

Town of Watertown
Planning and zoning commission
Special Meeting
Public Meeting
Watertown High School
April 9, 2008

Minnich: I will call the Planning and Zoning Meeting to order at 9:27PM. Carol please call the roll.

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

Minnich: Dwayne would you please sit in for Mike.

George: Yes.

Minnich: Thank you. The item on the agenda is item 3a board of education for a special permit #239 for Watertown High School addition. Is there a motion to table? Is there a second? Is there any further discussions? All those in favor please say I. All those apposed no. Motion carried.

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

Minnich: Next item on the agenda is 3b the special permit #240 for Polk School is there a motion to table. Is there a second? Any further discussions? All those in favor please say I. All those opposed say no. Motion carried.

Text of Motion: Table
Motion made by: j. Blaise
Seconded by: D. George

Minnich: Next item on the agenda #3c special permit #241 for additions and renovations to Judson School. Is there a motion to table? Is there a second? Is there any further discussion? All those in favor please say I. All those opposed no. Motion carries.

Text of motion: Table
Motion made by: D. George
Seconded by: D. Dupliese

Aye: 7 Nay: 0

Minnich: To review regulations for the 400 foot intersection distance, intersection grade, and site line distance.

Roy would you mind starting us off here. You wrote a memo on this topic and I thank you very much for work that was put in. I hope Chuck shared with the comments had at the last meeting when this was discussed that this was not done in an hour you obviously put some work in and thank you very much. Perhaps you can share your thoughts.

Cavanaugh: We have done a lot more research actually since that memo was first written. And I wish I could tell there is some agreement in the engineering world. What the intersection site distance should be. There is none. The numbers we got are all over the place. DOT's guideline is 400 ft and that where the subdivision regulations came from. Informally I talked to the guru up at the DOT he said well the book says 400 feet but we try to get at least 300 feet so already we are slipping by 25%. Take a look at the institute of transportation engineers and the traffic institute and our neighboring zoning regulations and again they are all over the place. So what I came down with and after giving a lot of thought given the site consensus I am extremely uncomfortable with recommending approval of the intersection. Close to the top of the hill that doesn't meet the intersection site distance I think we are setting ourselves up for trouble there. If I had a preference I would be sliding it down the hill going down the hill I understand we don't need the 400 feet that's in the regulations and I can't tell you what that distance should be there is no agreement it seems like it is a very subjective thing. And trying to find a rational basis for the site where it should is on a case by case basis. I wish I could be of more assistance but that kind of where we are at.

Minnich: Does anybody have questions? There is three parts to this, the four hundred foot issue does any one questions?

Blaise: How about Chuck.

Minnich: Chuck do you need to make comments on that?

Berger: I concur with what Mr. Cavanaugh said.

Mancini: I have a letter dated March 14th you talked about ISD and on that intersection there saying respectfully for a design of 45 miles an hour calculating between these numbers gives a value of 478 feet. Are you still sticking with that number?

Cavanaugh: I talked to the DOT and their telling me that the intersection site is distance would be valid to the right up the hill. It would not necessarily valid to the left going down the hill because people coming out of the road both Riverside Street and the proposed street are going to be starting from zero. So their not going to be traveling at 45 miles per hour the whole way. Not really apples to apples. Again it's subjective. But if you are looking to the left coming up the hill a car that is traveling just on French Street then do have the site distance. It is a little bit different than the intersection distance so it's not a strict comparison. Seems like everybody is grappling with that issue. I wish I could give you a firm answer.

Blaise: What are they saying? You say other public works directors in the area what are they saying?

Cavanaugh: Everybody kind of defaults back to DOT because they got their standards they have it written 400 hundred feet in the book. But the DOT seems like they told me they shoot for at least 300 feet but the guy said push come to shove if they are backed up against the wall they approve it back to back.

Blaise: They what?

Cavanaugh: They intersections back to back literally turning one out and turning one in the other which absolutely makes no sense.

Blaise: Instead of saying no.

Cavanaugh: Instead of saying no because it's their DOT's policy and he's repeated four or five times is if they say no then they have to pay the applicant for the land. I guess there is a court case behind that. So you have got a written guideline which don't follow and practice which they are looking for 300 but it's kind of a sliding scale and there's no consistency.

Blaise: So DOT would have to pay Mr. Masi's family if they say no to the proposal?

Cavanaugh: Under the DOT's policy if they say no to him they would have to reimburse him for his property because they are denying him development. That's the DOT. I just sat there and looked at the phone and I said whatever you have guidelines and standards but you don't really.

Blaise: How many feet here are we talking about here between the 400 feet and what's available to him?

Cavanaugh: We measure it out given the Chuck and I correct me if I am wrong we are looking at about 320 feet from center line to center line of the preferred location.

Blaise: Did I hear you say that you would be more comfortable with it going down the hill a little more.

Cavanaugh: Right and that's the preferred location which is further down the hill that gives us the site line we need to the right to protect the public. Because I am worried about people coming up over that hill and they are traveling real fast and going down there.

Blaise: How many feet approximately down the hill?

Berger: I believe it is about 75 feet down hill because the last proposal of French Hill Estates pushed the intersection I believe exactly four hundred feet up the hill from Riverside in doing that you impact intersection site distance looking to the right. So it would be moved back down 75 feet and get it down to the 325 that is what the preferred or the original location.

Blaise: Do you two have a consensus as to because of the conditions?

Cavanaugh: Let me make more sense of this and then I can answer your question. The guy from the DOT told me that it is their policy also in case like this the applicant wanted to put 300 feet requires the installation of a left hand turn lane which we require extensive modifications to French Street and DOT's conflict position with Planning and Zoning were are somewhat constrained from the possibility of requiring off site improvements. So again we are caught in catch 22. So I think it's safe to say to answer your question my preferred position would be as far down the hill as we safely get which would be the location shown on the plan 320 feet between center line to center line of the intersections.

Blaise: 325 feet.

Cavanaugh: 320 feet and one of the reasons I like that is because that's meets the DOT's unofficial guideline of 300 feet.

Blaise: Are you comfortable with that?

Berger: yes

Blaise: I can't believe we are almost having a consensus here. What do you think?

Mancini: What do I think? I'm the one that brought up out the regulation for 400 feet and believe it or not I was willing to listen to reducing it. I said I would and I did. But when they had this accident up on Bell Meadow and there's people going around that because I have been sticking my nose into Bell Meadow people are saying I am against the developer of Bell

Meadow. That's not true, I just want to see that there are accidents on Bell Meadow there is a new area I wanted to see what site lines were if they were met and all that and I was going to error I would error on safety and site I am going to stick with the numbers that are in our regulations. The French Hill Estates isn't the same thing as far intersection requirement with does not deal with Bell Meadow that's not an intersection that's just a site line. But I think we have regulations for a reason and because of the accident that occurred up there I'm saying I'm not going to error on reducing our regulations I am sticking with our regulations that's my vote.

Blaise: I went to the police department today that accident you are referring to its not resolved yet. I don't know when they built that road but that accident was the second accident at that intersection.

Mancini: I saw both of them.

Blaise: There were no more than two.

Mancini: People have said there was three or four.

Blaise: The police department said there were two. This Saturday and one August 17th, 2005. So you got two accidents. This is oranges and this is apples.

Mancini: Jim the reason why I went looking is because I have family members that live in Bell Meadow I was there when the first one happened. I happened to come upon the second one. What are the site lines here and I went to Chuck and Roy's office what are the site lines over there? Do they meet site lines and did the developer do even more than he had to do. He did more to make safer than what it is. People have been saying and it got back to the developer then and I said he did more than he had to do. Here have another potential developer trying to do less than what are regulations are saying and worried about that and that's my concern.

Blaise: It's hard to blame Mr. Masi's issue with a completely different geographical location and circumstances. We shouldn't have used that as a comparison. We should use what these gentlemen are saying.

Mancini: Jim I was trying to say I wanted to see if the regulations were met up in the Bell Meadow and they were and I said if I am going to error on any type of regulations I rather say they met their regulations plus. Here we are talking about taking regulations a different regulation and Bell Meadow has nothing to do its completely different but it's a different regulation. But if I was going to error I would rather say 400 feet is should be 400 feet plus not 400 feet minus because of safety.

- Blaise: I can understand that. We still don't know what caused that accident on Bell Meadow.
- Mancini: It is still under investigation.
- Blaise: The police still don't know why. So we don't know why. I think we should put more weight on these two gentlemen. To know the regulations better than we do.
- Cavanaugh: For the record before this meeting I left the police commission meeting and they were discussing that accident. The final report has not been released but preliminary findings is that the lady who swerved into the other lane was traveling in excess of 60 mph. So the preliminary indication is that it was not a site line issue. It was a speeding issue and for those members of the commission not familiar with traffic engineering we base everything on the 85th percentile in other words 85 percent or less are traveling at a particular speed. What that means is the one out of seven cars is traveling faster than the designed speed. In this case it was quite a bit faster you got a 25 mph posted speed limit you got a 42 mph 85th percentile and you got a lady traveling in excess of 60 mph. I mean that's the reality of people we are dealing with people are driving too fast. And even the best designed meaning the minimum one out seven is going to be exceeding that. And again I wish we could live in a perfect world that what we are living with.
- Dupliese: If we to move the intersection down towards Riverside and I travel that intersection because that the way I go to bring my son to high school and my wife are there everyday if it's not her it's me so we are there often. I do have a problem with that intersection but if you put the intersection closer to Riverside and you made another lane along side his property to make this a climbing lane so if they come out to make a right turn they go into a climbing lane for 500 or 600 feet.
- George: That's all site improvements.
- Dupliese: It's on his property.
- George: It not on his property it's on the right of way. So that's an old site improvement.
- Minnich: I will give you my thoughts on this particular issue. I think there are a number of times that things that we write in the regulations don't fit in all situations and I think that we need to have some flexibility to make a decision. At that time may best fit that circumstance and so I believe that in our subdivision regulations that we should considering amending them and to add a new section which there are regulations section 5., 3.7, a, b, c,

& d one of which involves this 400 foot issue my suggestion is adding an e that will say that the commission may waive any provision of section 5., 3.7 with a three quarter six member vote closed vote of approval to waive. That gives us the flexibility to consider waiving those in our subdivision regulations. And so that's where I am at. I do believe that there is a purpose and good purpose for having distance being 400 feet or some other distance that when developing these properties and putting subdivisions in to what these subdivision regulations are. Without a regulation they can put a road fifty feet from another road and all of a sudden you got lots of additionally or too close a curb cuts that we all know there is an acceptable distance when you pull out of a road and you got just fifty feet away and another car pulling out that is rather dangerous. So it does provide a standard does provide a means to do the development and then to come back to the commission for waiving it. Whether 400 feet is the right number or not. I don't know that has been our regulations for a long time. My predecessors have gotten the wisdom and the logic as to why they choose 400 feet I assume as Roy has suggested it may be that what the state at the time was suggesting what it came from. But we do need to provide ourselves some means to look at the situation and it's not just this application this is a change in the regulations that is before and to allow that to viewed for whatever reasons we came up with. It may be safety or a conflict with intersections I'm not trying to be specific in terms of what it is but just that we give ourselves the authority to waive for whatever reasons we feel for any provision for section 5.3.7 of our subdivision regulations that where I am coming from. Does anyone any comments questions on that one issue? That is the way we go by silence here I would suggest that perhaps there has been a request move that particular process along. Our process would be here is to we need to establish a public hearing and we need to then have a decision on this. Our next meeting which is next week has that item on agenda for us to take action then of considering whether we wish to have a public hearing and to establish that language I suggested or some other language we wouldn't be approving it we would just be putting it to public hearing and consideration.

Blaise: I do have any opinion on what Mr. Masi said to us interpreting the old regulations which are exactly like newer ones with him interpreting it as though we don't need to waive it. I am just asking you for opinion.

Minnich: My opinion is that regulations are absolutely clear that is says 400 feet. The state law provides us with the issues when it comes to roads internal to a subdivision and accessing roads to have to make those kinds of decisions. And the regulations to which we have in the end needs to be workable and all the circumstances and when we come across ones such we are coming across now no doubt there will be others that we need to have the flexibility to make a decision at that time but we realize that three

quarters and six member vote is not one that we are establishing that's what's established under state law for making any revisions to subdivision regulations. Mr. Masi and others are entitled to their opinion I do know from my review the authority that the commission has for waiving subdivision regulations needs to be specific to a particular law section. There is some logic and history as I understand behind that and that the process by which one establishes change is to a subdivision regulation is one of voting a hearing allowing those that wish to comment and the go forward with making that change if they so desire. By taking a three quarters vote every single time on any issue that you want circumvents that whole public hearing process. That's why it has been specific to a particular project to which one section of the subdivision regulations that is required to be one that you specifically allowed by your own regulations to waive in this language which allows us to do that. So is that how we wish to proceed I am not doing this alone here.

Blaise: Sounds good to me.

Minnich: Is there any consensus to put this on the agenda for next week for us to consider voting a public hearing for the purpose of revising the language.

Mancini: Let me say this even though I am against changing the 400 feet okay I agree that Mr. Masi should have the right to have the public hearing at least.

Masi: I keep hearing Mr. Masi it is generic right now. We know where you are coming from.

Mancini: You know where I am coming from I'm glad you do. I don't think we need to have another meeting then. The regulations are what they are. I wanted to give him the benefit of the doubt.

Minnich: I see there is some difference here. Let me suggest a motion. And see who wants to make and move forward. I would suggest that a motion be that this commission places on the agenda for April 16th an agenda item for considering changing the language section 5.3.7 of our subdivision languages. Is there a second. Is there any further discussion?

Dupliese: This motion is to put it on the agenda for next week so that we can a public hearing so that we can discuss this and vote on it.

Minnich: Yes. And next week actually would be to decide whether we are going to have a public hearing and the language we are going to bring to the public hearing this does not establish the language.

Mulcahy: Because you would have to go through referral to the region and all that.

Minnich: I understand. Thank you. Any further discussions? Hearing none.

Minnich: Carol would you please call the roll for purpose of recording our votes.

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

Minnich: There are two other items related to this which are the intersections regulations and the grade I spent a little of my own time reviewing this I am not seeing any urgency to change the regulations; those are both in the zoning regulations. I know Mike Masayda differs with me and he thinks the grading at the intersection should be changed I think we have a 3% and they want 6%.

Blaise: Does he want us to move to Arizona.

George: But the state design is for different speeds and we have been our local roads are down roads and I don't see the necessity of putting that burden on subdivision roads.

Blaise: 3% is not much.

George: It really put a burden on the subdivision road were are in Watertown and it's hilly.

Minnich: In fairness we should perhaps need to put this back on the agenda next week to have Mike help us understand his position on it. In fairness to Mike he wanted this to be on the agenda this particular meeting is not a regular special meeting it's a unique meeting for the schools. So in fairness to another who wanted us to consider this perhaps we should make sure he is present to table it. Is there any disagreement that I put this on the agenda for next week? Thank you. Second. Any further discussion? All those in favor please say I. All those opposed say no. Motion carries.

Minnich: And the last one is the intersections I'll put that on again I am assuming that the same issue I just tell you I spent a little bit of time I'm not convinced we need to make any changes to that but Roy and Chuck you want to comment on that. This is the ones that have to do with the site lines.

Berger: Are we talking about the intersection site distance. Do you think we should change those? I believe that the intersection site distances contained in the Ct highway manuals are reasonable, there are defensible

and they provide a minimum they don't have the force of law. They are the engineering standard the current technology if you will. I feel if they are a little more conservative than we have right now especially given the speed complaints we have all over town that we are on the side of caution in this particular instance for any intersection site distance is based upon the speed to travel and the type of unit that doing the traveling and I feel the Ct highway design manual is the industry standard in the state right now and if we are going to change it we should bring in line with the highway design manual and which is again like Masayda is thinking with the six vs. three percent too. It's all part of the same issue.

Blaise: Could you do that by reducing the speed limit as opposed to the actual speed limit.

Cavanaugh: These are based on the 85 percentile which is more realistic as we know than post speed limit including the illegal people.

Munich: Would you be able to provide specific language for the change for the subdivision regulation to what you are suggesting? I know outline what in words what.

Cavanaugh: As far as site distance the language would be simple. Telling the town of Watertown subdivision regulation intersection site distance shall be in accordance with the Ct design manual latest revision there off. And that way you don't ever have to address the issue again because they change it our regulations automatically default to it.

Blaise: We don't have any control over it either.

Cavanaugh: The only control over it that we would have to change the regulations at a later date yes. But I just suggesting then if you are going to follow their logic that we are going to be in accordance with them in this instance. If you keep on with it or if don't want to have the blanket recommendation then you just site the 2003 addition of the Ct highway design manual. And that a discrete set of numbers. And you would have to make a decision late if you want to have another set of numbers.

Blaise: when I look around here by the state road they tend to be improved than our town does like Buckingham Street 262 things like that the state road.

Cavanaugh: If you take a look at other state roads in the town none of them have a speed limit of 25 mph it all designed for a higher speed.

Blaise: so those regulations are for more improved roads.

Cavanaugh: No those regulations are for all roads. Because the intersection site distance is based upon the actual speed being traveled. So the particular road is contiguous. The 85 percentile the rationale behind it is that it's the speed at which a reasonable person feels comfortable at traveling at a reasonable rate of speed. If a reasonable person feels comfortable driving at 25 mph then 85 percentile is based on 25 if it's 42 mph then ISDS is linked in quarterly because that the actual field conditions. I think that is the essence we are looking to do is to bring the regulations and ISDS in accordance with actual field conditions because we know that 25 mph does not work. It's being violated all over town. One of the most frequent complaints the Police Commission, Planning and Zoning everybody has cars driving too fast.

Blaise: Except in Southbury where they have Heritage Village.

Minnich: How voluminous is the section 2003 regulations that you are speaking of? My thought was that if there not why not just copy what they have done if that's what we are going to want to change it to and put them as an appendices.

Cavanaugh: We already do that the beauty of that is that if they are not part of the regulations and change them at any time without going through the whole public hearing process because it's a guideline and an attachment as I understand that's the difference.

Minnich: That correct. And that's what I am continuing to suggest. Is it very voluminous?

Cavanaugh: That section no it's a few pages.

Minnich: Could we get a copy of that for our next meeting agenda everyone get that in their packet to see what those are. If you are suggesting we revise those and what we have and consider that. I was not appreciating but I am now after your discussion the necessity to do that I wasn't understanding the need to do but I do understanding better know so I thank you.

Cavanaugh: Okay it's convoluted and demented as my thought process is that was my thinking. Thank you.

Minnich: Is there anything else on this topic?

Text of Motion: Table and place on April 19, 2008 special meeting to consider setting a public hearing.

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

On vote of 5 in favor and 1 against, the motion is approved.

G. Martin left meeting before the vote was taken.

Minnich: Next item on the agenda is the Guernsey town Farm Estate I – release of one year maintenance bond.

Berger: I request that item be tabled I have completed an inspection but I have not developed a recommendation yet. Is there a motion to table? Any further discussion? All those in favor please say I. Any further discussion? All those say no. Motion carries.

Text of Motion: Table
Motion made by: J. Blaise
Seconded by: c. Mancini

Minnich: Next item on the agenda is the Lakeview Estates – bond reduction.

Berger: I request that be tabled as well. I have not completed the inspection there yet.

Minnich: Is there a motion to table. Is there a second? Any further discussion? All those in favor say I. All those opposed say no. Motion carried unanimously.

Text of Motion: Table
Motion made by: G. Dupliese
Seconded by: C. Mancini
Aye: 6 Nay: 0

Minnich: Next item on the agenda is the P & A Heights bond release – extruded concrete curbing.

Berger: You had a memo in your last packet I don't know if it came out with the previous one but we withheld the tree bond as well 1,800 dollars because of the extruded concrete curbing. The reasoning behind it was to let it go through another winter and see how it fared with plowing operations and weather conditions etc. it held up very well and both Mr. Cavanaugh and I have inspected it and believe that it has performed satisfactorily and I am therefore recommending that 1,800 previously withheld be for extruded concrete curbing be released.

Minnich: And that the 96 trees are still going to stay.

Is there a motion to release 18,000 dollars for the P & A Heights bond?
Any other further discussion? Is there any further discussion? All those in favor please say I. All those opposed say no. Motion carries.

Text of Motion: Approve
Motion made by: J. Blaise
Seconded by: D. George
Aye: 6 Nay: 0

Minnich: Next item on the agenda is Cider Hill subdivision request.

Mulcahy: 90 day extension.

Minnich: There is a motion to approve the 90 day extension for Cider Hill subdivision. Is there any further discussion? All those in favor of approving a 90 day extension to record the mylars for the Cider Hill subdivision please say I. All those opposed please say no. Motion carries unanimously.

Mulcahy: Staff report.

Mnnich: You have waited weeks for this.

Mulcahy: Well first I wanted to give the staff report I have a brief thing that I wanted to do just go over my logic on this thing. James Hoskins Nursery at 114 Porter Street is located in the fire district R10F and he came in with a proposed shed for his nursery on his property. It's 8 by 12 and in the fire district section 83.22 R10 list nurseries as a permitted use. But unlike the Watertown zones nurseries as a permitted use are defined as of right. So when it is as of right we just do a normal zoning permit. And logically I thought that maybe the fire district regulations when they list as permitted as of right that I would go ahead and issue it as a simple zoning permit if he met the regulations if the commission agreed with the logic of that decision. In that the nurseries in the town of Watertown residential sections are listed as of right. And when you have an as of right use you can simply permit for it. But I did not want to go ahead and do this without discussing it with the commission and telling them what my interpretation would be for the nursery operation and so I just wanted to get some input on that.

Minnich: My thoughts that certainly in the end don't have any problems with Mr. Hoskins doing the shed but I also feel very strongly the letter of what written is what we need to do. Once we start making these exceptions I know what the fire district regulations say and perhaps they don't say the right thing that is in the town but that is what we accepted my thought go through the process and if we should at some point take a look amending

the regulations we so do but this is no different than quite frankly the issue that was before us and has been us. It is what it is we need to.

Mulcahy: Well that's the thing. It's just listed as a single family house and then you would get into having site plan approval for single family houses. They have very few permitted uses listed. And that's why I am using logic because in the town zones when as of right like a single family dwelling nurseries again as listed as of right in that zone. And the fire district they have listed different zones permitted uses but this something you need to decide because at the other end of the spectrum you do fall under the site plan regulations and under article five in the regulations it states industry commercial multi family developments require site plans to be reviewed. So if you view the nursery as commercial then it would need a site plan.

Minnich: I view it as that. It is certainly commercial.

Mulcahy: So I will have Mr. Hoskins come in for site plan approval.

Blaise: What does he want to use the shed for?

Mulcahy: It's in 8 by 12 shed to be used for storage for some of the stuff at the nursery I don't know. It's a small shed actually he was going to replace an old one that is falling down but he would like an additional one. It's a very small shed falls under 96 square feet.

Blaise: But it's commercial so he needs.

Mulcahy: You can consider it commercial if that's.

Minnich: For purposes of unanimous consent is there any disagreement that Mr. Hoskins present if he so desires a site plan for a modification to his property as he requested. Hearing no objection that is approved.

Mulcahy: I got my answer thank you very much for that because that clarifies it for all of the nurseries in town when they come in.

And I will make this very quick Echo Lake Brownfield I think everyone got the handout of the violation from the department of the environmental protection I have also had several conversations with Echo Lake Brownfield about compiling with the zoning regulations and I think Glen has also been out there they started doing site work they haven't gotten their final maps in they haven't had a pre construction meeting and there is several violations there might be a violation issue under the wetlands regulations as well. This is as you know did everyone get a copy of the notice of violation from the DEP.

Dupliese: In the last packet.

Mulcahy: In the last packet okay it is maintained a solid waste disposal area where more than ten cubic yards solid including but limited to tires, batteries, other vehicles they are talking about the fact that is was not illegal solid waste disposal area and now of course it is going be the repository for the Phoenix Soil and its going to continue as basically as a land fill. They have not been cooperating with me I did tell their engineer Ted Crawford who's trying to get cooperation from the owner they have to comply with our regulations or I will have to issue a cease and desist order and I wanted the commission aware of that. They have continually gone ahead with work without getting their permit their final mylars and pre construction meeting.

Blaise: Where is there location?

Mulcahy: They are on Echo Lake Road I saw Glen going in there I thought they are going in there and doing more work but it was Glen he saw the sight and you and Gary went into the site and saw it.

Dupliese: It's directly across from the Cura junkyard. They started earth work they cut trees and acre and half down they moved on site probably a thousand yards of materials.

Blaise: Does Cura own that or did they sell Kenny Devino? They came before us one time Kenny Devino was going to do something with that site.

Dupliese: It was transferred to industrial development group I don't know now in the packet it was sold transferred to somebody else.

Mulcahy: Echo Lake Brownfield LLC owns it now they transferred it and that why Mr. Mayhen received the department of environmental protection. I also had a woman come in and their survey map was wrong and they also this woman owns part of the front of that property. It did not show on the tax map and their survey map erroneously put that town of Watertown land it is a much bigger parcel this woman owns it they took down all her trees they dug on her property there are several issues going on there unless there resolved.

Minnich: Where is this cease and desist in your mind.

Mulcahy: I told Ted Crawford if I don't have them coming in. Ted spoke to me this week if I don't have them coming in next week with their final mylars and talk to me what 's going on with the site they were suppose to also be bringing in the application for the wetlands for the second phase of this. There is a huge second phase of this operation. So we will be coming back

before Planning and Zoning for the second phase. I have told them not put up the fence until they get.

Minnich: I hear that I am just wondering when the cease and desist is going occur.

Mulcahy: It won't occur if they going to start following the steps.

Dupliese: There should have been a cease and desist already that's my opinion is that.

Mulcahy: For the site disturbance.

Dupliese: Tree removal, the fence they should not have been on the site at all.

Minnich: I think you should issue a cease and desist order. That's my personal opinion.

Berger: Just one of the reasons that holding up the final mylars on that site are the resolution site line is not resolved yet we have been going back and forth on that and we do not have a resolution yet on the site line.

Dupliese: But until that's resolved they should not be on site.

Minnich: So next week we will have something in hand from Paul Jessell with regards with the cease and desist.

Dupliese: It will be issued as ASAP as soon as the attorney reviews it and okays it.

Mulcahy: Did you have anything to add Glen.

Dupliese: I swung by there before I came to the meeting tonight and as far as I can tell nothing as been disturbed since last week. The machines are still in the same place. I also swung down by Bailey to see if there was anything because I did not hear from you so I am assuming they did not go onto the site either. I did not see any new traffic.

Mulcahy: I sent out the letter after you approved the last approval I asked them if they could please give two or three days notice so I can notify commission members who are interested. And I ask them to please do that. So I am hoping that Attorney Yoreo will comply with that. And that's it for me.

George: I thought we made that clear.

Mulcahy: You did not put that in your motion so I put it in the letter. You said to give notice.

George: It was on record.

Mulcahy: Right they called up that one time like an hour before they were going to go out there. And that is not enough time for me call.

Dupliese: You have my cell phone number. Correct.

Mulcahy: Yes I think Carol you have Glen's number.

Dupliese: Almost at any time if I have to make a run down there.

Mulcahy: That would be great.

Minnich: I just have two quick items.

One these are really old items hopefully through staff we will find shortly about staff the issue of 1,000 or so transfer for the laptop computer.

I intend Ruth and Carol to put this on the agenda which we are going to be doing in another day or two if that approved by the administration. To take it else where. And the conversations that I have heard regarding the kind of laptop and all of that stuff I really think that's in my judgment that is really micro managing from another department from the town manager's office. You folks got the money appropriations and we know what we want is the laptop they transfer the money and we go out and do the process of getting the quotes and so forth. I have heard a lot of conversations about others trying to help decide what kind of laptop you going to be getting and what's going to be in it. I think it is a waste of time and a lot of micro managing I watch too many things happen. Once we get the transfer you guys are going to do the appropriate process through the existing policy of getting quotes and purchasing. I don't want to take six months deciding all this.

The other issue we talked several times at this commission meeting late today with the chairman of the two other land use agencies as well as Chuck Frigon regarding the status of the July 2006 job descriptions that this commission has approved both for Musa and for Carol recognizing the one for Carol is completely advisory and the one for Musa is subject to the union approving it. He has told me that he is going to be discussed tomorrow with the union and he will have some comments back. And we will see where that goes. There having some long discussions with that particular union in terms of where they are going to finish up the negotiations but I said I don't really care to know about the money or anything like that I just care to know about the job description because in my judgment one of the key things we did in the changing of the job description we spent some time and worked with the other two commissions together and we all concluded Mary Barton's work load was

far to extensive and that was part of the reason the problems were there. She had to much to do and we all concluded that taking the function of the in the wetlands officer and making that Musa's job description was important step towards making the job of land use administration far more attemptable and so forth and so that was the most significant change we made. It has come to our attention recently from Ed Undercoff who is the Inland Wetland of Inland Wetlands and that could question him where all that was so they participated both Phil Roger and Ed Undercoff today as chairman of the agencies and ask Chuck. That's the status of that and hopefully at our next meeting I will have another update> I don't have anything further.

Dupliese: I just have one it comes back to this 400 foot intersection and I just have one question and I don't know I ask it and tell me whether it's right or wrong to ask. Right now the site line distances and the intersection do not add up for making that an intersection it making it a street and I know in the past there has been a rejection for a new driveways onto French Street but if the was a site plan that was brought to us that had it as a couple of driveways for lots with that site line and distance be the same for driveway access as it is for intersection or would that meet a different set of criteria?

Cavanaugh: The DOT's interpretation is the intersection site distance does apply to driveways individual driveways as well as common driveways.

Dupliese: Okay his first set of plans he originally brought to us which had an intersection and had two or three driveways up above were nixed because those did not meet intersection or site line to the right.

Cavanaugh: Chuck is nodding yes.

Berger: I just never got to the point where you actually made a decision on that. But that was the issue that came up and that's one of the things that caused them to redesign and come off the proposed new road and do the common driveway off the new road vs. the driveways off of French Street. You never really made a decision on that.

Dupliese: Is where the intersection is right now if he made that one lot and just made that a driveway where the intersection or where is new street is right now? And it was one house and he brought that to us as one driveway one lot and they were going to make it there is never going to be an more lots there he would still have to meet the 400 foot intersection and the site line distance even though it was one driveway coming out instead of fourteen?

Cavanaugh: No I don't believe that's correct interpretation? Again we are mixing apples and oranges. Intersections spacing is different than intersection site

distance. They would have to meet the intersection site distance requirement it does not have anything to do with intersection spacing.

Dupliese: Correct. But if the road if that were just a driveway for one house and he met the 400 foot intersection would he meet the site line?

Cavanaugh: We don't apply the 400 feet spacing. We would apply intersection site distance.

Dupliese: If he made it a driveway that further down and he met the 478 feet of site line and it was a driveway instead of a street if made it one lot. That would work because it would no longer be an intersection.

Cavanaugh: I believe so.

Blaise: You would just have to meet the two site lines.

Duplexes: There something brought up tonight of.

Minnich: We also wanted on that particular development and the discussion we had is that we can determine the road through a subdivision and our discussion was we wanted all this properties to go all the off that same road that he is putting in and none go on French Street. And so we really did not have much to do with site line issue as had to do with the design of the and we thought and this was once again it was true we did not take a vote on it but we thought the least amount of curb cut on French Street was they should have all the homes go off that street and that's why in part we redesigned it the first time.

George: That was then consistent with the last subdivision done on French Street and there were no curb cuts or individual driveways.

Minnich: And his reason for doing driveways initially as I am recalling here was one after he reviewed it wasn't true anymore or probably not true at all was that the cost of putting those onto those onto those two roads was because he thought it was going to be extensive because of the topography there was going to be less expensive to go off French Street but as he turned out it didn't matter much in terms of dollars and cents he said fine.

George: But I think what you are kind of leading to or I surmise that if we had proved that he was he was not being denied you said that property and he had just the one lot he couldn't take us to court and say that we denied use of the property. We denied the subdivision road but not use of the property. Maybe the zoning is usable for one lot.

Dupliese: I don't know that it is or isn't I heard Mr. Cavanaugh say tonight that if DOT were to say no to the intersection and the site line that usually don't because then they have to pay for the use of the property and so I just want to make sure that if we deny this we are not going to have to pay for the use of the property. I want to make sure there is another option available somewhere somehow.

Minnich: That's the catch 22.

Dupliese: Correct. That's what I want to make sure that we have options available to us. That's all.

Minnich: Does anybody have anything?

Mancini: I got a couple of phone calls and again seeing that Roy and Chuck are here I did speak to Chuck already about Pond View I brought that up about the road not being finished there and residences up there are wondering if there is enough bond money to do the second coat of the road. We are talking about lights that have not been installed and it's been two or three years now and new section going from the top of Kimberly down to Middlebury Road that whole area there.

George: It's got another name? No.

Minnich: The people down there are complaining that what's marked Mark Lovely doing there is concerns from the people that live up there that nothing is getting done there roads not getting finished and they thought is should be finished Chuck did tell me that there bond for five years and they have five years to do it but if there is anything we could do to move the developer along to finish up what's got to get done. Could you guys say something about it?

Blaise: Do you think they are slowing down because of the real estate business?

Berger: I don't know the answer to that. I could put together a brief summary I don't know the exact timeframes off the top of my head here but subdivision approval is they have five years to complete the subdivision improvement. I don't know where we are in that process probably on hidden oath we must be getting close to it. I bet we have another year on Hidden Oaks now that I think it through a little bit. We have five years.

Mulcahy: They can ask for another five years extension too.

Berger: Hidden Oaks is substantially done but there is a list to punch of items as well as a top course of pavement due on Hidden Oaks. Fox Crossings is younger it's got a longer timeframe for completion we have had some

pavement issues out there and I can provide you a summary of the bonding issues if anybody I believe we have got more than enough if we had to go in and repave that they paved in very cold temperatures we had some concerns and when they did ask for a bond reduction I think I was pretty conservative in holding back a lot of money to make sure the issue gets resolved but they could be slowing down because of the market I believe the substantial number of lots are sold up there. I don't want to say they have made their money but alot of the lots are sold up there.

Mancini: Another thing the plowing when we charge them for plowing do we get that money back from the bond money?

Cavanaugh: No. To amplify what Chuck said little bit I alluded to the fact that the Police Commission before this meeting that same topic came up the residents were there at least one was there expressing the very same concerns that you expressed. To answer your question does the money back to the bond or come out of the bond fund. No. We bill the developer in this case Mr. Lovely directly. So that money goes back to the general fund when they do pay it. It's kind of a catch 22 situation it not a town road we can't force them to do anything within the time frame and it always comes up and I'm sure the commission heard it many times we just pull the bond and get the work done. I mean that a very lengthy very legal process to pull the bond. It's certainly not easy we certainly have no leg to stand on if we are going to pull the bond a year before the expiration. All we can do is beat on it a little bit and try to get it done he been very resistant to date and he certainly has a long history in town. I just default back it took us two years to get that stupid pole taken out of the middle of the intersection I mean this whole subdivision is been source of aggravation from day one and the only reason that the town got involved. He certainly was in no hurry so it is frustrating on all our parts but the commission and the staff have really limited because its his property it is his road and I know it's frustrating for the residents living out there. We have very few sticks available to us.

Dupliese: It seems like the manholes, and the drainage curb are very high I don't know if what they paved the surrounding area sank around them but I have had couple of complaints from people who have small cars that drive up there they have bottomed out a couple of times and if you drive on it if you climb up on one of those with one wheel of your vehicle you notice it. You know that you have climbed over it. I am sure when they did the plowing this winter that when they hit them they knew that they did them with the plows.

Cavanaugh: What we do is we call winterization we put asphalt around them and we always have the same guy doing it so he knows it. Before winter starts they review the routes and they found where all the problems are and the

same guy does it and I can tell he hated that route it was nasty. Correct me if I am wrong Ruth right now that road is his road. It is not our road. They the residents are passing over his road and we can't do much about it. It's between him and the residents.

George: The thing you have to do with this is because you plow the roads is to see that he winterizes and fixes the ones that ones are peeling away.

Cavanaugh: Absolutely right.

George: There are a lot of catch basins and manholes that all about you have.

Cavanaugh: And that's are only on obligation because if we start breaking our plow and the whole reason the town counsel started pushing the issue is due to Mount Fair Farm it cost a small fortune up there. We are no longer on the hook for them we can back and bill it. I can bill him if he breaks the plow, I can bill him if he breaks the front end of it. Because he agreed to that when he agreed to have us plow it. He has to agree to that, otherwise he is responsible for it. So by agreed to reimburse the town for any damage that his facility cost our equipment. But at the same token and there has been a couple of insurance claims that came in people bottoming out and we do the insurance company is telling us the same thing it is not a town road it's not our responsibility. We have to go back to Mr. Lovely insurance company. We have very few options out there.

George: By the way Pond View was done a long time ago.

Minnich: I just want to take this opportunity to on behalf of the commission to thank the four of you who do so much on our behalf and I often say that to you but thank you.

Dupliese: Now that you are both here we have the opportunity to say thank you.

Cavanaugh: You are very welcome.

Dupliese: It's a big help when we are trying to make decisions to have all the information we get from you.

Minnich: Is there a second? Any further discussions? All those in favor please say I. All those opposed no.

Adjournment at 10:45 pm
Motion made by: C. Mancini
Motion seconded by: G. Dupliese
Aye: 6 Nay: 0