

Town of Watertown
Planning and Zoning Commission
Regular Meeting
June 4, 2008

Minnich: I would like to call this regular meeting of the Planning and Zoning Commission to order. Carol would you please call the roll.

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

Members absent: M. Masayda, K. Demirs

Other present: Ruth Mulcahy, Administrator of Land Use
Chuck Berger, Town Engineer

R. Rondeau sat in for M. Masayda

Minnich: **Is there any comments for public participation. Any comments for public participation? Hearing none then we will move on.**

Minnich: **Next item on the agenda is Communication and Bills.** Is there any comments? Then for purposes of unanimous consent are there any objections to filing a communications that listed on file? Hearing no objection that is so ordered.

a. Certified letter from the Town of Thomaston to Virginia Stewart
Re: Article IV Permitted Uses by Zone/District, Article XXI Section
21 (a) Housing for Action Adult Communities.

Text of Motion by Unanimous consent place on file.

Minnich: **Next item on the agenda is Meeting Minutes.** For purposes is there any changes in the meeting minutes that are listed. Hearing none. For purposes of unanimous consent is their objections to approving

items 5a through 5jj excepting the following which are tabled. Items 5a through 5f, items 5j and 5jj. Hearing no objections it is so ordered.

- a. Special meeting of October 25, 2007 for Baillie Company for site plan Approval
- b. Special Meeting January 16, 2008
- c. Public Hearing January 23, 2008 Special Permit #233 Watertown High School Site Plan modifications for an education use with additions and renovations
- d. Public Hearing January 23, 2008 Special Permit #234 Judson School, Watertown, CT Site Plan modifications for an education use with additions and renovations
- e. Public Hearing January 23, 2008 Special Permit #235 Judson School, Watertown, CT Site Plan modifications for an education use with additions and renovations
- f. Special Meeting January 23, 2008
- g. February 6, 2008 Continuation of Public Hearing Special Permit #233 Watertown High School, Watertown, CT
- h. February 6, 2008 Continuation of Public Hearing Special Permit #234 Judson School, Watertown, CT
- i. February 6, 2008 Continuation of Public Hearing Special Permit #235 Polk School, Watertown, CT
- j. Regular Meeting February 6, 2008
- k. February 20, 2008 Continuation of Public Hearing Special Permit #233 Watertown High School, Watertown, CT
- l. February 20, 2008 Continuation of Public Hearing Special Permit #234 Judson School, Watertown, CT
- m. February 20, 2008 Continuation of Public Hearing Special Permit #235 Polk School, Watertown, CT
- n. Special Meeting February 20, 2008
- o. Regular meeting March 5, 2008 (Revised)
- p. Special Meeting March 19, 2008
- q. Public hearing April 2, 2008 application for modification to Lakeview Estates Subdivision to eliminate the through road to Mallory Road, Watertown, Ct in an R-30 residence zone (Revised)
- r. Regular meeting April 2, 2008 (Revised)
- s. Special Meeting April 9, 2008 Wind Turbine Regulations Subcommittee
- t. Special Meeting April 9, 2008 Parking Regulations Subcommittee Meeting
- u. Special Meeting April 16, 2008 continuation of public hearing special permit #239 Watertown High School site plan modifications

- v. Special Meeting April 16, 2008 continuation of public hearing special permit #241 Polk School site plan modifications
- w. Special Meeting April 16, 2008 continuation of public hearing special permit #240 Judson school site plan modifications
- x. Special Meeting Public Hearing April 16, 2008 Southridge Estates, Bunker Hill Road/Sand Bank Road, Watertown, CT
- y. Special Meeting April 16, 2008
- z. Motion sheet Continuation of public hearing May 7, 2008 an application for a proposed 22 lot subdivision to be known as Southridge Estates located at bunker Hill Road/Sandbank Road, Watertown, Ct in an R-70 residence District.
- aa. Motion Sheet May 7, 2008 Special Permit #242 of the Cercemaggiore Club for a gazebo to be located at 550 Sylvan Lake Road, Oakville, Ct in an R-30 residence district.
- bb. Motion Sheet May 7, 2008 Special Permit #243 of County Line, BMW for an addition to the building to expand the service department and roof top parking for 116 cars located at 699 Straits Turnpike, Watertown, CT in a B-SC Business Shopping District
- cc. Motion Sheet May 7, 2008 Special Permit #244 Taft School, 5,800 square foot addition to dining hall temporary trailer, 13 exterior lights and other site changes to be known as HDT/Dining Hall located at 110 Woodbury Road, Watertown, Ct in an R-20F residence district
- dd. Motion Sheet May 7, 2008 an application for a three lot subdivision to be known as Cherry Avenue Estates, Cherry Avenue, Watertown, CT in an R-12.5 residence district
- ee. Motion Sheet May 7, 2008 an application for text amendment to Subdivision Regulations Section 5.3.7 Intersections Section 5.3.7a
- ff. Motion Sheet Regular Meeting May 7, 2008
- gg. Minutes Budget and Administrative Sub-committee May 7, 2008
- hh. Motion Sheet May 14, 2008 Continuation of public hearing Special Permit #243 County Line, Inc. BMW for an addition the building to expand the service department and roof top parking for 116 cars located at 699 Straits Turnpike, Watertown, Ct in a B-SC Business Shopping Center District.
- ii. Motion Sheet Special Meeting May 14, 2008
- jj. Budget and Administrative Sub-committee meeting May 21, 2008

Text of Motion By unanimous consent approve 5-a – 5-jj with the exception of tabling 5-a-5-f, 5-j and 5-jj.

Minnich: **Next item on the agenda is staff report.**

Mulcahy: Just a reminder for everyone here the Planning and Zoning Commission is the Protection Agency as well in 1993 you designated as the Protection Agency and as you know the state has come up with new regulations as soon as they town received their letter and mapping which this town hasn't yet. Several towns you have a 180 days to adopt regulations. The regulations list certain types of regulated activities in the protection area and these choices that you have to make our either adopting those as part of your zoning regulations or as a separate document, many towns do adopt them as a separate document. Some of just to give you an idea of some of the its all the types that would assume would be regulated or prohibited in protection area are underground storage, oil or petroleum dispensing, hazardous materials, vehicle repair, salvage operations and collections. That type of thing even dry cleaning operations. But anyway I just wanted to let you know that state has recently handed out some time tables to let you know the time frames when our mapping should be coming out shortly so that is just a reminder to let everybody know that this protection agency and will be getting a level and a mapping according to the state. I did make a list of all the regulated activities if anybody would like to have them. You do have them on the zoning map currently, most of them are on pretty much unpopulated areas but I see four of them currently listed on the zoning map.

The next thing I wanted to let you know I was asked to write a recommendation memo for the Community Development Block Grant the housing application for housing rehabilitation grant that the town wrote. I did write a little memo on that.

I also submitted a grant application on May 27th because there is some money available for COCAD development. Even though the plan conservation and development was finished here it was finished after January of 2007 and therefore we may qualify for some of the money. I did submit an application for that so that if we do qualify maybe we will get some reimbursement for that for the

town. I do have a copy of what I submitted to the office of policy and management if anybody is interested to pass around I just made one copy. It is a simple request and application.

I also did a report on some it wills probably on the town council agenda just to let know the town owned parcel report. I submitted that on May 19th on some parcel that the town is looking at trying to get rid of. I have a packet on that to I am not making packet for everybody and that's probably going to be on your town council agenda at some point.

The next thing is you authorized me to get a legal opinion on the Burton Street pass way. There was a zoning application that came up and the determination of what the Burton Street pass way was difficult to understand how qualified whether it was a paper street or not. I did get an opinion and I did make copies of that of Attorney Hess opinion on that and I will pass them down this way. To summarize it says that basically he thinks it should be considered a paper street and they should have to comply with the unapproved street ordinances in order to build a house. So if anyone asks you about that at least you have that information.

Mulcahy: Just a quick update on the public schools I have not had any submissions of any final maps or Mylar's from the schools.

Minnich: Just has I have communicated to you and to Chuck I hope you would have communicated to the school that there were conditions of approval to which were a part of that application. I as Chairman will not sign the Mylar's until those conditions of approval and documentation for them are given. We specifically put several conditions of approval on there that I understand very well the legal regards our one time to enforce that and so will not be signing any Mylar's to determine that until those conditions are met.

Martin: I believe part of the problem with that is that they have not received them back from the state.

Minnich: The problem with the condition of approval to which we have asked for they very well could have gotten several already

prepared and submitted to us. They chose not to like last time they came in and had special meetings and try to claim staff last minute now it is my court as chairman to sign Mylar's and I know very well that playing the same thing on me and I won't sign the Mylar's until its time.

Mulcahy: I did contact Kaestle Boos and relayed that information to them. Those conditions of approval need to be met before the Mylar's are signed and so they are aware of it and their...

Martin: Did you get an answer from them?

Mulcahy: The engineer said schools had not authorized the due maps and we have talked to them about it and they relayed my message to them and he said he would start working on the request.

Martin: Again I might be off on this but they may be waiting for their improvements from the state which they have not received and so they are not moving forward until state comes back and has changes they got to reflect those changes so why do something now that the state has not approved is going to be just redoing the work. I think that might be what is going on.

Minnich: Let me be real clear what you are saying is absolutely right that state may make changes and off course the final plans may do that none of which washes into the state they most likely are not part of what it is an issue with the state. Because the state department of transportation does not get involved with the concrete sidewalks or the kind of things we did in our conditions of approval and so it is those issues they have not come back to us yet. Would you be so kind Ruth to communicate the comments I made this evening with the comments that the Commission has made which is supporting that to the Superintendent of Schools.

Thank you. Only for the purpose though, and I want to be clear about why I am doing this.

Mulcahy: Which one Todd has been he still is the active person that we have been dealing with but I know that he is leaving?

Martin: Well they both are and I think addressing it to the acting superintendent is the appropriate man.

Minnich: Anything else Ruth?

Mulcahy: No. That is it.

Minnich: I would like to before we go on to anything else I would like to add an item to the agenda and that is item #7i and that is a request for an 8-24 review submitted by the Town Manager to the Ruth Mulcahy today regarding Veterans Memorial Park Indoor Recreational Facility. Is there a motion to add that to the agenda?

Mancini: So moved.

Minnich: Is there a second? Is there any further discussion? All those in favor of adding that to the agenda please say I and all those opposed no. Motion requires.

Text of Motion to Add to agenda 7-I Request for 8-24 request submitted by the Town Manager to Ruth Mulcahy regarding Veterans Memorial Park Indoor Recreation Facility.

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

All in favor and none opposed.

Minnich: **Next item on the agenda is #7a St. Mary Magdalan School bond reduction.** There is a recommendation from the Town Engineer to release \$55,420 dollars. Is there a motion? Is there a second?

There are items to check I believe which is the new asphalt parking pavement. The concrete walk and the curbing and the statement you made to me was that work is still being done and is required to

be done but there are not bonded and that is the reason their deleted only because of bonding purposes not because of anything else.

Berger: Correct.

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

Text of Motion to Approve bond release in the amount of \$55,420.
Motion made by C. Mancini and seconded by R. Russ.
All in favor and none opposed.

Minnich: **Next item on the agenda is Eagles Land, Thomaston Road bond reduction.** There is a recommendation from the Town Engineer to release this bond by \$35,297.

Is there a motion? Is there a second? Any discussion? Hearing none.
All those in favor please say I, all those opposed please say no.
Motion carries.

Text of Motion to Approve bond release in the amount of \$35,297.
Motion made by C. Mancini and seconded by R. Russ.
All in favor and none opposed.

Minnich: **Next item on the agenda is Davis/Colonial Street Subdivision bond reduction.** There is a recommendation from the Town Engineer to reduce this bond by \$12,000.

Is there such a motion? Is there a second? Is there any discussion?
All those in favor please say I, all those opposed no? Motion carries.

Text of Motion to Approve bond release in the amount of \$12,000.
Motion made by G. Dupliese and seconded by R. Russ.
All in favor and none opposed.

Minnich: **Next item on the agenda is a recommendation for a bond release for Wolff Hill Subdivision.** The Town Engineer is recommending the bond be released in the amount of \$287,137.50.

Is there a motion? Is there a second? Is there any discussion?
Hearing no discussion. All those in favor please say I, all those
opposed say no. Motion carries.

Text of Motion to Approve bond release in the amount of
\$287,137.50.

Motion made by C. Mancini and seconded by R. Russ.
All in favor and none opposed.

Minnich: **Next item on the agenda is a bond reduction for Southview
Meadows on Thomaston Road.**

Berger: If I could Mr. Chairman I would like to withdraw this request. There
has been a number of issues relative to the status of this bond that
we are still researching and I am not ready to make any
recommendations at this point.

Minnich: Is there a motion to withdraw? Is there a second? Is there any
further discussion? All those in favor please say I, and all those
opposed say no. Motion is approved.

Text of Motion to Accept request for withdrawal by Town Engineer.
Motion made by J. Blais and seconded by R. Russ.
All in favor and none opposed.

Minnich: **Next item on the agenda is the Public Hearing Notice Signs. Have
they come in yet?**

Carol: They said Thursday or Friday they are almost done.

Minnich: To consider the budget and administrative subcommittee has taken
a look at how we notice to the public when there are hearings for
our Commission. We attempted to make a generic discussion that
would also for the other two land agencies even though they are
not required to follow up we wish to do. And so we discussed the
benefit of having a political sized signs that go on the yard. To be

placed on properties to which there is land applications. Nothing in the regulations are we suggesting to put there is not mandatory. It is not a regulated requirement but another way of noticing people we as the town would pay for those signs and they would then give them back to us when it is done. And for the other two land agencies of that Commission of that and they are going to be considering that as well. I have a copy here but basically says land use application and contact the Planning and Zoning office on this property. The land use application would like to come some formality terms on the Commission same as the sub commission. Is there a motion to...

Rondeau: You are going to give this to the applicant, the applicant is going to place it on the property and at the end they are going to return it?

Minnich: Yes that is the concept.

Rondeau: My only recommendation would be and that is a great idea but I think they should give a \$50.00 dollar deposit so in fact we do get it back. So we are not buying new signs. I do not know how expensive they are. I don't know if \$50.00 dollars is appropriate maybe \$10.00 the point being is...

Blais: They don't have to do it right?

Rondeau: If they take the sign and put it up and they never return it then a month from now when someone wants a sign to be able to put up on the piece of property and we are out of them.

Blais: Yes, but some kid might steal them.

Martin: I think that is going to be the issue more, is somebody taking it then the applicant not bringing it back.

Minnich: One of the other thoughts Ray is perhaps a fee maybe on wanting to be considered in the future but we don't have the authority as a commission to establish fees that is done by the town council. We

purposely have at this stage the subcommittee is recommending to this Commission that we not make this as part of the regulations. To see if this works and if it does not work from the perspective of the people of the applicants and it does not work from our perspective then not to do it. It is completely voluntary so the fee structure if we do decide to make it as part of the regulations that would be something we would consider but in the end it still has to go to the town council for approval because they are the ones that can approve fees.

Martin: Dave this is strictly in addition to everything else we do on record. We are not changing anything except for the fact this would be just added to it as an additional piece and informative.

Rondeau: It is strictly voluntary.

Dupliese: You bought x amount of them?

Minnich: 10

Dupliese: And what was the cost?

Minnich: \$650.00 dollars

Dupliese: So \$65.00 dollars apiece? I think we can make that easily part if we wanted to recommend it to town council. Again like there was a gentleman in here tonight and he said that he had never known that there was a project going on and he never got the notification. So it is not a bad idea and to place it on the property.

Rondeau: But if it is not required, what land owner is going to want to put that up there and create more people aware of this and might just be giving more of a hard time.

Mulcahy: Just to give you an idea this has been a practice for many towns for several years. On subdivisions and in the town that I formally worked in it was a routine practice and we requested that the sign be

posted. Also for these signs since they are \$65.00 dollars we before issuing any permits we can ask them to return them. So there is permit they need to get further permits once they get approval here. There are more permits they have to get, subdivisions have to get bond release and we can have other ways of asking to get them back.

Minnich: What I am suggesting this evening on behalf of the subcommittee is that Commission approves the establishment of the public hearing notice signs for voluntary non mandatory basis. We will evaluate this sometime in the future. Is there such a motion? Is there a second? Is there any further discussion? All those in favor please say I and all opposed no. Motion carries.

Text of Motion On recommendation by the Administrative and Budget subcommittee, the Commission approves the establishment of public hearing notice signs placed on the applicant's property on a voluntary, non-mandatory basis.

Motion made by C. Mancini and seconded by G. Dupliese.
All in favor and none opposed.

Minnich: **Next item on the agenda is 262 Planned Commercial District.** The Planning Commission made it a document of the on the Conservation Zoning on December 28, 2006. The document is a recommendation from the Planning Commission that approximately 100 acres located on Route 262 on the South entrance ramp be changed from an IR-80 zone to a planned commercial district. In that process of discussion the planned talks about the process has to how to go about doing that. There are 3 studies that this plan suggests once again it is a recommendation that be done. One is described on page 46 and 47 it is a town wide study of commercial and industrial property to determine the growth and other things that are described on that page. Also it goes on, on page 86 to

describe this particular approximate 100 acres that I have mentioned. And it suggests that there be two studies done. One be a study of the impact and there are certain issues to which the Plan of Conservation and Development suggests the outcomes of which the information outcomes of that. Which are the effects of the Watertown municipal schools, water and sewer services, the effects on this sprawling 262 and on Echo Lake Road and three the existing businesses of Watertown and fourth the quality of life in town character. Those are the outcomes that are expected to be from this study.

Second of the two studies on this particular property is attracting impact study which would use the IT Trip Generation Guide and generally accepted standards for measuring traffic load and the study as to the point of conservation and development as the report says. The study does not address remedies for making any congestion however for its congested area and study there should be a statement of feasibility that after improvements a specific level of traffic service should result. The purpose for this on this evening we have received a comments that now should begin this process should begin as recommendation from the Planning Commission. In doing so we are wearing our hat as the Zoning Commission and we will decide what needs to be done if any on this particular property. There is however some questions I think need to be answered in order to make the determination which is suggested that we make this evening although we can at any time which is, is this now the time to begin this process is really the only question for this evening that I am suggesting we consider. The issue though is one of, if we make a change is it going to some form of a planned commercial development as is recommended by the Planning Commission. Is this the time to do that? The process to which we go through and review this, I personally should be best as possible the process to which we been two years discussing the planning hat that is those three studies. So I believe that the process although we do not have to abide by it, the process and the recommendation to arrive at an answer to this whole question of what specifics of it should be. But we all recognize that I don't think there is any disagreement

amongst anybody that if we had our dithers and our IR80 zone and it now what we would like to have, what we have recognized so that then became a reason for changing the Planning Act to a planning a commercial development. But the real question becomes what does the property owners want to do. Do they want this change? If this change is to occur is it likely that it will generate the reason for the change which is to have commercial properties in this area of our community if that is what we all want to decide. So I have hearing notions prepared several questions for the land owners and I would like if it okay with this Commission to invite the landowners to answer if they wish some of the questions I have and to be on the record what their desire is with this property.

Rondeau: In terms of the process if I know we had this same issue already come up at a time in the past. My understanding what you are asking is should we go along with having some of those studies done? Is that...

Minnich: Is this the time now to begin that process?

Rondeau: Any my question would only be is if we don't have a application before us indicating what is going there when someone is doing the quote un quote research to determine how this is going to affect business in town and all the various, how does somebody determine exactly what impact something is going to have when it is could be nothing specific.

Minnich: Well that is part of the reason we question. Gary Martin has secluded himself and Duane will you sit in for Gary.

George: Yes I will.

Rondeau: So you already have that as a question.

Minnich: Would the landowners wish to respond to my questions?

Jim Lukasavage – 176 Evelyn Street, Oakville

I am one of the landowners along with Richard Kulsko 300 Woodbury Road which make up approximately 119 acres of land in the area.

Minnich: And you are responding for Richard as well?

Lukasavage: Correct.

Minnich: My first question is as owners of approximately 108 acres of Rt 262 near the Rt 8 South entrance ramp request the Zoning Commission to change from IR80 district to a planned commercial district?

Lukasavage: Yes

Minnich: If so are you the property owners requesting the zoning change to be approved within the next couple of months?

Lukasavage: For that time frame correct.

Minnich: Will the property owners or agent be submitting to the Zoning Commission a text amendment to the Watertown regulations for changing the zone Rt. 262 to a planned commercial district?

Lukasavage: We would work with the board to put the text amendments in a conception.

Minnich: You are requesting us to do the application not yourself if that correct?

Lukasavage: Yes

Minnich: If we were to do this as a Zoning Commission and application but we talked about earlier here will you be providing as the property owners a conceptual site plan for a planned commercial district?

Lukasavage: Yes

Minnich: Will you be providing your intended uses for the planning commercial district to the Zoning Commission?

Lukasavage: Yes, I can give to you tonight would have that intended uses.

Minnich: Will you be providing the Zoning Commission with the legal zone boundary descriptions for the planned commercial district?

Lukasavage: Yes

Minnich: Will you the property owners pay for an economic impact study and traffic study as described on page 86 on the Planning and Conservation Development that was effective on December 28, 2007 which I summarized this evening?

Lukasavage: No, We feel that the when it comes time for the developer coming in to prepare that plan and all studies.

Minnich: So you're not suggesting that you will pay for these studies correct?

Lukasavage: Correct.

Minnich: Lastly my last question anyways, how likely is it that a developer will submit a site plan and special permit application if they plan to per sue text amendment and zoning district boundary lines are approved?

Lukasavage: I think if the Planning and Zoning economic development committee and the town generals support this type of development then yes the developer would be very much interested in applying.

Minnich: That is the end of my prepared questions? Do you have anything else you wish to say?

Blais: Do you have an interested developer now or you just hope on will step forward?

Lukasavage: We are in the talking stages but nothing concrete.

Dupliese: You have been talking to developers in your discussion with them number one how many have you talked to? In your discussions with them as far as a commercial zone change where they very interested in the fact that this was a possibility?

Lukasavage: Yes they are looking at retail developer.

Dupliese: How many do know?

Lukasavage: Two

Minnich: Does anybody else have any questions?

Rondeau: It was asked if you would be willing to pay for the study. And you said that think that the developer would pay for a study. If we start a study and you have not gotten a developer what would happen to the town starts into this study and there is no developer to pay it? Who is going to get stuck for the bill?

Lukasavage: Well the town could do a study and regards to making the zone change.

Rondeau: You are aware of the 3 studies that are required?

Lukasavage: Yes the ones Dave mentioned.

Rondeau: So the point I am getting at is you kind of asking the town to go out on a limb and do these studies to determine if this is a viable project but there is no guarantee that we are ever going to get any money reimbursed to us to pay for the study.

Lukasavage: Well it is a similar thing where the town would do this for a industrial park let's say, there has been discussions with EDC and so

forth about town doing a study for an industrial park or try to have the state do a study to determine if an industrial park is marketable.

Rondeau: Or you can look at it as a subdivision, when somebody does a subdivision it's their responsibility to go out and have everything surveyed and everything taken care of and when they come in submit a plan. It is not the town responsibility to do that, it is the developer. So what I am saying why you think it is the town's responsibility to pay for that to take on that financial burden on a project that is your property vs. you taking on that financial burden.

Lukasavage: The benefit would be for the town similar to an industrial park if they can get this resolved then when the developer comes in and builds a project and you have a tax revenue and service for the town. So the town would be benefitting.

Rondeau: And this is all ifs if someone actually does it. But you would be developing as well. And you would be benefitting as well because you would be selling a piece of property that you would be sitting on, so again I do not understand why you would not be willing to be financially involved with planning for a study?

Lukasavage: The developer would have the financial means.

Minnich: Is there anyone else who has comments or questions?

Dupliese: In your conversations with developers, how many developers have you talked to that wanted to develop this as industrial sites?

Lukasavage: None. Never anybody approached us there has been numerous retail.

Blais: Approximately how many years?

Lukasavage: 70

Blais: 70 years

- Minnich: May I suggest one motion, but there may be 3 additional ones. Is the first motion that I am suggesting is now the time for the zoning commission to consider a text amendment and boundary line adjustment on approximately 100 acres of Rt. 262 Ct South entrance ramp?
- Mancini: I think there is no more dire time then it is right now our tax bill we are looking at right now is 9.4 and that is cut down from original proposal this year from 18% down to 14 and to 13.6 and to 11.6 and now we are down to our referendum in another week and half at 9.4 and I think that is going to get knocked down because the people cannot afford it. Is there a need? Yes there is and we need something now. We have to develop our properties whether it is industrial or commercial, retail or whatever we have to increase tax base there is no doubt about it we have increase our tax base and that is one way of doing it. And I agree with it.
- Dupliese: I totally disagree with that. And the reason I disagree because now is not the time. Ten years ago was time. We should have done it ten years ago. If we did not do it ten years ago then let's get on stick and do it now.
- Mancini: I tried to say it a year and half ago they had 18 years to develop this property as industrial and it has not been developed in 18 years that has been zoned industrial and I think we have to do something else with that property. Now is the time to do something. Motion to yes.
- Rondeau: I agree I think that piece should be looked into but I also think that in order for us to conduct studies we need more than just a hypothetical theory as to what is going what is going to go there. Not impossible for somebody to come in based on what I just heard and saying in theory we want to put a something like a GAP in and we want to put a and they can come up with five or six stores somebody could go out and do a study and then actually what

gets put in there could be a Home Depot or whatever. In other words if someone is coming in here and with specific plans for something to go in there or can give us specifics as to what is going in there fine. If it a conceptual idea of hypothetically what we might like to consider doing the study that is going to be done might be irrelevant because until we know what is going in there the study is not telling us what we need to know. I think the property owner to come to us and say this is our plan, this is what we would like to do these are stores that we want to put in to the best of their ability and then we can do what we need to do properly. I agree to have that land and have it be wasted it ridiculous. What we ultimately do there I think we have consider what we are going to do there and make sure that when it is done 10 years from now we are not saying I wish we known, there was going to be a home depot (just saying). The point being we are not going to be sorry what there 10 years from now.

George: If we changed the zone we will attract somebody that will come through with what you are just talking about. So I think the move is to change the zone.

Blais: I agree I think we have to have a study to see who is going to approach us with significant idea so just it is not locked in one way right now. So we have a choice.

Dupliese: If this was a developer who owned this property, if it were O & G could have been any number of these large developers that come into large parcels. But it is not. It is a couple of gentlemen who own the land and they do not have the funds to do that and that is my understanding of the situation. I think what it is that he suggested that they are coming in with a conceptual plan now you cannot do a study on what we do not know. I think if we give them the zone to a commercial zone then when they bring somebody to us we have no right to refuse them. Whatever we vote here is just like any other developer and then we ask them to do the study. They do the studies at that point. At this point I do not think there is any study to be done. Because we do not know what it is to put the cart in front

of the horse does not make sense. Convert it to commercial and then let them bring us a developer and then we will approve a plan as is. Or will do the studies, or if they don't pay for the studies and then we will go forward with that.

Rondeau: I don't disagree with you 100% but this is done all the time with subdivision where a subdivision owner will buy property on contingency. I will buy the property at this price provided we can get this zone to put in subdivision A, B, C or whatever they have the option of doing that and if they come to us with a developer like that we have a lot better idea of what is going on than we would if just inadvertently convert it and then find out maybe there was some other issue we were not looking at that we did not know all the information.

George: I am a recent developer I bought the property but I knew what the zone was if I do not know what the zone is and don't know whether you are going to change the zone I am not going to enter in an agreement.

Mancini: I agree with Duane and I think that is exactly what happening with any future developers that we had Konover in here and you see what has happened to Konover. I think they spent hundreds of thousands of dollars trying to get it changed they didn't get a change and they banked out. I do not think you are going to get another developer in town even talk about that property unless that property is rezoned to commercial first. Another thing is EDC came up about three weeks ago but in the paper now they had Mr. Masi president of the CCPW present this local developer make a grand plan that what should do is have an industrial park up there and probably invest 40 million dollars we might be able to get some of that money from the state even if we were lucky enough to get 90% it will still cost us 4 million to do it. We are not talking money here but I think the town is going to have to step up to the plate one way or the other. Four million dollars with an industrial park that has been zoned industrial for years and you haven't got anything there or little bit other money a little bit of help to get this rezoned I think we

have to do what we have to do get this property rezoned so we have the developer come in and say okay this is what I want the property is zoned commercial this is what I want to do. Without that you are not going to get anybody that is going to come in here and spend 2, 3 or \$400,000 dollars trying to convince this Commission to do something.

Minnich: Is there any other comments?

Rondeau: What happens in a situation where the town pays to have these 3 studies done for sake of argument cost \$200,000 dollars I am picking a number.

Mancini: That number is unreal and it is not happening.

Rondeau: We will say it is \$50,000 dollars and if studies come back and say hypothetically it is going to affect traffic and it going to potentially put all the businesses on Main Street out of business, it could increase the size of the residence in town and we do not have the school for it. If that happens we now put out \$50,000 dollars for somebody else's private development, no developer is going in there because they know it is not going to get changed. We are out that money for the study. My only point is that either the owner or in agreement with the developer should be paying for the study. I don't think it should be coming out of the pockets of the taxpayers of Watertown.

Minnich: I respect your way of thinking Ray and no doubt many people have that opinion and that has been part of the discussion that we have and the Planning Commission having discussed that for a long time in its document of this planned development that I referenced indicated that the studies could be paid for by either entity the applicant or the town. And I would suggest that the motion before us is and I want to state this clearly make sure the maker of the motion is now the time for the Zoning Commission begin a text amendment and boundary line change for a planned commercial district on Rt. 262.

Mancini: Yes

Minnich: Who made the motion? Is there a second? Is there any further discussion?

Curt Titus: I don't represent any developer I can help listen to the discussion it seems like to me that you really do need to change the zone and put some regulations in. Because that new developer is going to come around easily unless it know that zone change in place and there are some regulations there. Otherwise they have to ask for zone change and they draft their regulations you get into a big problem. This way you control the regulations you put them in the way you want it and they have to buy into that. You can still ask them based on their play into the stores that they want they give you a study and see if it fits. I felt that listening going back and forth that you really something there, you control the regulations that is the important thing. You don't have someone coming to you with a set of ranks there is written one way there, and they start out with what you like.

Dupliese: There are existing industrial lots in town for sale? And how many have moved in the last 5 years? 2 Out all the industrial lots in town. And that is one that is relocating and that possibly the Go Generation Plant in Woodbury that is coming in. Other than that nothing has moved and there are not even any bids on them. It's not even if you could give them away I do not think anybody is coming. So on this length it should have been done a long time ago and I think now is the time I agree whole heartily with Mr. Mancini.

Russ: I move the motion.

Blais: The town still has the obligation to approve anyone?

Minnich: Is there any further discussion? Hearing none. Carol would you please call the roll for the purpose of recording our votes. On a vote of 7 in favor and none opposed the motion is approved. I have

three additional motions to implement that in that motion that we just approved the first is that discussion of who should be members of the subcommittee and in charge of the subcommittee of the Zoning Commission to review the text amendment. We have found as the Planning and Zoning Commission that making text amendments from at our means is type assumed process that doesn't always get us an end result as quickly and as effectively as we would like. So our practice has been to form subcommittee to review these things and bring them back to full committee. So I am asking who would like to be on a subcommittee to review the text amendment.

Rondeau: Text amendment for...

Minnich: Boundary lines planned commercial development for Rt. 262. For the motion that we just approved.

Rondeau: Why don't we all do it?

Minnich: The reason for it is that the probably goes into the next part of it when it got to the hands is that everybody wants to be on this subcommittee. But the next which goes into what you are saying is the charge of the subcommittee and my suggestion for the charge of the subcommittee is to advise the full Zoning Commission as to any if they wish text amendment and the planned commercial development for RT. 262 in essence the role of the subcommittee is advisory. That no decisions are being made at that subcommittee with regards to that then starts the formal process under state law if we decided full zoning Commission where we have to hold a public hearing so forth and so. I would like to hold that charge that the subcommittee is advisory to this.

Rondeau: And that is fine I just saying that if everybody in the town Commission wants to be on that panel and there are a couple of people that are not here that do not have an opportunity to say whether they do or they don't which they should be welcome to

join at a later date. The point I am getting at is that why not doing out in the open in front of everybody instead of.

Minnich: There is not meeting of a subcommittee or a full committee that is allowed under freedom of information to be held private. Every meetings subcommittee meetings must be noticed there are meeting so in terms of public access to our discussion it is the same as any other meeting they will be noticed and will be here. The issue though is one when the end results of this subcommittee it may decide it is not going to bring anything to the table to the commission. It is that everything they do is advisory. I will like to suggest a motion that all members of the Planning and Zoning Commission are members of the Zoning Subcommittee to review the text amendment, boundary lines changes for a planned commercial district on Rt. 262 and the charge of the committee is advisory to the Zoning Commission. Is there such a motion? Is there a second? Is there any further discussions? Hearing none. Carol would you please call the roll for purposes of recording our votes. On a motion of seven in favor and none opposed. The motion is approved.

Minnich: Two other motions the first deals with the 3 studies you recall the very first study is town wide study of the various issues relating to mix of industrial and commercial development in our town. Never was that ever contemplated to paid for by any developer it was always contemplated that is was the town expense. It also said on page 47 of the plan that study would be used to assist in the other two studies on Rt. 262 that we just talked about. It is my opinion after spending many years with this on the planning hat. Is that we do our best as a Zoning Commission to abide by the recommendation of the Planning Committee. The Planning Commission recommends that anyone else in the community to recommend that the decision is that of the Zoning Commission as to what to do they're the ones that make the decision. But I think we ought to having talked about it the process to which not sure we all have an agreement, that that is the best process to come in although having been through it long enough where we compromised with it and I suggest we do that

which then would be that we would have to request the town council for the funding for the 3 studies and in turn the property owners will tell us that they may not wish to pay for those last 2 studies. So we ask the town council for money for that. Now we have on the last 2 studies received in a year ago or so in March 2007 a number from a pole from several consulting agencies for the impact study and the traffic effect study, and the economic impact study and need not to be the same agency. We as a Commission selected Bryan Miller of Eastern Land Use Analysis as the consultant to help us on the impact study we selected Michael Valante of Frederick B. Clark Associates to provide the traffic impact study. My suggestion is that we request our Land Use Administrator to contact those 2 individuals to see if their firms are wanting to provide the services that you have requested before as well as providing the town wide study number one with those numbers of which they get from those 2 individuals we get previously a bit process it is those numbers would be presented to the town council as they requested. Before I put in a formal motion I want to hear comments whether that is the appropriate process.

George: I think so that is what we talked about when that development I do not see any reason for everybody.

Minnich: I don't recall the numbers but I believe the total of them was 55,000.00 dollars however we reduced the last one that was the first time application they changed, both of these gentlemen reduced the amount of their quote when the property owners submitted a plan for zoning a text change to which they later withdrew. The amounts were less than originally presented. And the reason for that because it took considerable amount of time to articulate what it is, one of these things to and what it is to find out page 86 the plan of conservation development and we narrowed the scope to which their work was to be what it is now. Obviously those numbers are your own readings and we can't read it again. I guess my take on this is that the individuals after interviewed and so forth we selected are being what they are what we would be going to the town council with. We got a lot of respondents and they all stacked up to

about this high formed a subcommittee to review them and then the full Commission interviewed these final three people from New York and Harford and Cheshire or New Fairfield so suggestion is the motion is...

Rondeau: Now those were the low bidders last time?

Minnich: Those are the bidders we selected.

Minnich: May I suggest a motion the Planning and Zoning Commission requests the town council to approve appropriations and establish a time and place for a town meetings that is required by town charter for three studies endorsed by the Town Council last fall, 2007, as described in the Watertown Plan of Conversation and Development on pages 46 and 47 (1) for a town wide study of non-residential zoning districts, (2) page 86 for a Route 262 Planned Commercial District Economic Impact Study and (3) page 86 for a traffic study for Route 262 Planned Commercial District. The amount of the appropriation request is determined by the Administrator of Land Use after consultation with Brian Miller of Eastern Land use Analysis and Michael Galante of Frederick P. Clark Associates; both whom the Commission had previously selected to perform similar services.

Who makes the motion? Is there second?

Rondeau: I would like to make an addition that if perhaps the prices may change and would make recommendations that prices were to change more than 10% of what he provided us for a price last time that the project is rebid. I would like that to be added into this motion.

George: I would not mind that.

Minnich: If the amounts for last years for the last 2 studies for Rt. 262 traffic impact and Rt. 262 economic impact study is greater than 10% to which they provided in their original quote when Konover presented

a application to the Commission that the Planning and Zoning Commission not go to the town council for appropriations.

Rondeau: No that the process go out to bid vs. using that particular company on that.

Minnich: May I suggest is that your motion? Is there a second? There is no second then we are aback to the main one. Is there anybody who has further comments? Hearing none.

Rondeau: I think it is irresponsible of us to blindly appropriate money for a study on a program that if a privately land owner. Is that they should have the responsibility of paying for it. I just want that comment on the record.

Minnich: Is there any comments? Hearing none. Carol would you please call the roll for purposes of recording our votes on the main motion. On a vote of six in favor and one opposed. The motion is approved.

The next is the final motion that I suggest is wanting to provide some guidance to the town council regards to the need to come a decision regarding this appropriation. I am well aware of the issues that we all are that town council would no doubt any other committee the town are well aware the physical constraints that we are generally faced. In place as they may wish to do, they may view, my view on this issue well this is venture funding and we have other priorities. And that may be however we wished to decide this. My suggestion is that a motion that I would suggest is that failure of the town council to report decisions to the Planning and Zoning Commission by Wednesday August 6th 2008 on the 3 study appropriation request shall be taken as disapproval of the appropriation request.

Rondeau: What is the point?

Minnich: The point is that I would perceive as my own view is that there will be no decision regarding. There may not be a decision for town council.

Rondeau: And if there is no decision we may have not gotten any where, if it takes them another 3 weeks to make the decision. Obviously everybody wants this to go forward. If you take the decision out of their hands after 60 days it cannot go forward.

Minnich: I disagree with you on that. Remembering that the Planning Commission is an advisory the Zoning Commission we have taken the action that we will do what we is in our control to do to abide what the Planning Commission has recommended to us which is these 3 studies. If there is no funding by the town council and if they need to call a town meeting and there is no funding for a town meeting for these studies then the Zoning Commission will then need to consider what its next step will be. Which I am not suggesting we make that decision.

George: I make that motion.

Minnich: I am only suggesting by this motion that there is a timeframe which is the town council needs to take actions before we then will do, this is not different except what the time frame is for recalling what we are going to be doing here in a few minutes is an 8.24 approval for Veterans Park. Under the state law for 8.24 the Planning Commission has 35 Days under state law to react to what the Planning Commission has decided. The town council has asked us to consider bring 8.24 into this. We do not then it is then considered as opposed I am doing this for a longer period of time but doing it as the opposite of this one.

Mancini: I will second the motion.

Minnich: Is there any further discussion?

Dupliese: Couldn't we do it to the reverse of what you asked? If they do not move on it that we considered it approved?

Minnich: No because...

Rondeau: When somebody wanted to make a referendum on that and you are taking that away from them. In other words maybe that is the only way they are going to say "hey I don't want to have responsibility of saying yes let's put it back to the people of the town". And then it going to take more than those x amount of days you are going to have to go all through the process again.

Minnich: I am convinced that that the town council knowing what is in the town charter and I am convinced that the total of these 3 studies will be more than 25,000 the town council has no authority to approve these studies on their own and they are going to have to go town meeting. Where they get the money to get these kind of studies is out of our bounds. The amount of dollars we do not know right now but I don't believe the town council will be able to approve these on their own but leave them to the town meeting.

Rondeau: Are we giving them enough time?

Minnich: I looked at their schedule yes they have 4 more meetings through this period of time, the town council has.

Mancini: I am sure they will decide to put it on the agenda.

Rondeau: Just so I understand by taking it off the table in this amendment what purpose does that serve?

Minnich: It then serves the purpose of our deciding which is not the decision tonight has to whether we will proceed as Zoning Commission

without having the studies. I repeat again that the recommendation of the Planning Commission was for these 3 studies. We are under no obligation to Zoning Commission to do what the Planning Commission has suggested we will have to obtain the information another way and there are other ways to obtain it but we will see...

Rondeau: So you are saying that we could potentially improve this without doing any studies?

Minnich: I hope that will not be the case. Because I am going into this with the all due diligence to do an act in accordance with how we spend 2 years discussing this Planning Commission. I do not believe it is the role of the Zoning Commission to do zone changes if in fact the financing of the 3 studies, is then going to be the reason for not doing the studies the town council and town meeting in effect become the Zoning Commission. That is not what is appropriate and lawful that we are the Zoning Commission so I am saying that I can't imagine this wanting to get beyond the issue of the politics involved with this that we have endorsed this town council. The town council is a legislative body has endorsed this process, people in this community on all sides of this issue have said we want these studies. So now when it comes time for the funding of the studies because they want the information the people are going to raise their hand and say no. That is to me not supporting what they said they wanted which was the information to make a decision. So that is going to be their right to do but that's I see it.

Rondeau: I would say that based on what you just said that everybody feels that these studies are critically important in order to make that quality of educative decision that in fact the town council didn't approve the funds then the ownership should then go back to the land owner and or the developer to pay for this study. I am opposed to making a decision without having any studies done at all.

Minnich: Obviously that will be a discussion that the Zoning Commission will have I will only state that I do not want to be repetitive that the answer to that issue was a discussion we spent two years on is on page 86 which says if that isn't the case we can go forward. Is there any further discussion? Hearing open discussion. Carol would you please call the roll for the purpose of recording our votes. On a vote of 6 in favor and one opposed. The motion is approved. I don't have anything further on this topic this evening? Does anyone else?

Minnich: What is presented for the record a document titled sub codes 2008.

Mancini: Of what we just discussed tonight how come we are the Planning and Zoning Commission is proposing that the town pay for the these studies?

Minnich: The topic is RT. 262 Planned Commercial District which is a...

Mancini: This person told me tonight specifically who guys were going to vote tonight on the town allocating this money for these studies?

George: How would they know that?

Mancini: I have a developer in town tonight to tell me at that meeting and was just asking that question?

Minnich: The topic on the agenda is RT. 262 Planning Commercial District so anyone who interested could, none of the members of the Commission had I had discussions with that detailed the questions which I posed this evening. The question what we really wanted to do was the outcome of the first question.

Mancini: Obviously I am happy we talked about it but this person knew about it before I did.

G. Martin recused himself from the conversation on Route 262 Planned Commercial District

D. George was seated for Mr. Martin

Text of Motion Is now the time for the Zoning Commission to consider a text amendment and boundary line change for a planned commercial district on approximately 100 acres on Route 262?

Motion made by C. Mancini and seconded by G. Dupliese.

All in favor and none opposed.

Text of Motion to All members will be members of the zoning sub-committee to review the text amendment and boundary line changes for a Planned Commercial District on Route 262. The charge of the sub-committee is advisory to the Zoning Commission.

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

All in favor and none opposed.

Text of Motion to The Planning and Zoning Commission requests the Town Council to approve appropriations and establish a time and place for a Town meeting that is required by Town Charter for three studies endorsed by the Town Council last fall, 2007, as described in the Watertown Plan of Conservation and Development on pages 46 and 47 (1) for a town wide study of non-residential zoning districts, (2) page 86 for a Route 262 Planned Commercial District Economic Impact Study and (3) page 86 for a traffic study for Route 262 Planned Commercial District. The amount of the appropriation request is determined by the Administrator of Land Use after consultation with Brian Miller of Eastern Land Use Analysis and Michael Galante of Frederick P. Clark Associates; both whom the Commission had previously selected to perform similar services.

Motion made by D. George and seconded by C. Mancini.

Text of Motion to Amendment to motion that if the amounts for the last two studies for the Route 262 Traffic Impact Study and Route 262 Economic Impact Study is greater than 10% that they provided in their

original quote when Konover presented an application to the Commission, that the process go out to bid vs. using that particular company.

Motion made by: R. Rondeau

No second to the motion

Vote on Main Motion:

Aye: D. Minnich, R. Russ, C. Mancini, G. Dupliese, J. Blais, D. George

Nay: R. Rondeau

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

Text of Motion of Failure of the Town Council to report a decision to the Planning and Zoning Commission by Wednesday, August 6, 2008 on the three study appropriation request shall be taken as disapproval of the appropriation request.

Motion made by D. George and seconded by C. Mancini.

Aye: D. Minnich, R. Russ, C. Mancini, G. Dupliese, J. Blais, D. George

Nay: R. Rondeau

On a motion of 6 in favor and 1 opposed, the motion is approved.

G. Martin returned to the meeting after the vote

D. George no longer seated

Minnich: **Next item on the agenda is entitled text amendment for the regulation and zoning districts.** This is a continued study of what we had to do with regards to the request that this Commission has made to the town council for funding of the budget for a review of the residential zoning districts specifically to cluster development or also called conservation. Page 87 of our plan of development adopted or rather effective December 28, 2007 this Planning Commission has said that if the policy Hunter Housing we

encourage conservation subdivision design for new single family units to preserve critical and environmental features will be preserved by open space.

We discussed about the need to get a study and get some assistance on this. This came from a special CAD, late in the summer of 2005, or 2004. May consult with an expert in this field and we looked at a number of \$25,000 dollars or \$30,000 to put in next year's budget that has not been done. I just wanted to put this discussion again but perhaps now is the time do this as an off budget than putting in next year's budget. I am of the opinion that the residential housing need to be looked at. It's impact on our municipal services is obviously part of the whole problem and issue to which we are having in our budget. We were presented by the Board of Education Carl if my memory serves me right perhaps you can help me that a single individual student that falls in this community 9,000 the request to which I am suggesting we formally ask the town council for it for appropriation use is for 30,000 for Wendell Orange to assist this commission in reviewing its zoning regulations and as recommended by the Planning Commission here in a residential zoning. If the town council says no then that is the answer and once again If they decide not to 9,000 per student we spent expensive time in reviewing as a Planning Commission this recommendations these policy recommendations in light of the fact that the in our municipal community. My suggestion is that we consider as a conditional appropriation to the town council we are asking \$30,000 dollars to have a study conducted of our residential zoning to a purpose of looking to as conservation or cluster housing as provided in state law.

George: Is that cluster housing going to be strictly no children in it?

Minnich: No it wasn't intended that way. We have conditional zoning in this town and it was intended to be that the homes would perhaps would be more clustered in the other area to which would be open space and addition of the conservation areas in addition to the required open space. The mix of what that is impact with what is

going to be in our community something we just didn't have time in our plan to do that's the reason for the study. I am not so sure in the end whether that is the answer but clearly the review of looking to change the pace of housing development in this town is something that we should be looking at as part of the study.

George: First hand I think it is doubling our traumas by going to cluster housing look at the amount of people we are going to put in this same area that we would have a single family.

Martin: Cluster housing is taking a 50 acre parcel you normally have 30 homes in that and you still have 30 homes the only thing is the 30 homes are now cluster together and the land that is left open space is around construction.

George: What does that do to help our student?

Martin: The only way to improve this is to increase acreage of our different zones that is the only way you are going to reduce the amount of strain on the...

Minnich: I don't know the answer to that, I only refer to what Brendal Harn told us and his review around the country emphasizes is that those kind of conservation cluster developments tend to have less number of people living in them and the same area of land then does a traditional subdivision process we have. Whether that is true or not I do not know but that's part of the reason for this study, the part of it obviously is to look at slowing the growth of housing.

George: Well I am not opposed to asking the council to \$30,000 dollars to do a study. I just question where it is going to produce anything.

Minnich: I don't know only time does...

Martin: I am not sure limit to just looking at looking at cluster housing I think the study should look at our zoning regulations and take into account what they are and what we can do with them to reduce

the amount single family homes that get built on the what we have today. That is the only way we are going to do reduction. As far as cluster housing isn't going to do anything for reduction it just improves your open space.

Rondeau: It re diversifies the land use.

George: But you take that right of an individual home and you own a piece of property you make that a special use to that. I think that is a restriction that should not be placed on the public. That is how I feel about it.

Minnich: I do not know the end result or if we all conclude that.

George: I just think they are taking right of way from us. That does not belong there. When we had zoning it gave us this right that's why we agreed to have zoning and now this going to take this right of way from us.

Minnich: This goes if we get past this issue one way or the other the other issue related to same thing is the discussion that the subcommittee of the budget and administrative subcommittee along with members of tentative meeting on I think may wishes to have this Commission this evening consider whether we wish to look at our housing regulations. The presentation that was made...

George: I don't see why we don't have applications coming in here screaming at us for single family housing?

Minnich: Let stay away from that now. I purposely split this apart because there are obviously two separate issues number one is the study issue let's keep it at that for a moment and then bring back what the subcommittee has suggested.

George: If you have a moratorium you will see the applications?

Minnich: Do we wish to have the town council \$30,000 dollars to provide us consulting services for us to take a look at the residential housing.

Rondeau: If sit here and listen to us as a body on the one hand we are saying we have go to develop down at 262 because our taxes are too high and this development would bring in some taxes to the town and help reduce our tax burden. So that is an issue I understand that. But on the same token we saying hey we got to reduce the number of people that are buying houses in Watertown so that we do not have more kids that we have to put through school because it is a big tax burden. But if you put a big shopping center in Watertown aren't we going to be attracting people to come to Watertown because there is going to be more convenient to go shopping it seems like on one hand you saying hey we should do this because it is good for the town but what do you think that we just going to get tax dollars and new people are not going to move into town it makes things more convenient for them.

Martin: We are not preventing people from moving into town. What we are trying to do is slow the growth. The two are completely separate from one another. One is increase tax dollars and the other one is to slow the growth. They are both for the same purpose help the tax base in the community.

Rondeau: Wouldn't you think it kind of naive to say hey if we put up this shopping center in town in makes shopping easier and it made it more convenient for the people you don't think people in other towns maybe in Morris or whatever and surroundings might say hey I think I would rather move to Watertown.

Mancini: If that was up to me I would move farther away from Watertown and the shopping mall to keep my wife away from the stores. I don't think people are going to come to Watertown because they are closer a store. I don't think people are leaving Watertown to go to West Farms or Danbury or Meriden or Canton or whatever.

- Dupliese: Before we go any further what do you think the chances are that the town council is going to approve \$30,000 dollars?
- Mancini: Slim to none. Because I am on the budget committee I am on the town council it was already rejected at the committee. It was taken out by the town manager they then make a proposal to add it or deny and I don't think they are going to be adding any more money even though it is a good thing to have.
- Minnich: I suggested that we requested that is be added to next year's budget I am suggesting this is not be added to next year's budget but to be taken from the funds for this year but any way it is your decision to decide whether wish us the Commission to ask the town council.
- Mancini: We just found \$600,000 dollars maybe we can find another \$30,000.
- Minnich: How do you wish to proceed on this?
- Martin: If I understand that the scope of the study is not just for cluster housing but to look at the entire residential housing and how to improve more, to slow the growth that we are seeing so that our burden on the taxpayer is less because we do not have as many people moving in and burdening our use of education system then I support and say go.
- Minnich: That is the intent.
- Mancini: Dave do you think we might jeopardize the other money that we are looking for as far as commercial zone changes if we do ask for both at the same time?

Minnich: Well I don't know, I do say that the issue to which were going to be talking about briefly after this has to with questions for members to look at and I have asked Paul Jessell to prepare a document. But the issue is that without having specifics about what the outcome or intended outcome is during a deed for changing zones that has a direct impact on whether we have more talks, so one of the processes here is to obviously we get assistance to that if we are going to decide now is not the time to act with town council. We need to take seriously what our town council is suggesting to us now unless there is some other reasons to a moratorium now are the time. Does someone want to make a motion? Then we will see who does not want to do it? See if it goes up or down?

Martin: I will make the motion.

Minnich: You are making the motion to ask the town council for \$30,000 dollars to request a study the growth of residential housing in Watertown. Is there a second to that?

Rondeau: Is there a reason we can wait until the other request for money has either been approved or denied? I am asking so you don't jeopardize one project?

Minnich: I will second.

Rondeau: I think it is critical to have a study regarding 262 and this could potentially inflame people on the council and prevent us from getting the funds necessary to do that study then I would suggest we ask for that after they either accepted or denied us.

Minnich: Anybody else have comments on this issue? Hearing none. Carol would you please call the roll for the purpose of recording our votes. On a vote of 3 in favor and four opposed the motion is defeated.

The next issue related to this is the issue of which subcommittee or budget administration had recommended this full Commission consider and that is a moratorium on residential housing. My

reference for a memo earlier prepared by attorney Paul Jessell date June 4, 2008 and in summarizing very briefly the committee has provided is that we need to be specific as to what we are going to do considering the reason for this moratorium. We also need to be specific as to what areas it affects what zones it affects and we also need to remind people that process to establish a moratorium is the same process to which is established for zoning and lastly that it needs to be time specific in terms of what the length of the moratorium that it a summary of why you do justice Paul. So where do we go with this discussion? What do you want to do?

Martin: This is a new subject at this point is it not? I thought the town council supporting a study to do what we are trying to do with this makes no sense even for a moratorium.

Dupliese: Not at this time. I agree. We can make our own we can say okay let consider a moratorium is we want to check lot sizes and new developments that come to us and we want to consider this and we want to consider it for nine months we have something in mind we are considering a moratorium and we don't have to spent \$30,000 dollars to do that.

Minnich: Instead of perhaps having the conclusion of whether we should or should not this evening may I suggest that those who are interested in this topic we form our subcommittee and then come back to us and make our recommendation. Does that seem a good way to do it? Who would like to serve on the subcommittee? Duane, Ron and so Glen anyone else and Ray wants to serve on the subcommittee? Let me make for the record the purpose of this subcommittee to advise the members of the Planning and Zoning Commission as to whether there should be a moratorium on the residential zoning in the subdivision regulations in our community

Rondeau: I exactly through something like this, I grew up on the Cape in the 80's and small town of Sandwich they put a building moratorium on for quite a period of time because they were going crazy with the

situations with schools and everything like that and just from a stand point by trying to reduce residential growth can actually backfire because there is an issue of supply and demand. People want to come to the town of Watertown and there are no new lots available that means the lots that are in town are going to increase in value so people taxes end up going up anyway because the value of their property ends up going up.

Minnich: Is there a motion to form a subcommittee to do what I stated? Motion by Glen and seconded by Ron. Is there any further discussion? All those in favor please say I, all those opposed no. The motion carries unanimously.

Text of Motion to Request the Town Council for an appropriation of \$30,000 to perform a study for the growth of residential housing in Watertown.

Motion made by G. Martin and seconded by D. Minnich.

Aye: D. Minnich, G. Martin, C. Mancini

Nay: R. Russ, G. Dupliese, J. Blais, R. Rondeau

On a vote of 3 in favor and 4 opposed, the motion is defeated.

Text of Motion to Form a sub-committee for the purpose of advising the Planning and zoning Commission on whether there should be a moratorium on the residential zoning and subdivision regulations in our community.

Motion made by G. Dupliese and seconded by R. Russ.

All in favor and none opposed.

Members on the sub-committee are R. Russ, G. Dupliese, D. George, and R. Rondeau.

Minnich: **The next item on the agenda is 8-24 approval for Veteran's Memorial Park for recreation facilities.** A memo from the town today. Please consider this memorandum request for referral of the

installation of approximately 20,000 square foot metal building Veteran's Memorial Park in a recreational use for the Planning and Zoning Commission for Ct General Statue 8-24 consideration for the application to consider details of the plan to be submitted and permission of approval under section 8. You make contact this office any further questions regarding this act. Is there a motion in approving to grant 8-24 approval ...

Mancini: So approved.

Martin: Can I ask question there is one thing in building this thing I am assuming artificial turf that has to go inside you got lighting that has to be. Does anybody know the cost of this thing?

Minnich: They have and they got a grant and it is going to cost the town nothing.

Martin: Including the artificial turf?

Minnich: I am going to let them do the presentation for the application? Our role here this evening is to whether this application this request conforms to our plan of conservation and development. My comment on this is that I wish to for the record emphasize the words that the town manager has made his referral, the town council referral to us that this building at Veteran's Memorial Park is for recreational use and on that basis which I am going to be totally opposed to this building at any time being used for storage of any kind. I watched over the course of time where there is potential to turn into a public works garage or a park and recreational garage. Everybody intent is that this be indoor recreational facility and 8-24 approval from my perspective for recreational.

Blais: Do you want to emphasize that scope of our approval.

Minnich: I would like to approve in a motion that this approval is open for recreational use of this metal building. Is there a motion to accept that amendment? Is there a second? 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 to Make a recommendation to the Town Council for approval and grant 8-24 approval for the recreation facility being used for recreational purposes, not for storage or other purposes. Motion made by C. Mancini and seconded by R. Russ. All in favor and none opposed.

Minnich: **Next item on the agenda is Walnut Grove Farm for a 21 lot subdivision titled Southridge Estates.**

Is there a motion to table? Is there a second? Any further discussion? All those in favor please say I all opposed say no.

Text of Motion: Table

Motion made by G. Dupliese and seconded by C. Mancini. All in favor and none opposed.

Minnich: **Next item on the agenda is Cherry Avenue, LLC, Compass Engineering, 3 lot subdivision to be known as Cherry Avenue Estates, Cherry Avenue, Watertown, in a R-12.5 zone.** For purposes of the record Ruth has now a draft motion approval for Cherry Avenues Estates application. Ruth and staff prepared this motion I reviewed and no one other member of the Commission has seen this until now. It is our practice briefly review what is in here before I read it into the record. The applicant has offered to pay fee lieu to the town. To satisfy the open space requirements and that fee is \$18,000 dollars. Also that they comply with the comprehensive sedimentation erosion control plan. The conversation masonry shall be indicated on the record subdivision map. Driveways can't be paved.

- Mulcahy: Number 7 says street on the and this condition should add on to number 7 I did it on some of them but I did not do it on all of them. And this condition shall be listed on the final filing Mylar's.
- Mancini: It was my understanding earlier that the whole driveway was going to be gravel.
- Minnich: To add to what you just said and also this condition filed on the land records. That way if someone is buying this can understand that they are going to have this kept gravel driveway. Is there anything else?
- Rondeau: Number 7 the way it says any slope doesn't necessarily say anything I think you should be specific in saying maybe the first five feet of the driveway entering the section of the road should be paved and everything should be. You don't want to give anybody any...
- Minnich: Chuck could you help us with this.
- Berger: Our driveway stands requires somebody to pave it. All those section that slope toward the road. So there won't be any gravel washing out into the road. So that is why this condition has been added. And other than for lot 1 I think you are going to end up paving the whole one. That is the existing lot right on Cherry the 2 interior lots that are serving the common driveway just a short section slopes the road then slopes down and back up in the back.
- Blais: So you are content with this terminology.
- Minnich: May I just suggest is that it read the portions of the proposed driveways that are sloped shall be paved for those portions that slope to the street. It is clear. Is there anything else that anyone has on this project? Let me read this in the record then.

WHEREAS the Watertown Planning and Zoning Commission (hereinafter "Commission") received a subdivision application titled "Cherry Avenue Estates" on April 2, 2008 for a 3 lot residential

subdivision with a common driveway for lots 2 and 3 located at Cherry Avenue and Old Army Road on 4.55 acres of land in an R-12.5 Residence District owned by Cherry Avenue LLC, 109 Cannon Ridge Road, Watertown, CT which includes a Record Subdivision Map titled Cherry Avenue Estates dated 3/14/08 with a final revision date of 5/21/08, Site Development Plan dated 3/14/08 with a final revision date of 5/21/08, Erosion & Sedimentation Control Plan dated 3/14/08 with a final revision date of 5/21/08, Profile Combined Driveway Lots 2 & 3 dated 3/14/08 with a final revision 5/21/08 prepared by Compass Engineering Group, LLC, 220 Farmdale Road, Watertown, CT;

WHEREAS the Commission convened a public hearing on this application on May 7, 2008 and June 4, 2008;

IT IS THEREFORE RESOLVED that the Watertown Planning and Zoning Commission **Approves** the subdivision application titled "Cherry Avenue Estates" for a 3 lot residential subdivision with a common driveway 2 and 3 located at Cherry Avenue and the unimproved street Old Army Road on 4.55 acres of land in an R-12.5 Residence District owned by Cherry Avenue LLC, 109 Cannon Ridge Road, Watertown, CT with the following modifications:

1. The applicant has offered a payment of fee in lieu of open space to the Town of Watertown to satisfy the open space requirements amounting to \$18,000.00 and this fee is accepted by the Planning and Zoning Commission.
2. A comprehensive sedimentation and erosion control plan consistent with the Erosion and Sediment Control 2002 Guidelines and a detailed construction sequence for the site accepted and approved by the Town Engineer and the Administrator of Land Use shall be submitted.
3. The Conservation Easement Areas shall be indicated on the Record Subdivision Map and the Site Development Plan map. These areas shall be marked with Conservation Easement tags at intervals required by the Land Use Office before any site work has begun. A Conservation

Easement document approved by the Town Attorney shall be recorded on the Land Records. Owners of each subdivision lot shall have standard conservation easement restrictions on their lots which are recorded in deeds on the Land Records. These restrictions are applicable to owners filing the deeds and to all future owners of the lots.

4. The solar access area shall be shown on each lot.
5. All rear and side lot pins shall be placed before the issuance of a zoning permit.
6. Revisions to the Storm Water Narrative and infiltrator design shall be submitted to the Town Engineer for review and approval.
7. Portions of proposed driveways that slope to the street shall be paved only on the portions of the driveway that slope to the street and all other portions of the proposed driveways shall be gravel. This condition shall be listed on the final filing mylar map and documents filed on the Watertown Land Records for each lot indicating this condition.
8. All the map requirements of Section 4 of the Town of Watertown Subdivision Regulations shall be completed and approved by the Town Engineer and Administrator of Land Use.
9. Trees shall be planted every fifty (50) feet on both sides of the common driveway. A list of proposed tree species shall be submitted and approved by the Land Use staff and the Tree Warden. The trees shall be of a size specified in the Town of Watertown Subdivision Regulations. A tree bond must be posted for a minimum of three years.
10. Full cut off street lights at the driveway intersection shall be installed at the discretion of the Watertown Director of Public Works.

11. Prior to Town officials signing mylars, final Plans shall be submitted for approval and accepted for approval by the Town Engineer and the Administrator for Land Use, and are subject to review and approval by the Commission at the discretion of the Chairman or Commission.
12. A bond shall be posted for all public improvements, sedimentation and erosion control, and the common driveway in accordance with the bond policy adopted by the Commission. A per unit price estimate of all improvements shall be prepared by the applicant's engineer and shall be submitted to the Town Engineer for review and approval. According to Town bond policy, the Bond provided by the Developer will be a Letter of Credit and/or a Cash Bond and a Separate Tree Bond to be reviewed and approved by the Land Use Attorney.
13. All utilities shall be underground.
14. The recommendations of the Town Engineer shall be followed.
15. The following is a list of required Easements, Deeds and/or documents to be provided to the Town of Watertown for review:
 - a) Conservation Area Easements
 - b) Common Drive Way Agreement
16. Once all documents and maps are finalized, two sets of paper maps and two sets of maps on Mylar shall be submitted for signature by the Chairman of the Planning and Zoning Commission and other Town officials. All documents that are required to be executed shall be filed by the applicant with a signed Mylar copy of the maps in the Office of the Town Clerk.
17. A preconstruction meeting is required to be held with Town staff, the developer, the onsite contractor, and the site design engineer prior to any on-site activity.

Minnich: Is there a second? Is there any further discussions? The suggestion with a common driveway for lots 2 and 3. Is there any further discussion?
Thank you Ray.

Rondeau: I did not know if we are all agreed that sharing the driveway was going to be acceptable.

Mancini: We accepted that last week.

Minnich: 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 and the application is approved.

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

All in favor and none opposed.

Minnich: **Next item on the agenda is the application is Attorney Curt Titus, Site Plan/Special Permit #243 County Line, Inc. BMW, Addition to building to expand service department and roof top parking for 114 cars, they said now, 699 Straits Turnpike, Watertown in a BFC district.**

For the record Ruth Mulcahy is handing out a approval the conditions of approval and I have seen that condition of approval and no one else has seen it until now.

Mulcahy: On the second part there is another cross off it suppose to be 30 again down
below.

Minnich: Is there anyone who has comments on this?

Martin: We can remove #3 now.

Rondeau: There may not be any CL&P poles but that does not necessarily mean they pole
for life.

Dupliese: Is says the CL&P poles will not be used for lights.

Minnich: We need to say that all utilities will be underground.

George: We reviewed the lighting plan isn't that all off the building.

Minnich: It is not all off the building I believe.

Mancini: They removed lighting last time from their parking lot.

Dupliese: They cannot put it on there anymore.

Rondeau: So there are no poles?

Dupliese: The CL&P poles cannot be used for lighting as they would cause spillage onto the neighbors property.

Minnich: We get into the issue of the fencing and I am not understanding the final

conclusion that the property owner has accepted and said fine to have a fence.

Does the adjacent property owner find that acceptable. I guess I see no reason

not to accept it. It is just amazing to me I don't know the reason for the rational

of that and so to prevent people from going on their property.

But the

arborvitae's provide another benefit the fence does not and that it shields the

view of the building whatever kind of building from that property and this is not

what is being requested. I reference to you and remind of the adjacent neighbor

who said several times her disappointment in for not doing supposedly been

done in 1984 and pointing to this Commission and obviously BMW for not doing

what was required in 1984 and the whole issue here is that they wanted to have the shrubbery and what was requested they to get was never put in and now when this time comes to approve this. They want the shrubbery not part of it they want the fence. I am baffled by the circular thought I am not all opposed to what is supposedly some compromise. I just don't understand.

Mancini: I can understand their because they were promised back then that blue spruces would be put in and this is going to get done and that is going to get done and it was not done and nobody did anything to help them make sure those were put in. So even if you put the arborvitaes in now and they live awhile there is nothing saying that BMW their contractor is not going to push snow up against them, bend them over or whatever. At least with a fence if they can't push the snow up the fence it will ruin the fence.

Martin: If part of our approval is to add arborvitaes and the arborvitaes are damaged after three years because it was a condition of approval we can mandate that they be...

Mulcahy: You will never get it.

Dupliese: At the same time though...

Mulcahy: Takes a lot of enforcement, it takes a lot of expense because eventually you

get the town attorney involved and you go to cease and desist if they won't cooperate. It is a long process it is a lot of money tax payer's money. This seems to be a solution.

Martin: To me and I am willing to make everybody happy. To utilize a fence over a natural tree line even staggered so much nicer.

Rondeau: If you think about what she said I think it is just an issue that she doesn't want them to get their way when anything occurs because on the one hand she says well put the arborvitae's in they get brown and they do not look nice and I don't want to look at that. But if don't put fence up that I want then I am going to put the ugliest looking fence that I can find and you guys are going to live with it and fine. In other words it is not what it looks like it's not specific.

Mancini: It is frustration over years and years of aggravation. I don't think she means that but that is how they feel and that is the reason.

Blais: The neighbor has requested this there is an agreement we should move this along and everybody go home.

Minnich: One additional item to consider there was a number of tires that were piled in the back at least adjacent I would suggest a condition of approval that all outside storage be prohibited including tires.

Dupliese: I agree with that do you want to make that 14.

Rondeau: Why couldn't they have a fence like a dumpster in that area.

Minnich: I will read the notice.

Mancini: The free standing signs, did we not eliminate that?

Minnich: Let me address that but also to remove the shrubbery along the...

Rondeau: The driveway was north and east boundaries.

Dupliese: What was the screening?

Rondeau: Arborvitae's.

Blais: He said it was not required in our regulations.

Minnich: If you want to cover this we can always do this under a special permit. The question was should we look at our regs to see if it is required? If we table this or other issue we in my judgment is do this under a special permit.

Martin: There is nothing that says we can do it.

Dupliese: It's on the plan let's just leave it in there.

Rondeau: What is the purpose of it?

Dupliese: When you are driving up the road you are seeing nice trees instead of a seeing the sides of the building.

Martin: I would say take the ones off the east side.

Minnich: Should I indicate that the arborvitaes should remain on the north side of the property.

Mulcahy: Does everybody see what they are talking about there is quite a few proposed in here it is going to be very difficult unless they come back with a plan for what they want proposed. I don't what add on staff, they are going to come in with something later and I don't know what we are acting on. This motion on these new maps that just came in on June 2nd. we have not reviewed the ones that came in days ago. But that is what you are approving but if you start saying take this out and take that out.

Martin: The only thing were saying to take out is the east side. Everything on the North side remains. Let's table it and have everything put on the map.

Dupliese: I agree.

Minnich: Is there a motion to table? Is there a second? Is there any further discussion? All those in favor of tabling this please say I all those opposed please say no. Carol would you please call the roll for the purpose of recording our votes.

Titus: Could I ask what the purpose of this is?

Minnich: To get staff it is suggested that the line which be clear as to what is requested and the map to be clear as to what is being suggested for screening.

Curt Titus: We'll take the map the way it is with no eliminations just the way the map is drawn with all the trees, all the signs we will accept that.

Mancini: If they agree to put the trees on the north side and east side.

Minnich: Is there a motion to withdraw the table? Is there a second? The tabling is withdrawn. What language do we wish?

Mulcahy: Iodized black aluminum fence aluminum fence shall be installed to screen the adjacent property.

Martin: Instead of arborvitaes. So they remove those from their plans.

Blais: Did you say specific how high this fence is supposed to be?

Mulcahy: No.

Dupliese: Six foot.

Blais: Well why don't you say that.

Minnich: Anybody else?

WHEREAS, the Town of Watertown Planning and Zoning Commission received a Special Permit # 243/Site Plan application on 3/05/08 located at 699 Straits Turnpike for 8,095 square foot addition, roof top parking for 30 cars and total parking onsite for 114 cars, additional lighting, and a new freestanding sign located in a B-SC Shopping Center Business District which includes Existing Conditions Plan EX-1 dated 3/19/08 with a final revision date of 5/29/08, Site Development Plan SP-13/19/08 with a final revision date 5/29/08, Site Grading & Drainage Plan SU-1 dated 3/19/08 with revision date 5/29/08, Sediment & Erosion Control Plan SE-1 dated 3/19/08 with revision date 5/29/08, Landscaping & Lighting Plan L-1 dated 3/19/08 with revision date 5/29/08, Notes and Details ND-1-2 dated 3/19/08 prepared by Smith & Company Surveyors & Engineers, 247 Main Street South, Woodbury, CT ; and

WHEREAS, the Commission held a public hearing on May 7, 2008 and June 4, 2008;

IT IS THEREFORE RESOLVED the Watertown Planning and Zoning Commission **Approves** Special Permit #243/Site Plan application for a 8,095 square foot addition, roof top parking for 30 cars, total parking on site for 114 cars, additional lighting with 15 new poles, and no freestanding sign shall be located on a BCS 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. All lighting shall be full cut-off fixtures and shall not trespass beyond the site boundaries as confirmed by a photometric plan submitted to the Commission.
3. The CL&P poles adjacent to the neighbor's property shall not be used for lights and all utilities shall be underground.
4. A 6 foot high anodized black aluminum fence shall be installed to screen the adjacent property and protect the property from employee trespass, construction intrusion and cars being parked on the adjacent property. The fence is subject to review and approval of the Administrator of Land Use and the Town Engineer. Arborvitaes shall not be located where the fence is located.
5. As proposed by the applicant the new access driveway on the south side of the property and the northern most access way shall be one way out and the middle driveway shall be one way in to comply with Section 63.8.5 Driveway alignment.
6. There shall be no freestanding sign on the property.
7. The height of the light poles as indicated on the plans is 16' and 4 light poles along Straits Turnpike at a height each of 26'.
8. The rooftop parking for 30 cars shall be screened with the 5'8" parapet to hide the automobiles as shown on the Design Intent Documents.
9. All non-essential lighting shall be turned off after business hours leaving no more than 50% of the specified lights shown on the plan left on as approved by the Administrator of Land Use.
10. All modular block retaining walls shall be designed by a professional engineer registered in the State of Connecticut.

11. A deed shall be submitted merging the two separate parcels owned by County Line, Inc. to include the unapproved parcel not in compliance with the Zoning Regulations, before the final maps are signed.
12. A bond shall be posted for all public improvements, sedimentation and erosion control, landscaping, fencing and drainage in accordance with the bond policy adopted by the Commission. A per unit price estimate of all improvements and requirements shall be prepared by the applicant's engineer and shall be submitted to the Town Engineer for review and approval. According to Town bond policy, the Bond provided by the applicant will be a Letter of Credit and/or a Cash Bond.
13. 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 before a zoning permit is issued.
14. All outside storage shall be prohibited.

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 June 4, 2013.

Would somebody like to make that motion? Is there any discussion? I would just like to make a very quick discussion in that I believe we should be approving this tonight and also want to state for the record that I think BMW of Watertown has been a valued customer in our community and I wish them well. Is there any further comments? Hearing none. Carol would you please call the roll for purpose of recording our votes. On a vote of 7 in favor and none opposed the motion is approved.

Motion made by G. Martin and seconded by C. Mancini.
All in favor and none opposed.

Minnich: To allow this meeting to continue this meeting past 11:00? Is there any further discussion? Carol would you please call the roll for purposes of recording our votes.

Dupliese: Could we go out of order and at least take these two and just process it and table the rest of them. As long as we give the five minutes here and I am sorry I am falling a sleep.

Minnich: Well why don't we vote and see where it goes? On a vote of 7 in favor and none opposed the motion is approved.
Text of Motion to Allow the meeting to continue past 11:00PM to complete the items on the agenda

Motion made by C. Mancini and seconded by D. Minnich.
All in favor and none opposed.

Minnich: **The next item on the agenda is Taft School, Ron Bomengen, Fuss & O'Neill, Special Permit #246 for a 4,000 gallon fuel tank.** I have this letter dated May 29, 2008 In behalf of Taft School we would like to withdraw this application #246 for site approval at this time. We have been made aware the property is located in a historic district and as you know, we will need to obtain their approval prior to meeting with the Planning and Zoning

Commission. We would also like to request that the application fee of \$705.00 be applied to the future Site Plan/Special Permit application of the fuel tank

once we have received approval from the Historic District.

Thank you for your

understanding and please contact me if you have any questions. Sincerely, Ron

Bomengen, Project Manager. Is there a motion to accept the withdrawal? Is

there any further discussion?

Dupliese: Have we spent any money on this yet? Have we had to do publications that we

spent money on advertising.

Minnich: Yes

Dupliese: I would like to amend that saying that we will put the fees towards it less what

we have spent so far. Refund their application fee less the amount already

expended.

Mulcahy: I think in the fee ordinance it just allows you to waive it for a year. The fee

ordinance state that you waive it and apply it to a new application but it

doesn't give you the leeway as far as...

Minnich: I think we can do what has been suggested. I would just like to clarify too just the legal altercations. Because the time staff has spent...To accept the letter of withdrawal for this application and to waive the application fees if a similar application is applied within one year less the public hearing publication costs to which the town has already made. Is there any further discussion ? All those in favor please say I and all opposed please say no. The motion carries.

J. Blais recused himself from this application

D. George sat in for J. Blais

Text of Motion to Accept letter of withdrawal and waive the application fees if a similar application is submitted within a period of one year less the public hearing publication costs to which the Town has spent.

Motion made by G. Martin and seconded by C. Mancini.
All in favor and none opposed.

Minnich: **Next item on the agenda to accept a withdrawal and I will read in the record**

a letter dated May 29, 2008. To Planning and Zoning: I, Nick Perugini of 105 Plum Street, Oakville, Conn. Would like to withdraw the application for a special permit at 505 Straits Turnpike. I would like to request that my application fee be waived and I would like to re apply with a new application within a year.

Is there a motion to accept this withdrawal? Is there a second?

Dupliese: Would the same guidelines apply to Taft would apply to this?

Minnich: That motion then to have so that the fees will be waived accepting those

which already have been paid for by the town for legal publication. Is there

any further discussion? All those in favor please say I and all those opposed no.

The motion carries.

Text of Motion to Accept letter of withdrawal and waive the application fees if a

Similar application is submitted within a period of one year less the public

Hearing application costs to which the town has spent.

Motion made by R. Russ and seconded by G. Dupliese.

All in favor and none opposed.

J. Blais returned to the meeting.

D. George no longer seated for J. Blais

Minnich: **Next item on the agenda is Taft School, Site Plan. Special Permit #247**

Baseball Fields Dugout, 110 Woodbury Road, Watertown in R-20F district.

Ron Bomegan – Civil Engineer

This is a new application for dugouts you have to schedule a public hearing

I will make it really quick. It is an application for two dugouts their dimensions

are 9 by 9 by 40. There is going to be a brick wall our backstop and a 30 ft chain link fence to a backstop. The baseball fields located right inside the campus, the signing hole is right here, this is Woodbury Road, it is not in the historic district. It is an existing baseball field we are just going to be replacing the low benches with the dugouts.

Dupliese: On drains?

Bomegan: They are going to be submerged two feet town.

Dupliese: What are you going to do with the water that goes in?

Bomegan: We have a drain in the dugouts. There is a catch basin behind the existing backstop the catch basin is about 25 feet deep. So there is plenty of elevations to tie into those.

Martin: Fencing in front of the dugout?

Bomegan: Yes

Minnich: Is there any further discussion? Is there a motion to send this application for review and establish a public hearing? Is there any further discussion? To review and establish a public hearing.

J. Blais recused himself from this application.

D. George was seated for J. Blais.

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

Motion made by D. George and seconded by C. Mancini.
All in favor and none opposed.

J. Blais returned to the meeting.
D. George was no longer seated.

Minnich: **Next item is Tina DiCarlo/James & Patricia Mullen, Lot line revision, 2440 Litchfield Road, And Morris Town Line Road in R-90 zone.**

Mulcahy: Everybody got the memo on that, this is strictly a boundary line adjustment and the land is going to be used for agricultural purposes you all got the memo. It is pretty straight forward this is not an approval it is an acceptance. This is an as of right.

Minnich: Is there a motion to accept this lot line revision? Is there a second? Any further discussion? All those in favor please say I and all opposed say no. Motion carries.

Text of Motion to Accept lot line revision.
Motion made by G. Dupliese and seconded by R. Russ.
All in favor and none opposed.

Minnich: **Next item on the agenda Frank E. Gustafson, Attorney Tom Caulkins, First Cut, Litchfield Road and Morris Town Line Road, Watertown, Ct in R-90 zoning district.**

Mulcahy: Everybody got that I have all the documentation, I met with the Attorney and we went over this, this is a true first cut. Is just again not an approval it is acceptance as of right of way.

Minnich: Does anyone accept this application to as a first cut? Is there any further discussion? All those in favor please say I and all opposed say no. Motion carries unanimously.

Text of Motion to Accept first cut.
Motion made by G. Martin and seconded by G. Dupliese.
All in favor and none opposed.

Minnich: **Next item application is Jennifer Grohs, Grand Opening Banner, Happy Flanagan's Restaurant, 545 Main Street, Watertown in B-CF district.**

Mulcahy: I wanted to get this in tonight to be called Happy Flanagan's in the fire district regulations there is a odd thing in there that any kind of opening or temporary special event banner has to come from a resolution from the Commission, Carol passed out the Happy Flanagan's and attached to it is the section of the regulations as you see it.

Minnich: How long is the time?

Mulcahy: The fire district regulations say 10 days.

Minnich: So we accept this application for the banner for a period of ten days. Or somebody make that motion? Is there a second?

Blais: There is another banner right across the street; they nailed it onto the block wall. I think it is the library. And it is not good to nail it into those blocks because if a block breaks in the middle of that wall the whole thing will fall down.

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

Text of Motion to Accept application for a banner for a period of ten days.

Motion made by R. Rondeau and seconded by G. Martin

All in favor and none opposed.

Minnich: **Next item on the agenda is the Planning and Zoning Commission Amendment to the Zoning Regulations Article I Section 5.2.0 Wind Turbines.**

Is there a motion to approve the with the correction of to change the question to improve the revisions to the text amendment for

wind mills as presented excepting Section 7.26.13 the words underground and concealed be changed to underground or concealed and under Section 7.26.15 that the words and nearby properties be changed to adjacent properties. Is there a motion? Is there a second? Is there any discussion?

Rondeau: I would ask the maximum of 10 Kilowatts be changed to and if you are concerned about this being commercial venture which I understand the wording could be such that you cannot put a turbine up that would create more electrical current that you would use in a year.

Minnich: Do you want to put this as a motion? Or an amendment? What do you wish to do?

Rondeau: I would like to put that in a form of a motion?

Minnich: Do you have that motion Carol? Is there a second?

Rondeau: You are not necessarily limited to 10 Kilowatt if your house uses 25 Kilowatt you can put up a 25 kilowatt...

Dupliese: I do not agree with your wording because it says more electricity could be used in a year. That would mean that you....

Minnich: There is no second. So the discussion is off that topic. Is there anybody else who has a discussion in this matter?

Dupliese: I had one which was on section 7.26.1 which I thought we had talked about putting in a two acre minimum and then it got taken off. But I do not know why it got taken off. We talked about in the last meeting and it ended. No one added to put in two acres?

Minnich: Is there any other discussion?

Martin: I want to revisit what is being discussed here on the kilowatt production maximum because I do not believe the intent of CL&P is

to keep it at the 10 Kilowatts. I believe that the Kilowatts size should be based on the annual usage divided by...

Mulcahy: You can just take off on 7.2.2 wind turbine is prohibited from exporting more electricity than is consumed at residential buildings on the lot. You can take out may generate electricity to a maximum of 10 kilowatts. You got a safeguard on the second part of the sentence.

Martin: I see no reason why if you don't change anything else you don't change size or height, decibels and you don't change anything except for the fact that you take the 10 kilowatts out and you say whatever is consumed by the by that facility is what can be generated.

Minnich: My comment to that is that where is this coming from in terms of data to support what is being said. The generation of this is a brand new topic tonight in terms of this it is 10 kilowatt and the section has not been changed since we started the whole thing to what it is originally. The amount of this 10 kilowatts good, bad, or indifferent is what came from CL&P and if we were to change that in my judgment we ought to have a valid reason and a careful justification changes. Which there is not data to support it except people's opinions.

Rondeau: That is all we have is people's opinions.

Minnich: No we don't this is 10 Kilowatts is what came from CL&P.

Martin: My recommendation for that is that we table it until we get further information.

Rondeau: I second. The point until our technology improves...

Minnich: There is a motion to table. Which is not in order which I would suggest another motion because the effect of this is to stop the

motion which is already on the floor. Your motion then is to re consider this that is motion which requires two thirds votes from the Commission in order to in effect stops this discussion this evening. So is there a motion to re consider? The motion to table is improper when in fact there is a motion on the floor.

Martin: Then I remove the motion to table and let the motion on the floor carry forward.

Minnich: Any further discussion? Hearing no further discussion the vote is on the main motion which is to has amended section 7.26.13 to change and to or, and also to change 7.26.15 from nearby to adjacent. No further discussion? Carol would you please call the roll for the purpose of recording our votes.

The last issue on the agenda is that we discussed previously about proposing a text amendment for changing the 6% grade to 3% grade we never did, we looked at the actions we never did take formal actions to accept this application for review and establish a public hearing? And so this evening if we wish to do that, that is what is in order. We discussed doing this before we never in our conversation checked the minutes and the tape we never did take that action.

Blais: I would like to table this for further review since everybody seems to be half asleep here.

Russ: No this is just making it easier not more difficult.

Minnich: Is there a second? And that is proper because there has been no other motion upon us. Is there any further discussion? All those in favor tabling this item please say I all those opposed say no. The motion carries seven to zero.

Text of Motion to Approve the revisions to the text amendment to the zoning regulations for wind mills as presented excepting Section 7.26.13 the words underground and concealed be changed to underground or concealed and under Section 7.26.15 that the words and nearby properties be changed to adjacent properties.

Motion made by C. Mancini and seconded by D. Minnich.

Text of Motion to amend motion to read the maximum of 10 kw be changed to not to be able to put a wind turbine up that would create more electrical current than you would use in a year

Motion made by: R. Rondeau and seconded by - no second.

Text of Motion to table the windmill regulations.

Motion made by G. Martin and seconded by R. Rondeau.

The Chairman stated this requires a 2/3 votes of the Commission in effect to stop discussion

G. Martin rescinded his motion to table and R. Rondeau rescind his second.

Vote on main motion to approve the wind mill regulation:

Aye: D. Minnich, R. Russ, C. Mancini, J. Blais

Nay: G. Martin, G. Dupliese, R. Rondeau

On a vote of 4 in favor and 3 opposed, the motion is approved, the text amendment is approved.

Minnich: Is there a motion to adjourn. Is there a second? Any further discussion?

k. Applicant: Planning and Zoning Commission

Re: Text Amendment Subdivision Regulations
5.3.5f Excess Grades: The Commission, after consultation with the Director of Public Works, may approve a subdivision with grades in excess of the above when unusual conditions of topography are encountered, there is no apparent alternate layout for a street and the length of street subject to increased grade is confined to relatively short distances of approximately 600 feet or less. The Commission may approve a subdivision with grades in excess of above where lots are proposed to be subdivided on existing Town roads. At stop controlled intersection legs, the maximum grade shall not exceed **3%** (6%) within 50 feet of the intersection.

Text of Motion: Table for further review
Motion made by R. Russ and seconded by C. Mancini.
Aye: 7 Nay: 0

11. Adjournment

Text of Motion to Adjourn at 11:45 PM
Motion made by G. Dupliese and seconded by G. Martin.
All in favor and none opposed.

Michael Masayda _____
Secretary

