

TOWN OF WATERTOWN

PLANNING AND ZONING COMMISSION Special Meeting September 19, 2007

1. Call Meeting To Order

Meeting called to order at 8:20 p.m.

2. Roll Call

Mr. Minnich asks Mrs. Allen to read the roll

Present: David Minnich, M. Masayda, J. Franson, R. Russ, C. Mancini,
D. Goerge, J. Lukasavage

Absent: J. Wick, R. Rondeau, G. Martin

J. Lukasavage sits in for J. Wick

Mr. Minnich asks Jim to sit in for Judy Wick.

3. Articles on Agenda

- a. **Watertown Library Association T. Stoutenberg, Natale & Stoutenberg Architects for Proposed Additions and Alteration of a Library Building at 470 Main Street, Watertown in a B-OF district.**

George Johaneson, Allied Engineering Associates

Representing the Watertown Library Association

Site Plan approval for modifications to the library. On September 5, the project was reviewed and questions were answered and there were a couple things needing to be ironed out and have been done.

Tree just outside of the building area, an 18" Butternut, it was originally shown as removed as part of the project. Because of the concern, they are proposing a tree well around the tree, a small stone wall with about 15' center line from the trunk to allow minimal damage to the roots and the sidewalk going into the back part of the addition is going to follow the same radius as it goes around the tree well.

The other issue was that Mr. Berger had not had enough time to review the drainage calculations and he asked for area maps. They were provided to him with existing and proposed for each structure on the property and a drainage report showing the amount of water going into each of those and combined going into the DOT system showing a reduced rate of runoff into the DOT system. He believes Mr. Berger was satisfied with it.

Mr. Minnich ask Mr. Berger for a report. Mr. Berger apologizes for not having a written report but he concurs that he has seen the revisions to the plan and it is acceptable.

Mr. Minnich asks if the tree information is shown on the latest plans and Mr. Johansen states that it is.

Mr. Minnich asks for comments from the commission and states his concern about what the Watertown Fire District did which carries forward on this project and asks for some clarity. His concern is that there is a number of very small restaurants, coffee shops, in the library area and can only imagine that there are expenses incurred by them. There is a public building which is competing with them. There is not the intent to do what was granted by the Fire District and he is suggesting that having coffee there is fine but when it goes beyond that, which they were granted for, he has a problem with it. He prefers that the approval they were granted related to food at the library, he thinks it should not continue.

Further, he states that he would want to ask the commission to ask the library association that the approvals for the food no longer be in effect. The coffee would not be part of that, but the restaurant portion. He continues that there are couple coffee shops in the general area and other businesses which compete which are in the public sector.

Mr. Martin asked what fare would be offered at the library. He continues that he does not think it is competing because your local resident will not be stopping at the library for a coffee but on the other hand if they were at the library and wanted a coffee and bagel it would be nice. Mr. Franson and Mr. Mancini agree with Mr. Martin.

Debra Weinberger, President of the Library Association

Ms. Weinberger informs the commission that this would not be a place where they would be preparing and cooking food. It could be coffee, bagels, pastry and reminds them they are open when the other businesses around them are closed and thinks it will enhance the area. She further adds that it was never intended to be a place that cooks.

Mr. Minnich states he does not have a problem with what they are proposing but with what they were approved for. The approval is much greater than what they are talking about. She adds that a cooking facility would not go in there well. Mr. Martin suggests that they approve it but identify the level of operation of it and Mr. Minnich states that they can start with the coffee, etc and if they wanted to add more, come and ask. She

adds that in the plan there is not a full size kitchen because they do not want to have that type of cooking and running a restaurant is not their goal. Mr. Minnich tells her he will add it as a condition of approval.

Mr. Martin asks about the drainage plan and the recharge system just west of the retaining wall and if it has any effect on the stability of the retaining wall and goes further stating that it is not an ideal condition to be recharging water behind a retaining wall.

One other question he had mentioned was the grass area and asked if was going to be mowed, the reply was they don't think it will be and there will be ground cover. He shows the existing erosion and made a swale area to slow the water down to prevent future erosion.

Mr. Martin states that he is assuming that the process of food and asks about a dumpster.

Ted Stoutenberg, Stoutenberg Architects

Mr. Stoutenberg states that there is no need for a dumpster because there is trash pickup inside the building. This takes place three times a week.

There is discussion of the changes that will be made to the motion and Mr. Minnich asks on the record if they would agree to rescind the approval granted by the Watertown Fire District Zoning Board for concession and in its place, can always come back and are permitted to have beverages and Ms. Weinberger asks if he would change it to food prepared off site. Suggested languages would be coffee, tea, cold drinks and Mr. Minnich interjected that he wants it to be worded so that it doesn't interfere with other areas business. Further discussion about the proper language takes place.

Everyone agreed the language should be the food concessions granted by the Watertown Fire District Zoning and the library association could serve beverages, baked goods and soups and the understanding is that if they wish to change at some time, they can bring it back to the Commission.

Mr. Minnich adds that the application fees for this application should be waived. He states that it was done for the library in Oakville.

WHEREAS the Town of Watertown Planning and Zoning Commission received a Site Plan application for additions and alterations for the Watertown Library located at 470 Main Street, Watertown in a B-OF office Business District in the Fire District on September 5, 2007 which included an existing conditions/Demolition Plan C-1 dated 8/20/07 with a revision date of 9/10/07 proposed site Plan C-2 dated 8/20/07 with a revision date of 9/10/07, Proposed Lighting and Landscaping Plan C-3 dated 7/20/07 with a revision date of 9/10/07, Proposed Construction Detail Plan C-4 Dated 8/20/07 Proposed Erosion and Sedimentation Control Plan ES-1 dated 8/20/07, Proposed Erosion

Sedimentation and Control Plan ES-2 dated 8/20/07 prepared by AEA Allied Engineering Associates LLC, 122 Franklin Street, Torrington, CT 06790, Additions and Alterations to the Watertown Library A-1 through A-4 dated 5/23/07 prepared by Natale & Stoutenberg Architects, 529 Main Street, New Hartford, CT;

WHEREAS the Commission heard presentations on September 5, 2007 and September 19, 2007;

WHEREAS the professional advisors to the Commission have reviewed said application and related materials and provided verbal reports to the Commission on this application;

NOW THEREFORE after consideration of its regulations and reports based upon Article IX Section 83 of the town of Watertown Zoning Regulations, this Site Plan application is approved with the following conditions:

1. All exterior lights shall be full cutoff fixtures
2. All exterior lights will be turned off by 10:00 p.m.
3. There shall be no exterior dumpster location.
4. The final filing Mylar and plans shall be approved by the Town Engineer and Administrator of Land Use and shall be subject to review and approval by the Commission at the discretion of the Chairman or commission. prior to the Mylar and plans being signed and submitted to the Watertown Town Clerk.
5. Food concession granted by the Watertown Fire District Zoning Board is hereby rescinded and beverages, baked goods and soups are permitted.
6. Application Fees for this application are waived.

MOTION: Made by Mr. Russ
Seconded By Mr. Mancini

Further, the word from in condition #2 will be changed to by.

MOTION: To overrule ruling of Chair that the vote continues without participation from any one other than commission members.

D. Minnich	No
M. Masayda	Yes
J. Franson	Yes
R. Russ	Yes
G. Martin	Yes
C. Mancini	No
J. Lukasavage	No

Motion to override passes 4-3

Ms. Weinberger

States that the safety lights need to be kept on all night for reasons of vandalism and they are currently on at night now and they need to be able to stay on.

Mr. Franson asks if the lights that were now will be the ones on all the time? Ms. Weinberger responds that they are. Ms. Mulcahy asks her if the neighbor to this property is the person who has complained about the lights and Ms. Weinberger told her that the property owner was well aware of the situation when they bought the property. They would be willing to change them to downward lighting.

Mr. Masayda states that he feels they should conform like all the others in town and will have to come up with another form of security.

Mr. Minnich states that he's been hearing about the lighting problem for a while, and thought that the library would have addressed it by now. Mrs. Mulcahy states she has been called in for enforcement for other lights which have to be off by 10 p.m. and it would be difficult for her.

Everyone is in agreement that library has to follow the same requirements as other building in town with regards to the lighting.

If the Library Association has some issues with regards as to how to address the lighting, the board will work with them.

Mr. Minnich asks Ms. Allen to read the roll for the vote:

D. Minnich	Yes
M. Masayda	Yes
J. Franson	Yes
R. Russ	Yes
G. Martin	Yes
C. Mancini	Yes
J. Lukasavage	Yes

On a vote of 7-0, Motion is approved. Application is approved.

Mr. Minnich commends the architects for the thoroughness of their work and their willingness to work with staff.

**b. Town of Watertown, Roy Cavanaugh, Director of Public Works
Site Plan Modification to add a gazebo in Echo Lake Park in an R-30
Zone.**

By unanimous consent, lights are not necessary in the gazebo.

Chuck Berger, Town Engineer presents the site plan for Roy Cavanaugh, Director of Public Works. Chuck shows the site plan and reviews it with the Commission. Mr. Berger shows the area where it would be located.

He further informs the Commission that the gazebo has been donated by the Lions Club and the Parks and Recreation Department is very excited and looking forward to putting it up. He asks if there are any questions.

By unanimous consent, a public hearing is not required for this application.

Mr. Minnich asks if there will be electric to the building. Mr. Berger informs him there will be a “courtesy” outlet for functions that may take place there as well as provisions for down lit lights in the gazebo area that will be on motion sensors.

Mr. Martin asks if there are provisions to turn the outlet off so that kids cannot go there and use the plug to play music and disturb the neighbors. Mr. Berger was not sure of the answer to that and claims that it would be a good idea to incorporate it into the wiring.

There was a brief discussion about having the plug in the gazebo and the consensus was not to have it available at the gazebo itself but controlled by a switch in the concession building.

MOTION: To approve the site plan modification per site plan Echo Lake Park pavilion location on site plan dated September 19, 2007 with the addition of the gazebo and the lights at the gazebo only be on during events and not later than 10:00PM and the lights be controlled by a power switch in the concession building.

Motion made by: D. Minnich

Seconded By: G. Martin

Motion passes unanimously

c. Text Amendment to Article I, Section 5.2, Definition and Article I, Section 7.25 Wind Turbines, Applicant Planning and Zoning Commission

The commission is at the point where there are looking for an example of 45dB sounds like and the board discusses how to disguise the look of the turbine and brings up the example of a cell tower fashioned to look like a pine tree. There were a few changes that were being considered. One would be to change the amount from 55 dB to 45 dB and on #8 to change the word “dwelling” to “property line” and end it at that word. This would leave enough distance so it wouldn’t impact the neighbor and on #14 that the electrical connection between the wind turbine and the dwelling shall be underground.

Mr. Minnich states that even though the above was discussed, he was really looking for what information is needed in order to make a decision. The dB and the shadowing are issues which need further investigation.

Ruth Mulcahy states that Torrington Area Health District is in charge of the sound levels and they do the measuring and she will ask them if they will do a measuring to demonstrate. Commission members state there should be published information that would show 45dB of the windmill with relation to the wind.

Mr. Lukasavage speaks of a safety issue at work about protecting your ears with a chart that shows what 10dB and up would be in increments of 10dB. The Commission asks him to bring in a copy.

Ms. Mulcahy informs the Commission that at this time there is another resident who has received a variance from the ZBA for a windmill and he is applying for a zoning permit right now and she states we may be able to see exactly what the sound will be. The commission further discusses the need for regulations with regards to the windmills and height and noise.

Mr. Minnich continues that some things need to be prohibited. The Commission has granted 65 feet high. An important position is that the Commission is defining that lack of wind is not a hardship because that is the reason that ZBA gave in granting Kirks wind turbine. If that is eliminated as a hardship, ZBA will have a harder time justifying how will get a number greater than 65 feet. Another consideration will be a roof mounted structure. Will the height be of the house be figured in? According to the way it is written now, it would cover a roof mounted or ground mounted.

Discussion of COG’s efforts to promote alternative renewable energy sources took place and permitting wind turbines on residential land would be consistent with COG’s efforts although COG states it is not a good alternative for Connecticut although there are pockets of good areas. Commercial zones may be a better place to have wind turbines

and it would be a good time to figure out where these “pockets” are and they are not necessarily in the higher elevations.

COG represents several towns including Watertown and surrounding towns. It is also part of the state plan of conservation and development and the important step is how it is handled.

The issues to be researched and investigated are dB levels, the areas in town that are “pockets” of wind, and what the setbacks should be which should be in relation to the height of the windmill and the possibility of opening it up to industrial zones.

MOTION: To table item 3c
Made by: M. Masayda
Seconded by R. Russ

Motion passes unanimously.

4. Old Business

a. Status of Temporary Assistant Zoning Enforcement Officer, David Elder

Ruth Mulcahy states that David has been with us and has been out on 40 sites and they were able to approve 25 of these and spent a total of 62.5 hours working. His work has helped to catch up the zoning permits. A lot of the sheds, decks and pools have been processed.

Mr. Minnich asks for the Commission’s thoughts on continuing to use David’s services. It has been understood that this was going to be for catch up work and now that this has been done, the Commission needs to decide if they want to continue his services and if so, the Town Manager will need to change the statements that have been made to Moosa and the Union with regards with David’s continued purpose.

By unanimous consent, have ZEO call David Elder and thank him for his services performed and the office will contact him should we need future services.

5. New Business

- a. 8-24 Approval 0 Artillery Road, Watertown CT
Map 119, Block 17B, Lot 1**
- b. 8-24 Approval 0 Flintlock Road, Watertown, CT
Map 119, Block 17B, Lot 13**

This is a residential approved lot from subdivisions that were taken by tax foreclosure by the town and after the lots were researched, these looked like they can be put back on the market. Both lots were taken in 1999.

MOTION: To give items 5a and 5b 8-24 Approval

Motion Made by: Mr. Mancini

Seconded by: Mr. Martin

Motion passes unanimously.

**c. Tamarack Energy, Inc. – Community Consultation Document
60 day comment period**

Ruth Mulcahy hands out a memo. There is a petition to the Citing Council and it's not an application. The Citing Council has no obligation to hold a public hearing in the community. The inland wetlands Commission received the application on August 9, 2007 and voted it on August 13 as a significant activity and a public hearing has been set for October 11. This would be a public hearing that anyone can participate. They are doing this because they want to show that there is no significant impact to the environment and ecology to the State. By getting through the I/W process and getting a permit, this is a notch in showing the citing council that they have met this for the town.

Some choices given in this process are; filing as a party to the petition and could be included in the citing council's decision and have equal status as the petitioner before the council, you can file as an intervener and testify concerning environmental impacts to the community, you can send an endorsement letter in support of the project to the citing council or a letter outlining environmental or ecological concerns of the community or concerns of Planning and Zoning regulations or you could just listen and let the conservation commission and I/W and the Citing Council review the application.

The Citing Council has not received the petition yet and the Council doesn't expect to receive it until after the 60 day community comment period has passed.

The Council has 60 days to state its finding.

Mr. Mancini asks about comparing their production of burning to fossil fuel combustion powered sources and why are they comparing it to fossil fuel which is not even there or being proposed there. It should be compared to what they are proposing what is existing which is nothing and what is the degree of impact.

Mr. Minnich states he agrees and thinks Tamarack should be invited to Planning and Zoning and they can be advised of the Commissions questions and prepare them to answer the questions. He questions if the Citing Council is going to wait to get the

impact information before they decide if it is okay environmentally. He states he doesn't understand the impact to this community with regards to the roads. How many trucks and how large they will be. Mr. Masayda interjects that it is in the report and it is substantial and none of the plants they already have are in as heavily a populated area as Watertown. They usually place these in woods, unpopulated areas and nobody is seeing them. He states he has major concerns and every question that could be asked, should be asked. They state there will be 40-50 trucks a day, tractor trailer size and 730,000 tons. Mr. Minnich states he thinks the Commission should take a position with the Citing Council, one way or the other.

Ruth Mulcahy adds that she has heard that the best alternative is to become a party because once you file to become a party to, you are on equal footing as the applicant in terms of speaking with the Citing Council and asks if she should look further into it. It is agreed that she should. She further states that if they are to become a party, they should get their own expert to look at the traffic impact. The board asks Ruth to look into if they should be a party or an intervener which entitles them to ask Tamarack to produce data they are looking for and being party does not allow for that.

Mr. Franson comments that there is a traffic study being done by the Citing Council. Ruth Mulcahy states that Tamarack is doing its own study and submitting it to the Citing Council as part of their petition.

Tamarack will be holding a community workshop.

It is decided to find out which role will be taken; either a party of intervener and this will be decided on October 3. Ruth will contact some traffic consultants to see if they would be willing to work with the Commission and get a price to present to the Town Council.

The Commission request Shawn Williams contacted to ask about the tax exempt status.

9. Chairman's Report

Nothing to Report

10. Adjournment

MOTION: To Adjourn the Special Meeting at 10:00 p.m.
Made By: Mr. Franson
Seconded by: Mr. Martin

Motion passes unanimously.

Michael Masayda, Secretary
Planning and Zoning Commission