

HARWINTON ZONING COMMISSION

MONDAY, APRIL 23, 2018

TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Deborah Kovall, Alternate Member Don Truskauskas, Alternate Member Theodore Root and Land Use Coordinator Polly Redmond

Also Present: Town Atty. Michael D. Rybak

Absent: Daniel Thurston, Matthew Szydlo and Alternate Member Nancy Schnyer

PLEDGE OF ALLEGIANCE

PUBLIC HEARING #1 - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman Rewenko called the hearing to order at 7:00 p.m. All members present are seated. Alternate Member Don Truskauskas is seated for Daniel Thurston.

2. BUMPER BROOK ESTATES, LLC - PETITION TO AMEND ZONING REGULATION TEXT AMENDMENTS: ZONING REGULATION *SECTION 2.3 DEFINITION OF ELDERLY HOUSING. *TO ADD A NEW ZONING REGULATION UNDER SECTION 4 PERMITTED USES AND SPECIAL PERMIT USES FOR EACH ZONE (NEW SECTION 4.10) TITLED ZONE E – MULTI-FAMILY ELDERLY HOUSING ZONE, THAT INCLUDES SUBSECTIONS TITLED STATEMENT OF PURPOSE, PERMITTED USES, SPECIAL PERMIT USES, STANDARDS AND REGULATIONS AND ADDITIONAL SITE PLAN REQUIREMENTS.

***TO AMEND ZONING REGULATION SECTION 5 LOT AREA TO ADD OTHER DIMENSIONS AND SPACE REQUIREMENTS TO INCLUDE REQUIREMENTS FOR ZONE E.**

Chairwoman Rewenko: This hearing is for Bumper Brook Estates, LLC petition to amend the Zoning Regulations text amendments. *She notes the Sections as listed above.* So with this public hearing what we're going to do is open the floor to Atty. Tracy. After that I'll turn any comments over to Atty. Rybak. Any comments from our committee and then I'll turn it over to the public as well.

Atty. William J. Tracy: Thank you. For the record, William Tracy, 43 Bellevue Avenue, Bristol, attorney representing the applicant. I would like to recap very briefly where we were at the end of the last public hearing and what I presented just to refresh everybody. This particular application is to create a zone text for elderly housing project to be developed privately. I went through the regulations that the town has. Currently there is an existing regulation that allows a municipally-sponsored elderly housing project to be done and so I basically took that language and made it work in a zone for a private developer. And as we talked about last time, when we went down line by line, basically it is essentially the same except for a couple of places we talked about. That was the intent of the applicant, to mirror the publicly sponsored regulation, except it could be done in the same way but done privately because as we are all aware, there is a need for the elderly housing. It's clearly discussed in the Plan of Conservation and Development in a number of places. It's encouraged by the town in that plan and we needed to make a way to make this work for a private developer because the public money is just not there. The town can't afford to do this with the budget and the state is (inaudible).

We talked a little bit about the Multi Family zone which is a Floating zone concept and I explained how I stayed away from that kind of concept and crafted the zone that you would put in one place. You would designate the place for it and would be like you would designate a light industrial zone, you'd designate it commercial. This would be designated elderly zone rather than a regulation that's designed, with the potential in mind, it could be anywhere. This gives the Commission a little bit greater control over the location because

of the application process that you would have to go through to do this. Then the application to actually fix it to a site, which is the next public hearing we will get to in a minute, but it also gives the public a better read of where things are. Where in a Floating zone, which could theoretically can end up anywhere after a public hearing and decision by the Commission, which is kind of hard to predict in advance. I did look at some of the area towns, the towns immediately surrounding us, and how they handled this particular issue in providing for elderly and in particular how they defined it.

Litchfield has a very, very brief multi-family zone. It is fairly bare-bones. They have a private elderly regulation and they also have a public elderly housing regulation. The private elderly regulation has some requirements of the configuration of the building and that's about it. Litchfield follows the federally established definition for elderly housing for the elderly. They don't create a separate definition themselves. New Hartford has an age-restricted housing regulation and they define that as 55 and over and is in compliance with the fair housing act and federal law so actually it wraps in both of those exemptions we talked about. Plymouth has a senior residence development. It's a special permit and is tied to affordable housing application under 8-30g but again, they use this federal law as the definition for elderly housing. In Thomaston they have a provision for elderly and seniors. They don't define it so in that case I would say that the federal law definition is incorporated by default.

Burlington has an elderly housing regulation for 55 and older. It's part of the multi-family special permit process but they build in different density and development requirements for their elderly multi-family than they do for just the regular multi-family regulation. So that's an overview of what other towns are doing.

We talked a bit about the definition and why I'm asking you to change the definition to mirror the federal law and I think Mr. Truskauskas had pointed out, or asked questions about whether we could do just one or the other. I've found in the federal law that, provision that it doesn't invalidate or limit state laws except those that would contradict the specific provision in the federal law. So I read that to mean that you wouldn't have the ability to change the definition and change the protection that the federal law (inaudible) definition so I think it's better practice to have both of those available. I would just add that into to the record (Exhibit 14). And that's consistent with what other the area towns are doing in terms of their definition; that they rely on or default to federal law. And another thing that occurred to me in distinguishing between the one exemption that is for everybody over 62 and the other exemption where at least one person has to be over 55 is that the over 62 category unlike the other one does not doesn't allow for a caretaker if the caretaker happens to be under 62. Makes no exception, everybody in the unit has to be over 62. Whereas it's built into the 55 and older there is a provision that allows for someone who is a caregiver or the other resident that's (inaudible). And in many cases, that's an important distinction and it may be very important to have a family member who may be under 55 caring for a parent or relative or someone else living in the unit providing that kind of assistance that keeps that older person in their home for that much longer. And if we restrictive it to just 62 we're putting a significant limit on the availability of that for residents.

Commissioner T. Root arrives at this time. (7:12 p.m.)

We were asked to submit the site plan. I have 11 x 17 sheets. (Exhibit 15) It's still a little work in progress because the town's engineer had given comments for the IWWC and they've been addressed, and I don't think we've heard back from W.M.C. on that set of revisions. You have the most up to date one but they're in a smaller size.

We did talk a bit about what the effect of the town line running through this project. I went to Judge Fuller's land use law procedure treatise, which is widely regarded amongst us lawyers and this area of the law to see what he had to say about the effect of the town line. He didn't really talk too much about it because it doesn't come up very often. But when it does, it does cite a case that says the town boundary dividing a parcel of land does not create two distinct parcels. It's still all one parcel, it just happens to be on one side or other of the town line. I did face that situation here in Harwinton about a New Hartford, some years ago, where there was a subdivision for two lots where the driveways came out in Harwinton but the houses were going to be in New Hartford. So the town line split through the lots and New Hartford wanted to take the position that the lots had no frontage because the street was in Harwinton. Because the lots were considered as a whole and as a whole they met the zoning regulations in both towns and the use regulations, it just happened that that's the way the split was. And the same situation here except, in this situation there will be no development in Torrington because the Torrington side of the property is a wetlands and will be preserved. I will add that section from Judge Fuller's book to the record. (Exhibit 16) So with that, I hope I answered some of the lingering questions for this part of the public hearing. There were some things that were raised in the actual location hearing that I will address in that but I'll be happy to address questions at this point.

LUC Redmond: Could I just have you state for the record, because as a Commission we are following 8-7d which was the legal noticing of the hearing and also we're following the time frames to keeping the hearing open and the decision time and so forth. I had asked if you would notify the neighbors of this public hearing and in your email of 3/21/18 you thought that wasn't required and that, I'm quoting you, "We've always read that section of the statute to allow, and in parentheses, but not require, the local regulations to require additional notice and, if the regulations do require it, the notice has to be either mail or a sign. Harwinton's Zoning Regulations only require the additional mailing for special permit applications which is Section 9.1. The section on amendments does not specify any additional notice." I would just ask if you could state that this is how you still feel, that it's your position in case a month or two later somebody from Torrington comes to my office and says 'why didn't you get notices from the applicant?' and I can say, it wasn't me.

Atty. William J. Tracy: State Law is an enabling Statute, it says that the Zoning Commission has the power to require that additional notice. So you have the ability to do it and then the next step is put it in your regulations and you've done that for Special Permit but you haven't done it for a zoning amendment. So it, there isn't a specific notice requirement other than the publication in your regulations.

LUC Redmond: Well, it just confused me because when you went to State Statute 8-3 it says "when there is a permit in front of the Zoning Commission, the Commission shall provide the manner in which regulations and boundaries of zoning districts shall be established or changed." And if a hearing is held, "that such hearing shall be held in accordance of the provisions of Section 8-7d." And if you go to 8-7d and it does say that neighbor notification is required.

Atty. William J. Tracy: No, it says that you have the ability to require it and if you require it then there are only two ways that you can, the sign or the mail, but it says you have to put it in the regulations before it's actually required. Do you agree with me, Mr. Rybak?

Atty. Michael D. Rybak: Mike Rybak, for the record. I have always read 8-7d(f), which is the notice to property owners. Any portion of the property affected by a decision of such commission within five hundred feet of the boundary of the adjoining municipality and then it goes on to say, a significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site; a significant portion of the sewer or water drainage from the project on the site will flow through and significantly impact the drainage or sewerage system of the adjoining municipality water runoff from the improved site will impact streets or other municipal or private property within the adjoining municipality. I've read that as being two things, one, when you apply for a specific permit then you have to give that notice and

two, you have to have it in the regulations. And there is a Supreme Court decision that says because it talks in terms of the project, it's talking about a specific project proposal not a text change amendment and not even a zone change to the map. So, as I read this, and the wording isn't clear because it says *shall* notify, but if you go on and read the whole section 8-7d(f) it's really talking about a specific project and I believe that was the (inaudible) Schwartz case. (inaudible) I think was the name of the case.

Atty. William J. Tracy: So it might be a different answer at the stage of the special permit application then it is now and certainly under your regulation there's an additional notice requirement for special permit but there isn't for a text amendment.

LUC Redmond: Okay, I just wanted that on the record. I also have another question about the street frontage that you're proposing. It's Section 5. You're proposing 50 feet of street frontage?

Atty. William J. Tracy: I had explained the last time that there was a typo in the (inaudible) regulation portion because in the actual text itself that I proposed, I said 50 in (inaudible) instead of 150, and 50 would be the proposal.

LUC Redmond: 50 is what you want?

Atty. William J. Tracy: Right. In the actual wording of the text.

LUC Redmond: That's what I thought and then when the Planning Commission met for their referral, the Chairman of Planning, Mike Orefice, who is here today, came into my office and he pointed out the error that, you know, the Zoning Regulation the text was actually wrong where it stated 50 feet, that it should be, he thought and I guess the Planning Commission thought, that it should say 150 feet in the text to match the chart in Section 5. Just reversed of what you're saying.

Atty. William J. Tracy: I don't think we had that discussion at the Commission hearing.

LUC Redmond: At the Planning Commission meeting.

Atty. William J. Tracy: I borrowed the text from 9.9.11 of the existing regulation which is 50 feet.

LUC Redmond: But when you look at, and that's 9.9.11 Multi Family, and you go to Section 5 which is the chart for Multi Family.

Atty. William J. Tracy: 9.9.11 is not the Multi Family, it's the town sponsored elderly housing.

LUC Redmond: Oh, it was the town sponsored. I stand corrected.

Atty. William J. Tracy: And there isn't anything on the chart for town sponsored elderly at all.

LUC Redmond: No, because it's not a zone. Okay, and then 50 feet just seems. Wait let me just back track.

Atty. William J. Tracy: 50 feet would be the width of the street access.

LUC Redmond: Right, of a rear lot. So you're saying all of these could be rear lots and yet this project has over 500 feet of street frontage. I know we're not supposed to be project specific.

Atty. William J. Tracy: I didn't see a reason to make that change when I was going public sponsorship to private sponsorship.

LUC Redmond: Even though public sponsored didn't have a street frontage in Section 5.

Commissioner D. Truskauskas: I think the issue is our town sponsored elderly housing is very poor. Unfortunately, Atty. Tracy is basing this text off of something that is, if not poor, at least out-dated.

LUC Redmond: And yet then, in Section 5 of the current it says Multi Family is 150 street frontage. Section 5 is 150 lot width, but then when you go to the text in 4.7.4 it says minimum lot area, dimensional, space requirements, lot area is 5 acres and the lot shall have an average width of 250 feet. 50 feet seemed low to me. I was just pointing it out. 50 feet seemed low in the family of 150 to 200, that's all. And then looking at the map, you have over 500 feet of street frontage and I didn't know the reasoning why you chose 50.

Atty. William J. Tracy: I didn't see a need to make a change from the existing public sponsored elderly zone regulation. I frankly borrowed that text wholesale and we looked at the piece of property that would be affected and knew that it would work and rather instead of making changes, I left it the same. That's the simplest explanation. That's exactly what happened.

LUC Redmond: Okay. And then lastly, the question was asked at the wetlands Commission by me what the distance was to Route 8 was and Robert Hiltbrand said 100 feet to the state highway right of way and another 50 feet to the actual pavement. And then the question was asked by Nancy Schnyer, who's not here, at our last public hearing and you had said that you thought it was a 50 foot to the state highway right of way and another 300 feet to the pavement? I have map 993 from 1992, and I'd like to enter this into the record. (Exhibit 17) because it shows the southbound lane, which is the lane closest to the project and I kind of measured that it was 94 feet to the actual line of the southbound lane of Route 8 to the property line.

Atty. William J. Tracy: Well, last time I was here I didn't have a scale with me and I knew it was approximately 50 feet from the building to the highway lane. With the plan here in front of me I see that it's 48.9 feet. I had estimated the width of the entire Route 8 right of way at about 300 feet but I had no precise measurement. I'm sure I didn't say how far it was from the pavement because I don't know and I don't have the measurement of that. I think the entire width of highway line to highway line across both north and southbound lanes is rather extensive. That part I feel comfortable with but where the pavement is in that right of way, I don't know and I did not measure it.

Chairwoman Rewenko: Atty. Rybak do you have any comments?

Atty. Michael D. Rybak: The only question I can think of is, the difference between a designated zone, which this is, and a Floating zone, which is what the Multi-Family zone is, really only two differences I can think of is one is, in order to be able to build this project, the applicant needs a zone change. In other words, to create this zone out of a particular group of parcels, the applicant has to come in and say I want to change the zone of these particular parcels from Light Industrial to elderly residential multi-family project, elderly housing, and in this case, it's not spot zoning because of the isolated nature of this particular property. I'm fairly convinced that although you can raise the argument if you were opposed to the zone change, it's probably not going to be affected because if you just look at the geography. This piece in and of itself is an isolated piece of land separated from the town by Route 8, adjacent to Torrington, for purposes of sewer and water. So it almost separates itself from the town but if this zone, once created in the text amendments, were to be put on any other group of parcels in town, it might be spot zoning. Some of the interior property that was undeveloped on Clearview Avenue, Scoville Hill, you could say, well there's interior land here, let's designated it elderly housing and we're going to cause this zone change to happen for that property. The difference between a Floating zone and an actual zone change like this, Floating zones have been upheld, they're not spot zoning by their very nature, they look like spot zoning, but they're not. The courts have been able to justify that you could bring that zone down on any particular property or group of properties in a designated area, let's say residential, where certain conditions exist, public sewer and water, or to a lesser density, where you'd need a community septic system as opposed to having a sewer hookup. So there is a difference between going out and saying we're going to create an Elderly zone, and it's not going to be a Floating zone like our Multi Family, you're going to have to come in and ask for it and then change the zoning of the properties. That's one difference between the two. The other difference is, you can condition a Floating zone by saying, well, if this Floating zone design is going to be put on this property, there are certain conditions we think should go on the property and as long as you're supported by your regulations, you're probably going to be much safer than if you were to decide, for instance on an Elderly Housing zone, you needed a different size buffer or setback or something than the chart or regulations setbacks allow, you can't do that. You can't condition a zone change. The way it usually comes about is with a Special Permit because when someone comes to actually build on the property and submits their site plan then you can say here are the conditions that go with this project on this site. So you probably end up in the same place either way with the conditions, you just have to be a little more careful how you do it with a straight zone change than with a Floating zone. Is this coming through, I mean it's really kind of an arcane nature of zoning. Courts have upheld Floating zones against all kinds of challenges. The negative of a Floating zone is it can land anywhere,

as long as the regulations allow it. You can type in the regulations as to what areas it might not be suitable for. You cannot create an island of Multi Family in a sea of something else through a zone change if it's just one or two parcels. That's why you would need the Floating zone.

LUC Redmond: We don't have Floating zone regulations.

Atty. Michael D. Rybak: Our Multi Family.

LUC Redmond: But does it say in it? I did a word search for Floating zone and I didn't see it.

Atty. Michael D. Rybak: Essentially that's what it is and if anything proved it, it was the City of Torrington vs. the Town of Harwinton litigation over Sunset Ridge and the property that is on the corner of Mountain View Drive and backs up to Torrington to Fairlawn and Marcia Drive and that backs right up to the city line. So that's just my overview on the two different approaches to this. You decide on what level of detail you want. You decide on what conceptual vehicle is the best way to do this if you're going to go down this road. As far as the town line goes, I don't see it as an issue here. It just isn't. Don Truskauskas had asked what about open space, can you count land on the other side of the town line as open space purposes of this if you have an open space requirement. I don't think you can. I think each piece has to stand on its own in terms of Zoning Regulations because you have no way of enforcing your regulations on the other side of the town line. There could be a hundred acres of open space over there, it still wouldn't count toward the development, let's say for example, the five acres in Harwinton because you have no way of enforcing your open space requirements on that side of the town line.

Commissioner D. Truskauskas: If they came in for an application afterward for a residential dwelling there, we'd have no way of ensuring that it'd stay as open space.

Atty. Michael D. Rybak: That's right and if density is an issue I don't think you're allowed to count land, and now there are no cases on this, I'm just thinking conceptually on how you can enforce this. You can't enforce your regulations outside the boundaries of Harwinton. It's that simple. Could the developer offer it, a restrictive covenant on the land records? Yes, but you can't compel it. So that's what my observation is on the town line. And I do tend to agree with Atty. Tracy on the federal age limits. That was probably, at the time we did this, we were just looking at Wintergreen and what the Federal FHA financed elderly housing looked like, where it was. The reason there were no setback distances was the town owned the land all around it, we didn't need setback distances and the biggest concern at the time was, if you put Wintergreen on Bentley Drive, which was not a public highway, that was your one use for the interior lot that the town owned at the time of 22 acres. Which raises the question on how the town hall and library come to be here but that's a different story. But that's why not a lot of attention was given to the detail of the elderly housing zone, it was all written with one project in mind on one site. So I hope this answers some of the questions about that.

Chairwoman Rewenko: Anybody on the board have any additional questions?

Commissioner C. Kasey: I have a question and I guess it's probably geared to Atty. Rybak. For the sake of argument, if we did decide to go ahead with this and create this new language and new zone, what safeguards do we have that another private developer can't come to us a year from now saying, well you did it for him and we want it over here.

Atty. Michael D. Rybak: You can't. That's the whole point. Until they come in with a special permit, then the special permit will address this. The zone change, you can't condition it so you can't vary it from developer to developer or from site to site. That's a very quick way of it being reversed by a court.

Atty. William J. Tracy: If I could follow up on that. The zone change application is what they call legislative, meaning it gives the Commission a lot of discretion. So you are not required, just because somebody puts in an application, to put a particular zone on a particular piece of property. You have a lot more discretion than you would have with a special permit to look at it and say, this zone really doesn't belong there. It's why when you've gone through the Zoning map, that the zones that exist are located where they are

because the Commission made a decision in that process that those locations were suitable locations for that zone and not another location. And so you don't find light industrial zone on Wake Robin Lane and if someone came in to make that application it would be well within the Commission's power to say, that's not what we had in mind in terms of locating the zone. So at each location, each property, group of properties, is unique and you would take that uniqueness into account when deciding whether one zone would be appropriate at that location. So I don't think you're binding yourself to, by one decision for anybody else that comes in later, because of the uniqueness of the individual properties that would be involved, and the discretionary decision making that the Commission has when setting up zones. The advantage that I saw to not using the Floating zone concept, which the Multi Family is, is that with the designated zone you put it on your map, you put it in your book, somebody picking up the book can see where it is and that's where the (inaudible) is. Whereas, the Floating zone, the Multi Family that says that you can make an application and have that zone put anywhere in town, application by application, doesn't give the people any clear notice of whether a neighbor of theirs is going to come in with that application or not.

Atty. Michael D. Rybak: I don't disagree with the idea that when you change a zone it's a legislative decision, you're not bound by prior decisions in that regard. But zone changes are major legislative decisions of the Commission. That's why you have a Plan of Conservation and Development that's administered by the Planning Commission of the town and that's why you have to consult them for their input and they gave you their input as to whether or not the rules should be amended or as to whether or not a particular parcel should have its zoning classification changed. So, I just wanted to point out that zone changes are not done on a parcel by parcel, project by project, basis in most communities because they are major legislative decisions and you rely on the Planning Commission each time you do this to tell you if it's consistent with the Plan of Conservation and Development, otherwise it will become spot zoning.

Chairwoman Rewenko: And just for the record, with these proposals coming our way, we can't put any conditions on them. We can recommend but the request is to consider in its entirety the language that's presented to us.

Atty. Michael D. Rybak: The question I would ask is if you wanted to put conditions at a later stage in the proceedings, you can't do it on the text amendment unless you write it in the amendment. You can't do it on a zone change, clearly. When do you get to do it? Is there going to be a special permit application? And if there is, what rules will you be applying from which you can take those conditions. You can't just make the conditions up you have to base them on something in the regulations.

Chairwoman Rewenko opens the floor to public comment at this time.

Myrna Watanabe, 155 Woodchuck Lane: So, first of all, this is not Affordable Housing, correct? This is we're just talking about elderly housing.

Chairwoman Rewenko: Right.

Myrna Watanabe: However, I believe it was stated that these units would be slightly above Section 8 costs. Is that correct?

Scott Bayne, S&W Customer Home Builders: No. Section 8 bases their compensation to, and the owner bases that number on the number of bedrooms, square footage and the region, that they're given a voucher to the tenant. This would be substantially above Section 8.

Myrna Watanabe: Substantially above, I don't recall hearing the word, substantially. I think something was mentioned in terms of what the cost was. Looking at the size of this, my assumption is, you're not going to get a lot of money from this. So I have a couple of questions in terms of whether you can request a report of potential financial ramifications of multi family dwelling. So for example, can they be required to have a traffic study? Because a traffic study tells you what affect this will have on the town roads. If indeed, there's

going to be sewage can you require them to state exactly who's going to pay for it and if there's going to be anything above what the town has already agreed to?

LUC Redmond: Can I just interrupt, and correct me if I'm wrong, maybe the questions should apply to the text amendment and zone change and not the project?

Commissioner D. Truskauskas: I think it's okay.

LUC Redmond: I just didn't want to venture off into the site plan.

M. Watanabe: No, this is general. This would apply to everything. When you have elderly housing, one of the things you'd like have is increased use of ambulance and perhaps fire because living with an elderly person, which includes myself, there are people who sometimes leave the stove on and we leave or we leave the stove on and go to sleep and that might require more fire. So I'm looking at this in terms of, I don't object to elderly housing, although I think it's a terrible term to use, but I think we taxpayers need to know what benefit it has to the town and what the cost is. Even if it's in the Plan of Conservation and Development, I don't know that in the end that really matters because we ignore that all the time, but the state has rules requiring affordable housing and that, we're not going to easily hit. So those are sort of my general questions to think about in terms of writing a new requirement.

Commissioner T. Root: (Chairwoman Rewenko acknowledges that Mr. Root is present and is seated for Matthew Szydlo.) Just for the record, a fiscal impact study is part of the Multi Family zone and relative to Myrna Watanabe's questions, in the Multi Family Zoning Regulation, there's a fiscal impact study which is required and in the Town-Sponsored Elderly Housing regulation there is not. If this new regulation was adopted it would not be required as it's written.

Atty. William J. Tracy: May I address that? Again, William Tracy. I think there's a big difference between your Multi Family Floating zone that has no age restriction and the Elderly zone that you have that is publicly sponsored. Then there is very good reason why you would have that type of study done. One, where you're going have a varied population rather than in the elderly where you're not going to have the wide variety of population. You're likely to have less traffic trips and less reliance on the schools, perhaps none. Experience has shown with many of these types of developments that the communities builds itself in to that age group and the way the units are designed and constructed, they really don't lend themselves to school age population or families of that size or that demographic. So we have a much more limited demand of public services than you would in a Multi Family that doesn't have those kinds of restrictions. I did look at Federal regulations on the 55 and older category. And though it says that only 80% of the units have to have a person 55 or older, it does allow the developer to restrict the rest of the units the same way if they choose to and we would do that here. So we could build that same regulation across the board without regard to the 80%, the 80% is just the minimum. I hope that answers your question.

Commissioner D. Truskauskas: So you're saying you'd be willing to go to 100%? Is this regulation, as it's written, require you to be at 100% 55 and older?

Atty. William J. Tracy: Yes.

LUC Redmond: When would that come into play then? With the Special Permit, Site Plan application?

Atty. William J. Tracy: We would propose in a covenant on the land records as part of the Special Permit application. And the way the text is written, like your existing publicly sponsored, it requires a Special Permit application to do this. So this is just a first step and then we'd go back for another set of public hearings where you would deal with those issues that are site specific like the traffic and the utilities and the restrictions on use. At that stage just as you would with the publicly sponsored.

LUC Redmond: What is the drawback of making this location a Multi Family zone? If you're going to be able to do all that's required in a Multi Family zone? What's the drawback of creating a new zone and not just changing it to a zone that we already have? Even a Country Residential or a Town Residential where our special permit allows elderly housing in the Zoning Regulations, that's one of the special permit uses.

Atty. William J. Tracy: Your only special permit elderly is town-sponsored so even if we changed it to residential, the only elderly special permit application you can make is for the town-sponsored elderly.

LUC Redmond: Under Country Residential zone, it says special permit uses in the Country Residential and the Town Residential zone is Elderly Housing, it doesn't say town sponsored.

Atty. William J. Tracy: But then you look at the rest of the regulation, the rest of your book, to find out.

LUC Redmond: That it says town-sponsored, this does not.

Atty. William J. Tracy: Right.

LUC Redmond: So this can go in Country Residential?

Commissioner D. Truskauskas: Is there a definition of elderly housing?

LUC Redmond: I'm just pointing things out.

Atty. William J. Tracy: That's not the way I read it. Maybe I've spun a lot of wheels here then but it seems to be that because you have one in your list of special permits that that's what you were talking about, under the special permit uses, and that one is town-sponsored.

Commissioner D. Truskauskas: But we do have a definition for elderly housing. *Dwelling units designed exclusively for the needs of single people ages 62 or over or couples with at least one member aged 62 or over and conforming to State and Town requirements for housing for the elderly.*

So there's an argument to be made. I don't know if you choose to make that argument, that that's what we're referring to.

Atty. William J. Tracy: Well, you tell me that that's what you're referring to. I still think you need to change the definition.

LUC Redmond: And the easiest way to do that is to add the word *private developer* and town sponsored. That would be the easiest way. Instead of writing the whole, pulling from here and one from here to create this when we could just add one word to town sponsored elderly housing.

Commissioner D. Truskauskas: But I think town sponsored elderly housing needs work.

LUC Redmond: And that would be on us to do.

Commissioner D. Kovall: Because it is so old.

Commissioner D. Truskauskas: And it was created for one purpose and because it was town sponsored it had to go through town meeting and town approval. There was a lot more approvals than just Zoning before we could get to that place. There was a lot more oversight. If we were to adopt this, we're going to take those regulations that were designed to have more oversight and allow a private developer with just our say so. I don't think those were designed with that.

Commissioner D. Kovall: What bothers me about the whole thing is that again, we're being asked to create a new zone with a specific project in mind, albeit it might be the best use of that piece of property, and the fact that it's not going to be spot zoning because it's out there. But because we're being asked to create an entire new zone makes me nervous, very nervous, because again, this is for a special project in mind however, it seems kind of weird to me to create an entire new zoning designation for one project. I feel that there's an "and then", "and then" and then an "oh, by the way". Not necessarily by these gentlemen but there are certainly other concerns. Harwinton has a lot of property and has a lot of places to put many things. I understand that there's a push and we started to address them as a Commission, a push to look at the Affordable Housing, and we kind of got bogged down on it. It needs to be some type of a (inaudible), if we're looking at Affordable Housing, which again, this is not. So if the push is for affordable and yet we're fooling around, and I mean no disrespect, but we have concerns with this here, are we not spending a lot of time (inaudible) in the wrong direction. In my opinion, the Multi Family is, I don't see anything wrong with that, because we can, at the point of requiring a Special Permit, when we get to the actual site plan, we can build in the regulations and conditions and all of that stuff, where again, if we take this new regulation, this new zone, we forget one thing, or we don't foresee something, we're done. We really, we're done. I don't know about

you, but I can't foresee every single loophole, contingency, the meteor hits and puts a big berm in the center of town, I mean whatever it is, that all of a sudden we're looking at, now how do we deal with this, because we adopted regulations that we haven't even sought to do. These sort of came in the back door and for all of the effort, which I can certainly commend you for the effort, but I think, I have to wonder why so much effort is being put into this when there's a perfectly good direction to go. Call me suspicious.

Atty. William J. Tracy: Well, I disagree with you. A lot of effort is going in to this because the applicant saw a use for a piece of property, saw a need in the community, saw a hole in your regulations that doesn't allow for that, and frankly, that's how these things do come about. They don't come about in the back door because we're here with an application and being very transparent about the whole thing. And applications for zone changes for specific projects, for things that had not been thought about by this Commission (inaudible) regulations and redid your maps, which was some time ago, happened with frequency. Maybe not in this town but if you lumped the northwest hills together you'd see a number of them as people realized there is a valuable project, something they can add to the community and they need to come up with a way to do it. So they come to the Commission with the proposal, with the text, with this is the idea, this is how we think it should happen. It doesn't mean that you are going to be required to do this anywhere else in town. I want to reiterate this, I think the advantage of doing this as a separate zone is, you put it on a piece of property, you can put it in one area, you don't have to put it somewhere else if you don't think it belongs there. For a long time this has been a Light Industrial zone on this particular piece of property, and nothing has happened to it. So maybe that's not, in hindsight, that maybe that was not the best classification. That's the process that you folks go through, when you're doing your maps or when you're reviewing an application like this, is the application useful to the town as a whole? It doesn't mean because someone else got it that you have to give it to the next person.

Commissioner D. Kovall: My question would be, what in our Multi Family regulations would prevent you from going through with this project?

Atty. William J. Tracy: The Multi Family regulations are written, again, with an entirely different population so there are very different density setback requirements. It requires a substantially larger piece of property.

LUC Redmond: Multi Family is 5 acres.

Atty. William J. Tracy: No, looking at the setbacks and the densities.

LUC Redmond: So you couldn't get 36 units? Is that what you're saying?

Atty. William J. Tracy: Right.

LUC Redmond: So it's really for the benefit of the developer if we created this zone so he could get 36 units?

Atty. William J. Tracy: Right. You would not get something that would be economically developed so that you would not get anything (inaudible) if the project doesn't have the sufficient size to carry itself. It's just not going to happen. And that's always been the problem with private financing with these kinds of projects, is they do have to pay for themselves. For some time the state was in the business of giving grants and very low interest rate loans and subsidizing a lot of this. We've been out of that business for many years now and as a direct result, you see a drop off of the Multi Family and the Elderly Housing and all the state's projects fell right off the table. Unless they have sufficient size to be economically viable, it can't happen.

Commissioner D. Kovall: So the bottom line on that is, by creating a new zone we allow these units to be more, we increase the ability to up the density.

Atty. William J. Tracy: If you're taking the same density that the town could do on this property and allowing a private developer to do it.

Scott Bayne: I think there's one other issue. This property is served by city utilities so this would not work with a community septic or well because there would be additional requirements for land area. So, one of the things unique is the city utilities.

Atty. William J. Tracy: And let me put that out there. In terms of the text, it would be, the proposed 4.10.3d, if you chose to, we certainly would go along with a provision that would require public water, sewer. Rather than the way your existing regulation is written that says if you have public water and sewer you have one kind of density and if you don't, you have a different one. We could drop off the density business for non-water, non-sewer, and just leave in the density and require public water, public sewer provision. I think that would certainly work on this piece of property and it would also allay a number of concerns about where else you would end up with this kind of development if you did require it that way. We certainly would have no objection to that. You have much different concerns when you don't have public water, public sewer availability. So if you wanted to say that you could do this as long as you have public water, public sewer, we'd be fine with that.

Chairwoman Rewenko: Any additional comments at this point?

Commissioner D. Truskauskas: Where are we with time frame, Polly?

LUC Redmond: We have to close because May 13th is the 35th day and we meet again on May 14th. We could ask, or the applicant could ask, for an extension.

Chairwoman Rewenko: So we have two options. We either have to close the hearing or we could consider an extension.

Commissioner D. Truskauskas: And timeframe for a decision after that, Polly?

LUC Redmond: 65 days from the close of the hearing.

3. CONTINUE OR CLOSE HEARING.

Commissioner C. Kasey: I motion to close the public hearing.

Commissioner D. Truskauskas: I second the motion.

Chairwoman Rewenko: All in favor?

All: Aye.

*The Commission has 65 days to render a decision. (June 26, 2018)

PUBLIC HEARING #2 - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman Rewenko called the second hearing to order at 8:05 p.m. All members present are seated.

2. BUMPER BROOK ESTATES – PETITION FOR A ZONE CHANGE FROM LIGHT INDUSTRIAL TO NEWLY CREATED ZONE E – MULTI FAMILY ELDERLY HOUSING ZONE, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.

Atty. William J. Tracy: For the record, again, William Tracy for the applicant. We did kind of align a these two applications and the reason why I proposed them in the same process because it was pretty much unavoidable and there will be spill over from one to the other. So I just asked that the whole record from the last application be made part of this one and vice versa so we'll have it all together and that way you won't get caught up in the particulars of which public hearing did I hear that in and can I make the decision.

Chairwoman Rewenko: And just to jump in here for technicality purposes, I would just like to state that the same quorum remains for the record.

Atty. William J. Tracy: We did provide the updated site plans for those of you that wanted to look at them. That would be subject of a special permit and site plan application if all of this does go forward. It does give you some information about this particular site that might be helpful. There is a different Planning Commission recommendation on this application than there was on the one before. The Planning Commission

indicated that they wanted some study on the text amendment but if you did vote to approve the text amendment application they decided that this was a suitable location for that kind of project. And the other update I can tell you, we did meet on the 10th with the WPCA and talked about some of the specifics. The First Selectman was going to set up a meeting with the staff in Torrington so we could discuss specific quantities and the pricing structure on how that would all come together. But we have laid out the application process with the WPCA, which I thought was a good meeting there. So far we don't have a meeting with Torrington staff yet but we do know that capacities are available so we are now leaving it to Harwinton. Torrington is going to do that, we just have to talk about, we know the specific number we need and it's within their ability to do and there's some pricing involved that only Torrington can give us.

Chairwoman Rewenko: When we talked about the pricing last time, you stated that it was your interpretation that the town would be picking that up and not the project itself, correct?

Atty. William J. Tracy: No, I said it hasn't been worked out. One of the questions is there's existing capacity already in Harwinton that could be allocated to this. It would mean, potentially allocating away from another property. So one of the ways we started to talk about handling this is, using (inaudible) basis and rather than having the town pass the bill along for the additional capacity until somewhere down the road where it does become needed which may end up saving the town some money but those are the specific details that need to be worked out with Harwinton and Torrington Water Pollution Control Plant and Mr. Criss was going to set up the meeting and that hasn't successfully happened yet.

Commissioner D. Truskauskas: Do you know what percentage of the available capacity this project would be using that could be allocated to Harwinton?

Atty. William J. Tracy: It's, we know the capacity is 6800 gallons a day. The Town is at 77,000, I believe. They're using somewhere in your 53 to 60. They need to have room for because there's still problems of infiltration of stormwater into the system so they need to have some flexibility there but eventually the initial 6800 will be needed but it might not be needed right away is what we're saying. We may be able to work out some agreement where that's postponed and when the bill for that comes due later on, but those are specific discussions, very technical, we have yet to have and we're trying to.

Commissioner D. Truskauskas: And then the water supply, there sufficient supply for domestic water?

Atty. William J. Tracy: Yes, it's With Torrington Water Company. There's no issue there. And again, that's available at the Andrews Street, Perkins Street intersection with Torrington right at the corner of this property.

Atty. Michael D. Rybak: I really think the issue here is not location, not property. If you decide that you're going to adopt the text amendments, the issue on this application for the zone change would be the sewer capacity. Because we do have an aging system that has a lot of infiltration that needs work in the northwest corner, it's our only sewer system, but the additional capacity that the WPCA purchased and paid for, and pays for every year, has to do with not only the I and I (*inflow and infiltration*) but also those interior properties in the northwest corner that haven't been developed but could be developed under the Multi Family zone and certain individual properties that at the time chose not to hook up to the sewer line that if their system did fail, and remember these are very small lots in the northwest corner, then they would have to come online. So I think you really do need to know the answer to that question to make a complete determination on whether this is an appropriate site, not only because of its location, its size, and all the things that are in its favor for this type use but because the sewage capacity for the town is an issue. And it is an issue that is an increasingly costly issue because Torrington has to comply with phosphorus discharge permit levels and they are on the verge of taking on the entire Woodbridge Lake Sewer District, which is a huge addition. And I'm surprised that the entire debate in Torrington, from what I've read in the papers, had to do with the route that the line was taking as opposed to the affect it would have on the plant. But we'll just leave that for another day as Bill Tracy is indicating he hasn't had a final decision on the WPCA. I would add that the Commission

really does need to determine if we really need this type of housing. If you think about it, there are very few places for people 55 and older in this town who need to downsize and who can't afford to stay where they are, with a home health aide perhaps. To look at this type of congregate housing, it really does have a need that is, in my opinion, under-served in the area. I work with a lot of estate planning and I work with a lot of seniors, folks who are looking to downsize, and there's very little available and there's a waiting list with most of these places. And you can see by what's being built over at Newbury Corners in Torrington at the end of Hospital Hill, that there's an economic demand. So, even if this isn't the right type of text amendment or in the right place in the regulations, and you decide to do something else, I would urge you not to put this subject aside, and that's just my personal opinion.

LUC Redmond: Atty. Tracy, is this location in the sewer district or would they have to expand the sewer district? And does it abut the sewer district and are there other lots in between and then this location?

Atty. William J. Tracy: It would take an expansion of the sewer district and that's a condition that we're actually working out the mechanics of the capacity.

LUC Redmond: Does this project abut it or are there other properties included that would be swept up in the district?

Atty. William J. Tracy: It comes down to Perkins Hill Road which runs parallel to Route 8 on the other side of this property. So it comes down from Harwinton, down to Perkins Hill Road, crosses Perkins Hill Road and the only intervening portion then would be Route 8.

LUC Redmond: So it's not going to sweep up a couple of other parcels and put them in the district?

Atty. William J. Tracy: No.

Commissioner T. Root: Does the property across the street from this parcel, is that in Harwinton?

Atty. Michael D. Rybak: Yes, it used to be Flynn's property.

Commissioner D. Truskauskas: That's Light Industrial as it sits?

Atty. Michael D. Rybak: Yes, as a matter of fact, a portion of Toro Field, second field, is in Harwinton.

Commissioner T. Root: Is there an arrangement for them to use that as a field?

Atty. Michael D. Rybak: I have no idea.

Commissioner D. Truskauskas: So that would stay Light Industrial?

Atty. Michael D. Rybak: That's not on the table.

Commissioner T. Root: But we could be sitting here with someone else in front of us. How big is that parcel, do we know?

Atty. Michael D. Rybak: Yes, the Assessor's map says 5 acres but very irregularly shaped with a very long point on it that goes behind the City of Torrington.

Commissioner T. Root: Does it have 50 feet on the road?

Atty. Michael D. Rybak: Yes, according to the Assessor's map, it looks about 570. In fact, it looks to almost have the same frontage as this piece.

Commissioner D. Truskauskas: Atty. Tracy, I think we would like to have information on the sewer and the WPCA decision and where that sewer is going. Would your client be willing to extend the public hearing timeframe so we could have that information before we make a decision?

Atty. William J. Tracy: That does make sense, yes. I could give you something in writing before the hearing runs out. It doesn't run out tonight.

Commissioner D. Truskauskas: What can we do for a timeframe for extension and still meet the statutes?

LUC Redmond: 65 days from May 13th, if you wanted to take the full 65 days.

Commissioner D. Truskauskas: Since they don't have an appointment yet, it might be worthwhile.

Atty. William J. Tracy: Yes, we can use it wherever it's needed. And that's the way I'll propose it and I'll put that on the record right now that we would allow for up to the maximum to be used at the next stage if it's

needed. And I'll follow that up with you Polly with something in writing for the record and I can get you this tomorrow.

3. CONTINUE OR CLOSE HEARING.

Commissioner D. Truskauskas: I motion to continue the public hearing to Monday, May 14, 2018.

Commissioner D. Kovall: I second the motion.

Chairwoman Rewenko: All in favor?

All: Aye.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman Rewenko called the meeting to order at 8:20 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 2/26/18 & 4/9/18

Commissioner D. Truskauskas **motioned** to approve the minutes of 2/26/18, seconded by Commissioner C. Kasey. Motion passed unanimously with D. Truskauskas, C. Kasey and Chairwoman Rewenko voting. D. Kovall and Alternate Member T. Root refrain from voting due to their absence at the 2/26/18 meeting.

Commissioner D. Truskauskas **motioned** to approve the minutes of 4/9/18 with the following amendments as noted by Atty. Michael Rybak (where his statements were inaudible) in an email to LUC Redmond:

Pg. 6, line 14: "Draconian revocation" (not replication);

Pg. 6, line 15: "Uniform Relocation Assistance Act";

Pg. 13, line 29: "Section 8-30g";

Pg. 14, line 10: "Vezeskis".

and with the following amendments noted by LUC Redmond:

Pg. 1, Item 2, Paragraph 1, line 7 should be amended to read as follows:

"...components must be included in the language of any new Zoning Regulation and the burden should fall on the applicant to assist the Planning and Zoning Commissions with any information."

Commissioner D. Kovall seconded the motion and it passed unanimously with C. Kasey refraining from vote due to her absence at the 4/9/18 meeting.

3. PUBLIC COMMENT.

None.

4. LEE & GLORIA HALL – APPLICATION FOR 30' X 36' DETACHED GARAGE, 85 WEINGART ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Commissioner D. Truskauskas recuses himself for this matter.

Lee Hall is present. Property Survey by Sterling Land Surveying dated July 2006 is reviewed with the location of the garage sketched in by Mr. Hall. The garage will be 45 feet to the right west side property line. IWWC and TAHD approvals have been received. Mr. Hall states that approximately 200 yards of fill will be taken off the property and there will be no stockpiling of soil. For this reason, no erosion control measures are required. Written request for a waiver of an engineered plan in accordance with Zoning Regulation 8.5 is on file. Commissioner C. Kasey **motioned** to grant the request for waiver of an engineered plan, seconded by Commissioner T. Root. Commissioner D. Kovall **motioned** to approve the application, seconded by Commissioner C. Kasey. Both motions passed unanimously.

Commissioner D. Truskauskas is reseated.

5. **DISCUSSION/POSSIBLE DECISION - PETITION TO AMEND ZONING REGULATION TEXT AMENDMENTS: ZONING REGULATION *SECTION 2.3 DEFINITION OF ELDERLY HOUSING. *TO ADD A NEW ZONING REGULATION UNDER SECTION 4 PERMITTED USES AND SPECIAL PERMIT USES FOR EACH ZONE (NEW SECTION 4.10) TITLED ZONE E – MULTI-FAMILY ELDERLY HOUSING ZONE, THAT INCLUDES SUBSECTIONS TITLED STATEMENT OF PURPOSE, PERMITTED USES, SPECIAL PERMIT USES, STANDARDS AND REGULATIONS AND ADDITIONAL SITE PLAN REQUIREMENTS. *TO AMEND ZONING REGULATION SECTION 5 LOT AREA TO ADD OTHER DIMENSIONS AND SPACE REQUIREMENTS TO INCLUDE REQUIREMENTS FOR ZONE E.**

Commissioner D. Truskauskas states that this text is taken from poorly written text and regardless of whether this application is approved or not, we should look at our Town Sponsored Elderly Housing regulation and try to improve on it. Perhaps it should be rolled all into one regulation and not have one for town-sponsored. He agrees with Bill Tracy who pointed out that we shouldn't have one set of rules for who can develop because it is about the use and not who is going to be developing. He notes that this was a great start but there is much improvement needed.

Chairwoman Rewenko states that other towns have text amendment proposals and procedures and that should go hand in hand with anything we would want to create.

Commissioner D. Kovall states that we need to consider carefully on which way to go with this. She anticipates many meetings to chew on this because the implications of creating a new zone, is there can be changes to what we have that would satisfy this purpose and allow these units to be built under a Special Permit. The issue is do we adopt an entirely new set of verbiage to delineate a zone? Whether or not it's applied to a specific site or not because you can't see what will come down the line later on.

Commissioner C. Kasey expresses her agreement with Commissioner Kovall and that those are her concerns as well.

Commissioner D. Kovall states that once you create a zone, it is what it is.

Commissioner D. Truskauskas states that it's a lot of information to take in and that we should review and continue discussion at our next Zoning meeting.

Chairwoman Rewenko states that we will want Atty. Michael Rybak to weigh in on any decision we may make.

6. **DISCUSSION/POSSIBLE DECISION - PETITION FOR A ZONE CHANGE FROM LIGHT INDUSTRIAL TO NEWLY CREATED ZONE E – MULTI FAMILY ELDERLY HOUSING ZONE, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.**

No discussion.

7. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO T. Mitchell reported to LUC Redmond that there are no new complaints.

8. **ANY OTHER BUSINESS.**

Greystone Electronics, LLC – application for single family dwelling discussed at 4/9/18 Zoning meeting. Motion required.

LUC points out the *note in the 4/9/18 Zoning minutes regarding her discussion with John Fredsall, Highway Supervisor, regarding a drainage plan that the Commission required of Mr. Graustein/Greystone Electronics, LLC. *After a discussion with Highway Supervisor John Fredsall on 4/10/18, it is Mr. Fredsall's belief that a drainage plan is not required and that all the driveways on that street drain onto the street. To ask Mr.

Graustein to provide a drainage plan would be unreasonable and should not be required of him. Follow up discussion will be held at the next meeting where a decision and a motion will be made.*

A motion is required at this time. Commissioner D. Truskauskas **motioned** to approve the application for a single family dwelling submitted by Greystone Electronics, LLC, seconded by Commissioner D. Kovall. Motion passed unanimously.

Tim Barry, 85 Davis Road – continued discussion on accessory apartment.

Recapping minutes from the 4/9/18 Zoning minutes: LUC Redmond informs the Commission that the owners of 85 Davis Road are in the process of selling their house and want the town's blessing on an accessory apartment above the garage. There are no permits for this on file. Zoning minutes from July 12, 1999 speak of the accessory apartment that was going to be inspected by then ZEO Leo Reitmann and he was to report back to the Zoning Commission at the next meeting. The inspection was the result of Tim Barry (present owner) who at the time was in the process of purchasing the home and came before the Commission to ensure that the apartment was legal. The 1999 minutes have Leo Reitmann stating that the apartment was built in 1985. Later minutes reflect no further discussion. The accessory apartment is noted on the Assessor's street card as being 676 square feet gross area. Commissioners ask that LUC Redmond check the Zoning Regulations from 1985 to when the house was built in 1988 to find out when accessory apartments were permitted.

LUC Redmond has found that the 1984 Zoning Regulations have no regulations on Accessory Apartments. 7/11/88 Zoning Regulations regulates Accessory Apartments under Special Permit Uses.

Therefore, no regulations were in place at time of construction of the apartment.

Commissioner D. Truskauskas **motioned** that the accessory apartment above the garage at 85 Davis Road is a legal apartment constructed prior to Zoning Regulations seconded by Commissioner C. Kasey. Motion passed unanimously.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

None.

11. **ADJOURN.**

Commissioner D. Truskauskas **motioned** to adjourn the meeting at 8:50 p.m., seconded by Commissioner C. Kasey. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 04/30/18 AT 2:37 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK