternate as a location out here by Park Road. We would like to get your thoughts on locations and would Lisa like to add anything to what I have said.

Lisa said not yet.

Mr. Berger said we are in selecting these sites we looked to avoid wetland impacts and we looked for a level a piece of ground as we could find out there.

Mr. Rondeau asked you have looked at many sites is Veterans the only spot that this would go or is there...

Ms. Mulcahy said Chuck and I recommended the other one internally because the other one is by the road.

Ms. Wick asked it is visible by the road and it is metal building it is not attractive.

Mr. Martin asked what is the use of the building?

Lisa Carew said right now it was originally an indoor horse riding area that they had been using for a construction building and actually 99% down right now. This came down real fast and quick it is going to be stored at the Pin Shop until the town makes a decision. The building is very large, I envision indoor soccer,

baseball, not games but practices, Lacrosse any of the sports groups could use this thing.

Mr. Martin asked estimate of cost of putting this back together or lights?

Ms. Carew said you would have to build a foundation; the roof is going to be scraped, the side panels I believe there are going to be stored. The Director of Public Works conservatively said between \$90,000 to \$100,000. There is grant money that could be available that the Town Manager it would be with the blessing of the council but there would be grant money that we could go after to get this done.

Mr. Rondeau asked \$90,000 to \$100,000 just for the building itself?

Ms. Carew said it is just to put backup. This is just a very preliminary reason why we are here.

Mr. Rondeau asked plain surface? You cannot plant grass.

Ms. Carew said dirt. It was a riding area.

Mr. Martin asked what are you going to use it for?

Ms. Carew said all of the above, when I say that envisioned right now soccer would have it one day.

Mr. Martin what are you looking to put for a surface? Has anybody considered...

Ms. Carew said right now we have dirt.

Mr. Rondeau asked if you have a dirt floor indoors where there is no rain, no moisture it is going to end up being a dust pit.

Ms. Carew said it was a horse area, so obviously we would have to come up with some provisions.

Ms. Wick said maybe we could have sprinkler systems so that...

Mr. Rondeau maybe they could use clay.

Mr. George said clay is a form of dirt.

Mr. Martin asked what is it you are looking from us?

Ms. Carew said all we are doing right now it is very preliminary, we just more or less want to present this because when we looked at all the different places we

could put it. The Director of Public Works had lights in his eyes because he could envision a storage area for the highway department you know possible at the Old Baird Road area some place up that way. The owner and actually the guy who is going to paying to have it removed from Southbury to store it, he is going out on a limb to pending town approvals. We looked at different places like Crestbrook it is approximately the same as the maintenance building up there right now. Where could we put it up there it is very limited where you could put it up there. When we were looking at Veterans we tried to have it because it is a large building I mean we have it so it is not going to be the focal point when you go into that park. So we tried to be cognizant where we were putting it the two different locations. As far as what is going to be on the ground right now I am going to be honest with you right now we are just looking at dirt. Maybe we will have turf down there I do not know.

Mr. Martin asked is this going to be sitting in the parking lot for 30 years?

Ms. Wick asked that they are going to take it for Public Works right? How visible is it from the loop road?

Ms. Carew said how visible will it be? What we are looking at to put where is the old original road that went out to the power lines. And right if you go up there is a bunch of mafia blocks blocking access for that area it is going to be in back there. I would try to keep it as screened as possible it is large and it is metal. The interior and exterior would have to painted.

Ms. Wick asked again how visible would it be from that existing loop road?

Mr. Berger said it would be about 200 hundred feet from the loop road.

Ms. Wick asked does it sit down at all?

Mr. Berger said it does drop off a little.

Mr. Rondeau asked is there trees between?

Mr. Berger said yes, it is treed other than the access path.

Mr. Mancini asked is there going to be any additional proposed parking up there?

Ms. Carew said right now we are just looking for gravel. Unless we had to put a sprinkler system in there because are looking at bringing in utilities. Right now we are looking at how to get power out there for lights, interior lights.

Mr. Mancini asked as far as parking you are not doing anything with that?

Mr. Berger said a little bit of gravel in front of the building but we have some

parking here and here and up in here there is going to be a little bit of a walk.

Ms. Wick said this is preliminary you would have to come back with a special permit anyway.

Mr. Minnich said some of my thoughts if I may are I agree the proposal that you made the one near the road I would not think is the best place. You obviously are going to have to provide screening. I think parking is an issue, I think you need to address that because you are now intensifying use of this property and we already know what parking is like up there so you are going to need to address it and I also feel very strongly that this whole Veterans Memorial Park is a recreational area and so I am going to be looking to see that there are conditions of its use. I am specifically concerned that it not turn into a Public Works storage area that is not the intent of that property and I do not want any future legislative body to make that decision. I would like to see a condition of approval on the property that it only be used for recreational purposes and limit storage somehow. Those are my thoughts. Anybody else?

Mr. Berger said thank you.

No motion needed.

Ms. Wick said before we adjourn if we could kind of in the future use this meeting to clean up not let people put new stuff on the agenda because otherwise to get everybody is going to think they can just keep putting stuff on the agenda.

Mr. Martin said I have seen other zoning commissions limit what their agendas are. Why do our agendas keep growing and growing. This is crazy.

7. a. 90 day extension to record subdivision map for 1200 Guernseytown Road, Watertown, CT. – Eileen Blais

Mr. Minnich said let's move on if I may Item #7a 90 day extension to record Subdivision map for 1200 Guernseytown Road, Watertown, Ct. – Eileen Blais. Is there a motion to give a 90 day extension?

Mr. Martin said so moved.

Mr. Minnich asked is there any other discussion? All those in favor please say I all Those opposed please say no. All those opposed please say no. Motion carries.

Text of Motion: Approve 90 day extension
Motion made by: G. Martin
Seconded by: R. Rondeau
Aye: 7 Nay: 0

6. Chairman's report

Mr. Minnich said on the chairman's report there are just 2 quick things. Next Wednesday at the 23rd we will have a special meeting for the 3 school projects that they have an urgency to get through because of the state and also there is just a preliminary discussion Crystal Rock solar energy improvements we just need to talk briefly about that new formal application. Lastly and sadly Loretta Christano has retired as our secretary for Planning and Zoning after 30 something years will finally appropriate numbers of years and we will talk about an appropriate means of way recognizing her at another meeting. Is there a motion to adjourn? All in favor please I and all opposed say no. Motion carries.

9. Adjournment

Text of Motion: Adjourn at 12:30AM

Motion made by: C. Mancini

Seconded by: D. George

Aye: 7 Nay: 0

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