

MINUTES

WATERTOWN PLANNING AND ZONING COMMISSION PUBLIC HEARING

WATERTOWN HIGH SCHOOL TECHNOLOGY CENTER
WEDNESDAY, JANUARY 2, 2008 - 7:00 P.M.

CIDER HIL

PRESENT: Jeff Franson
Carl Mancini
Gary Martin
Michael Masayda, Secretary (arrived late; no time given)
David Minnich, Chairman
Ron Russ
Judy Wick, Vice Chairman

ABSENT: None

ALTERNATES PRESENT: Ken Demirs
Duane George
Ray Rondeau

ALTERNATES ABSENT: None

OTHERS PRESENT: Chuck Berger, Town Engineer
Ruth Mulcahy, Zoning Enforcement Officer

1. Call Meeting To Order

Mr. Minnich, Chairman, Called the Public Hearing to Order at about 8:25 p.m. (no time given).

2. Roll Call

Ms. Allen, Clerk, executed the Roll Call.

Mr. Minnich, Chairman, asked Mr. Demirs to sit in for Mr. Masayda, in his absence.

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3. Hearing of Applications

- B. An Application for a 3 lot subdivision with other land, known as "Cider Hill" located on Woodbury Road and Old Baird Road, Watertown, CT.

Recess or Adjourn, Public Hearing must be Closed by February 6, 2008 unless the applicant grants an extension of time.

Mr. Minnich, Chairman, read aloud the Legal Notice for the record as follows:

"Legal Notice
Town of Watertown
Planning and Zoning Commission
Public Hearing

The Planning and Zoning Commission of the Town of Watertown will hold a public hearing on Wednesday, January 2, 2008 at 7:00 p.m. in the Watertown High School Technology Center, 324 French Street, Watertown, CT to hear and act upon the following application:

An application for a 3 lot subdivision with other land known as "Cider Hill" located on Woodbury Road and Old Baird Road, Watertown, CT.

Applicant: Garwin Hardisty
42 Timber Lane
Woodbury, CT 06798

At this Hearing interested persons may be heard and written communications will be received. Copies of the application is on file in the Planning and Zoning Office, Depot Square Business Center, 51 Depot Street, Suite 502, Watertown, CT.

Dated at Watertown, CT this 22nd of December. 2007.

Michael Masayda, Secretary
Planning and Zoning Commission"

Ronald Wolfe, Professional Engineer

Mr. Wolfe: This parcel is located on the south side of Route 6, just west of Old Baird Road which is also just west of the intersection of Route 6 with Platt Road. Currently Old Baird Road is unimproved and the parcel has a total area of 34.2 acres. There are 3 lots proposed. The parcels are located in an R-70 zoning district. There are 6.8 acres of wetlands on the site which were identified by Soil Science and Environmental Services in May, 2007. There are also several intermittent watercourses that flow through the property, basically this one that flows through the central portion of the property is runoff that comes across Old Baird Road, and there is also a watercourse that parallels Woodbury Road or Route 6 that is attributed to runoff from Route 6, several catch basins discharge into that intermittent watercourse. There is an existing barn located in the central portion of the property which is currently not being used.

The application was previously presented to the Commission as an 11 lot subdivision in 2005 but the application was later withdrawn. You'll see a line going through the central portion of the property, which is this line right here, and that's the approximate limit of what is known as the Watertown Landfill Receptor Study Area which is groundwater contamination study, basically from property further south on Old Board Road near the Watertown Landfill.

The proposed layouts consists of 3 building lots which are all located along the north end of the property along Route 6. Lot #1 would be 1.612 acres, Lot #2 would be 2.410 acres, and Lot #3 would be 2.347 acres. The lots are all proposed to be serviced off of one common driveway with a common driveway apron which we have received approval from the Connecticut D.O.T. There are currently 3.45 acres of open space that is proposed which is located along the southern property line located in this green shaded area here which abuts property recently purchased by the Town. It is proposed to keep the central portion of the property undeveloped at this time since a good portion of it does fall within that receptor study area, as you can see here. We have received approval from Inland/Wetlands, the Torrington Area Health District, the Fire Chief has reviewed and approved the application, and we've submitted the certified mailings. Also at the request of the Commission we prepared a feasibility study of what possible lot layout could look like for the remaining central portion of the property along Old Baird Road which is seen in this layout here, the original 3 lots that we are proposing now and then the central portion of the property would add another 8 lots for a total of 11 lots, and then the open space as it's proposed now all the way to the south. I can answer any questions that the Commission may have at this time.

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Ms. Wick: I would be interested if at a future time when Old Baird Road would be improved to provide for Lots #1 and #3 having their access from Old Baird Road so that a provision would be that those 2 lots, the access would then be from Old Baird Road rather than that combined driveway, it doesn't seem like there would be a wetland issue or anything else. Certainly on Lot #3 it already seems that the house is situated in such a way that it would make it easy and I would think Lot #1 could be done in a similar way, it would reduce the, because my assumption is there will be a stop sign at the end of Old Baird Road, rather than having a driveway.

Mr. Wolfe: Correct, yea that could certainly be achieved with both Lots #1 and #3.

Mr. Martin: The way you have the house set on Lot #1 doesn't necessarily lay itself out to being able to be done that way because you've got your septic in the middle of what would be your drive coming in if you're going to keep that house in that layout. You'd almost have to make sure that that house layout is a little bit different than what you've got there.

Mr. Wolfe: We'd have to rotate that almost 90 degrees so it paralleled Old Baird Road or it could be put on an angle, but it certainly could be achieved.

Mr. Martin: Cause I was thinking the exact same thing as Judy is saying, and I would think that your requirement then on the construction of the homes, at least on Lots #1 and #3 would mandate that the houses face or are in a position where you could easily bring a driveway off of Old Baird Road.

Mr. Wolfe: Sure.

Mr. Minnich: Could you review for us the width and condition of Old Baird Road?

Mr. Wolfe: It's pretty variable in width. This northern portion isn't really passable with a car, it can get up with a tractor or something, it's probably 14 to 16 feet wide at this point as far as the gravel portion or the passable portion. It does get better as you get further to the south but the northern end is somewhat eroded, it's almost down to bedrock.

Mr. Minnich: On the part that passes your subdivision, what are you proposing to do for improvements to Old Baird Road?

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Mr. Wolfe: No improvements are proposed for that portion of the road. We don't have any impact or we're not proposing any curb cuts off of that and at a later date when the central portion of the property does get developed, I think that would require a complete improvement of that road up to Town standards, but for the scale of the subdivision, it's just not warranted at this time.

Mr. Minnich: Is that part of the reason that you put the driveway not on Old Baird Road?

Mr. Wolfe: That is one of the reasons and also we did, working with the Wetlands Commission and the State, we had two separate aprons before to reduce the impacts. There is an intermittent water crossing, we did make that into one common apron for all 3 lots.

Mr. Minnich: Now the intermittent watercourse, can you show me where that is?

Mr. Wolfe: Just basically comes right down parallel to the whole frontage of the property with Route 6. But that apron would have to remain regardless of the access for Lots #1 and #3, just to serve Lot #2, so that culvert and everything would remain in place.

Mr. Martin: The 3.4 areas of open space, does that incorporate the entire development? Is that what our regulations require for the entire development, or just the 3 lots?

Mr. Wolfe: The 3.457 acres is 10% of the entire parcel.

Mr. Minnich: Including the ones you're not

Mr. Martin: Including the undeveloped property?

Mr. Wolfe: Correct.

Mr. Minnich: And so it's your intent then that the Commission not accept that just for this development, but for your future developments on that property?

Mr. Wolfe: The owner's intent is for the Commission to accept it at this time, but when the property is subdivided in the future, when the receptor study is completed, that it not be required to be open space again, since he is meeting the 10% requirement at this time.

Mr. Minnich: So that will meet the requirement for the whole property?

Mr. Wolfe: Correct.

Mr. Russ: What percentage of that open space is wetlands?

Mr. Wolfe: A very small percent, I don't have the calculations but there are just 2 little parcels there. We didn't get into too much detail and I can adjust that if the Commission desires, but the Town did express an interest in acquiring more property that abuts to the property that they just purchased.

Mr. Minnich: Any other comments from the Commission? Are there any member of the public who would like to make comment on this application?

Bruce Bellereave, 735 Main street, Watertown, CT 06795

Mr. Bellereave: I own 26 acres further up Old Baird and I can explain where that is. It's probably right around here, I own 26 acres called Sperry Hill. My main concern is if these 3 lots are approved, and there is no drainage addressed, the water flowing from Young's field across Old Baird down into the watershed, is there engineering sufficient to address that issue? I mean normally if you put in lots off of Old Baird Road, you would improve Old Baird Road and have access to it, and at the same time address the drainage which is most of the water coming off of Young's field. So if they get approval for 3 lots there is no obligation to ever finish the rest of the subdivision, I'm not sure, but that's what I believe. I'm not represented here by counsel tonight, I'm just an observer. It's the first time I've seen the plans, I'm not opposed to any development in the area, I just want to kind of address Old Baird is all I'm really addressing. Are they putting enough attention towards Old Baird or whether the Town is basically going to abandon Old Baird, allow these 3 lots to go in, and then just forget about it, and then who's responsibility is the water problem after that? So that's my main concern is Old Baird Road and my accessibility which was brought up in two other subdivisions in a variance that I had going back 20 years since I've owned this property, so all along during my past proposals I've always addressed coming in from Old Baird so I think my main concern is that Old Baird is not disregarded.

Mr. Minnich: Is Old Baird your only means of accessing your property in the back?

Mr. Bellereave: Well we could come in through the landfill, there is an access from Hamilton Avenue but it's very sloped, it may not meet zoning requirements for slope unless there is quite a bit of blasting, much like the last proposal that was just addressed where you would have to make very large cuts into a cliff, or a ledge, coming in from Hamilton Avenue, but it is possible I believe, with enough dynamite.

Mr. Minnich: But if I'm understanding you correctly, I just want to make sure that your response is clear to me anyway for the record, that Old Baird Road is the only practical access to your property?

Mr. Bellereave: Yes, and when the zoning committee granted me my last subdivision, that was the understanding we had and at one time they tried to abandon Old Baird, there was a Town Hearing and it was recommended by Council to not do that so Old Baird was determined at some point to be a viable road otherwise they would have followed through with their abandonment plan which they rules after that that that was our access because basically if you looked at our plot plan, we're kind of landlocked without Old Baird.

Mr. Minnich: Anyone else who wants to make comment on this application?

Mr. Wolfe: There is considerable runoff that does flow from the Young's property onto Old Baird Road, but Old Baird Road, since it's wore down so much, kind of intercepts any runoff from flowing across this property, so what happens is the runoff sheds off of the fields there that are owned by James Young and Albert Teach and flows onto Old Baird Road, gets intercepted by Old Baird Road and then it flows down the road into the culvert that we're actually putting in for the driveway, so it's all getting picked up by this existing drainage ditch here which parallels Route 6 and eventually discharges into this wetland area here. We understand the need for improving Old Baird Road, it's just not feasible at this time for the scale of the subdivision, until the study gets completed for the central part of the property, then it would be more feasible at that point to improve Old Baird Road for the remainder of the property.

Jim Strub, Seacor, Cassidy & McPartland

Atty. Strub: I just want to confirm one thing with the Commission and also make clear, the picture that is up here is simply a feasibility study that this Commission asked for when the application was submitted, and it's just the 3 lots that are being requested for approval. Any lots that are shown on the feasibility, not only do we not have an obligation, but we have no approval to improve them until such time, and likewise that interior portion of the property, our own viable access is also the unimproved portion of Old Baird Road, thus the reason why we can't at this time, in our estimation, seek approval for those lots along that interior portion. Just wanted to make sure that was clear.

Mr. Minnich: Chuck, do you want to make comment during this Public Hearing as to the Public Works Department's thoughts on this project?

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Mr. Berger: Both Ruth and I spoke with Roy Cavanaugh, Director of Public Works, regarding a couple of issues here. The first one is the location of the open space area, and the Director of Public Works is in favor of the open space as it is proposed, not only to provide a buffer to a future highway garage in the landfill, transfer station area, as well as to also own property in an area that is part of that D.E.P. receptor area that hopefully is not, well the studies in the future will determine whether or not any of the contamination is moving in that direction, so he is in favor of the open space area. He emphatically stated that the intention at this time, the intention in the future is to make Old Baird Road a through road. There is no thought to abandon it at this time and in fact, he wanted us to place on the record that the potential purchasers of lots along here should recognize that at this point it is our intention that at some point in the future build that as a through road, have a highway garage there, with truck traffic traveling up and down that road, so the homeowners ought to be prepared for that in the future.

Mr. Martin: Chuck, what is the amount of time for this leaching study? How long do they go before they say it isn't going any further?

Mr. Berger: I don't know, I can't give you a direct answer on that. Roy has been more actively involved in that study. One of the big roadblocks was our ability to get into the Murtha property to do additional testing to see if indeed the plume is moving in that direction. As was stated we do own that now, I don't know if we have begun testing that property, but that's an important piece that has recently come to be and I can't give you a timeframe or resolution to that. We are actively working on it, though.

Mr. Minnich: Anyone else have any comments? A lot of things are always straightforward and we're always needing to compromise the positions that we've taken in the past and what we're going to be doing now, at least we're always put in those positions. I'm at a quandary myself, that I have been pretty steadfast that when a Town road needs to have improvements because you're passing through that, that you should be doing that in front of your property, and so and I'm still at that quandary because by putting the driveway where you have it, you don't invade that issue because they're not using that road to do it, but when you are putting, and as was suggested tonight to move that driveway to Old Baird Road, which quite frankly from a planning perspective makes a lot of sense, then you run into the quandary that was mentioned, then you should be improving the Town road at least up to your property line. So you've gone through that analysis yourselves as to whether that is, if you were to improve the road to Town standards, which I believe we'd probably want 30 feet, that would be a problem, or have you not gotten to that point yet?

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Mr. Wolfe: It would not be a problem if we were developing 11 lots, but for actually 3 lots, 1 of which would be accessed off of Route 6 anyhow, this lower lot, it's not cost prohibitive (Tape #2, side B ended - may have missed some) detention and 30 feet wide. Like I said before, Lot #2 would need a driveway apron from Route 6 anyhow, most likely, cause you'd have to cut right across the septic area for Lot #1 to get to it, so that's why we said well the original application that came to this Commission for 11 lots did have a common driveway almost in this exact location for the lots, so we said well we know that the receptor study area is in a central portion of the property, to cut to the chase, it's not going to be very marketable, so at least with this portion of the property the owner can develop at this time and not go through the expense of Old Baird Road. If he was proposing driveways off of Old Baird Road he would understand that he would have to improve that up to the Town standards but

Mr. Minnich: Oh good, we can use this record for that as a record

Mr. Wolfe: Well this developer understands that but

Mr. Minnich: Chuck, what conditions did the Wetlands place on this project?

Mr. Berger: I believe just standard conditions. I don't think there was anything out of the ordinary that I recall.

Mr. Minnich: So the runoff that's being talked about is not an impact on this property, they determined that?

Atty. Strub: Just want to make the legal distinction between a road that is a Town road already, although unimproved, and a road such as a cul de sac that cuts into a piece of property. The legal responsibility, and we're to proposing this at this time, but the legal responsibility to improve Old Baird Road, in this case would be an off site improvement, it would not default to a responsibility of the developer. I'm not here to say that developers don't sometimes agree to that and help facilitate that with the Town, I'm not even here to say that there's not something that could be worked out in the future, but just want to point out that in the case of a road that's pre-existing, even if unimproved, it is not the legal responsibility of this property owner necessarily to improve that road at the time of this proposal.

Mr. Minnich: We heard that from your firm through an associate, she's come to us with thick legal opinion on that matter, but I thank you for reminding us, you did your job well. Anyone else have any comments?

Mr. Masayda: The (inaudible) underneath the proposed driveway, is there any reason why it has to be so close to Route 6? Could it be pushed off further to the south?

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Mr. Wolfe: It's basically lined up right where the existing channel is and there is a pretty good, the channel basically parallels Route 6 that given distance all the way down. We went over that with D.O.T.'s drainage unit.

Mr. Masayda: So you got an encroachment permit to (inaudible)?

Mr. Wolfe: Yes, we did, yes I just submitted that this evening. The only comment they had was they just questioned how much clearing was going to be necessary for the site line. They just wanted that to be shown, the site line triangle. We do meet the site line requirements.

Mr. Masayda: I'm talking more clear zone, for hazard, for off of Route 6.

Mr. Wolfe: Yea, they didn't have a problem with the culvert or the flared end, they just wanted to see the area that had to be cleared to obtain the site lines in each direction, just the brush and what not.

Mr. Masayda: So the clear zone from Route 6 then?

Mr. Wolfe: Correct, and I did submit that permit this evening, along with the certified mailings, so that is in the file. One comment that we did get from the Fire Chief was to just make a pull off area for emergency vehicles, somewhere halfway in between on the common drive, and you can see that in this shaded area here on the larger scaled plan which we did incorporate into the plan.

Ms. Wick: I just wanted to reiterate that there would be a requirement for a driveway agreement for (inaudible).

Mr. Wolfe: Easement.

Ms. Wick: That would take care of maintenance and all of that.

Mr. Wolfe: Sure.

MOTION: (Ms. Wick, sec. Mr. Russ) to Close the Public Hearing.

Discussion: None

MOTION PASSED UNANIMOUSLY

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Public Hearing Recessed at about 8:50 p.m. (no time given).

Respectfully submitted,

David E Minnich, Chairman
Planning and Zoning Commission

Lynn M. LaForme, Minutes Secretary