

Town of Watertown  
Planning and Zoning Commission  
Special Meeting  
Public Hearing  
Watertown High School  
April 16, 2008

Minnich: I would like to call this public hearing of the Planning and Zoning Commission to order on April 16, 2008 at 7:00 pm. Carol would you please call the roll.

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

Minnich: Duane would you please sit in for Glen.

**The next item on the agenda is the continuation of the public hearing on Special Permit #239 Watertown High School, Watertown, Ct Site Plan Modifications for an educational use with additions and renovations located at the Watertown High School, 324 French Street, Watertown, Ct.**

Anybody have comments or questions on this? Does the applicant have anything to say on the High School?

**Todd LoFrese – Assistant Superintendent for the Watertown Board of Education.**

We are before you with all three of our school projects and we are seeking approval hopefully this evening for our school projects. I want to give the Commission a summary overview as you recall, we were back to the Commission for consideration for items that were conditionally approved on the February 20<sup>th</sup> Planning and Zoning meeting. We provided some insight into each of the projects budget and how some of the condition approvals were affecting our project budget. We went through some details on project alternates some of the items we as a community are considering making alternates to bring the projects back in line with our

budgets. We also needed to provide additional details for each of the school fields. Kaestle Boos is here and they going to be providing some additional details on some other items we are requested that we look at. Specifically the Judson parking lot curb cuts and then also an additional drawing that details the Polk driveway whether it is one way in or one way out.

As I indicated at the last meeting we are concerned about our project timeline. We need to get the projects on the street and have them bid by mid May. The reason for this, we want to bid all three school projects together simultaneously to each other to solicit the best price. We are concerned that if we are not able to do this each of the project hinge on each other. Which could prove costly in terms of the ability to complete the project and the overall project cost. We are requesting that the Commission consider approving these projects this evening. If there are any remaining or outstanding items regarding drainage we have been working diligently with the Town Engineer to go through these items providing drainage analysis, narrative descriptions on what was preformed and we believe that if there are any remaining items they are very small and that we hoped the Commission would approve these items if there is any concern with contingent approval on the Town Engineer's final review and sign off. That is all I have this evening. Mr. Diablo will take you through the two plans that we have provided for Judson Elementary School and Polk Elementary School and if you want to look at any of the slides or the cost impacts we can forward through the slides if there are any questions from Commission members.

**Joseph DiCarlo – Landscape Architect with Kaestle Boos Associates**

As Mr. LoFrese mentioned we are here for a revisit of the certain orders of conditions at the High School. Then briefly as a reminder then at the High School we had those 8 items we are seeking to revisit. One was relief from having plantings the raised island at the center access drive. The second was approval of field #4 and its adjoining slopes. The third was approval of the synthetic field in the Mills Complex. The fourth was approval of an alternate to make

field #2 behind the high school a synthetic turf field. The fifth item was approval of all the natural grass fields proposed South West of the high school. The sixth was reliefs from having all of the sidewalks on the project are concrete. The seventh was relief from having to screen the roof top mechanical units. The final items were the relief of requiring the Board of Education to bond itself for this project. Those were the items as a reminder that we were looking to revisit from your Commission.

Minnich: Do you have any comments on this school?

Berger: I handed out a memo dated today reviews what I believe is relative to engineering and grading. I have been diligent in working on the issues since the last public hearing. The applicant's Drainage Engineer, I do believe we have made significant progress. Item #1 talked about the drainage analysis for the under drain with the synthetic field. The synthetic field #1 based on the re analysis done in a letter which is attached dated today from WMC is the civil/site/drainage engineer hired by Kaestle Boos for this project. Based on the information received the attached letter we have no further comments on the synthetic field under drainage for field #1.

Item #2 deals with field #2 and it is being bid as an alternate as a synthetic field as well. We have not received a drainage analysis of synthetic field alternative for field #2. However if the Commission wishes to proceed forward I have no problem with them doing it condition upon approval of future drain analysis by myself and the Director of Public Works. It is highly likely that the drain analysis for synthetic field alternative appeal #2 will yield similar results as did for field #1 which is a slight reduction of being close to the sight.

Item #3 deals with the natural turf under drainage systems for field #2, 3 and 4 the comments from the geo technical engineer have been incorporated on the plans and are acceptable to this office.

Items #4 talks about a final drainage report really what I am looking for there is a flurry of activity as you might tell with the first paragraph over the past couple of days. I am not looking for new

information here other than what we will need for field #2. There has been a lot of information going back and forth just wanted a nice complete package when all is said and done here.

Martin: Is that due you from the architect?

Berger: I have all the pieces now but I would like to have it all together in one document for future people who are looking at what has transpired here.

Blais: How long would that take?

Berger: It's just a matter of assembling it, binding it and putting in order so that it is all in one spot. We don't have to find something that I received Friday or received Monday it is all under one spot.

Martin: Have you had time to review it to your satisfaction? You feel very comfortable with what you have looked at and you have had the time to review it?

Berger: Except for the synthetic field #2.

Martin: Which is not going in anyway, with the bidding it may not go in?

Minnich: They are requesting approval for that tonight.

Dupliese: I think I heard you say that if they did out as a synthetic field the drainage calculations are actually less for synthetic than they are for natural?

Berger: Yes. That is what shown for field #1 and suspect that will be what we shown for field #2.

Dupliese: It does not take into consideration the types of material because field #1 could be different from field #2 as far as what's on the ground but that does not make any difference?

Berger: Field material under the synthetic field turf is not natural material, it is not on site material, its fill that meets a certain specification and it is all brought in.

Dupliese: And right now the accounts they have given you meet for natural not synthetic?

Berger: For field #2?

Dupliese: Correct. But if they do get synthetic it actually could be less than the natural they have given you?

Berger: Most likely. It may be different sizes or a different layout pattern. It will be very similar to what I recently received and approved.

Minnich: Is that your conclusion or do you have more?

Berger: Item #5 on my memo refers to the fill slope adjacent to field #4 that has now incorporated all the comments the Geo Technical Engineer and that is acceptable to our office.

Item #6 is sort of an extension of that fill slope behind field #4 and deals with the outlet of the drainage system from that fill slope and there are two proposals that have been incorporated on the plans. One is a temporary proposal that avoids impacting the state established encroachment lines and that will be a temporary measure that will be installed. The permanent measure solution down there does require state stream encroachment line permit that I guess we will call that the final solution to the plans and both are acceptable to our office.

Minnich: Any questions?

Martin: How long does it take to get a stream encroachment permit?

Berger: Six to nine months.

Martin: Just one more thing on that field. If you look at the field they going in field #1 and overlay that on field #2 do calculations come out the same so that we know the calculations for one be the same for two, if you put field #1 over lay it on field #2?

Berger: The direct overlay of field #1 to field #2, if the drainage panels are spaced as they are on field #1 and length as on field #1 it's identical to field #1 the results will come out the same.

Dupliese: But they are not the same size as of right now?

Berger: If field #2 is built as a synthetic field turf. I believe the layout of the under drainage system will be different. It may be better as it moves forward we certainly would not allow it to result in increases. Given the layout of the flat panels drain it may be better than field #1.

Minnich: Anybody else?

Dupliese: In the permanent and temporary outlets is it necessary to go into the encroachment the stream encroachment? Do we have to or could we stay out of it at the temporary outlet they have now would that be sufficient or we have to because of the erosion?

Berger: I would recommend we go with the permanent solution that requires a state stream encroachment line permit. What they have proposed now in order to avoid getting to close to the bank is a rip rap plunge pool and level spreader to lessen the velocities of the strength of the water coming out of that pipe. That is in an area near fields and I think the better solution is bringing the outlet to the top of the bank. And a minimum of the Steel Brook stream channel bank is pretty well armored there already let's put a plunge pool right near the edge of the brook and let it flow there vs. 35 or 40 feet away with plunge pool and a level spreader and then flowing over natural ground. That is a temporary solution in my mind. A permanent one is get outlet down by the brook.

Dupliese: So the temporary would be adequate for next nine, ten, eleven, twelve months until we get the permanent and that still will be in the

construction time frame so we don't have to come back with another crew after everybody is gone to this again and everything is seeded and permanent.

Berger: The actual intent is, is to start the permanent process get a permit and while construction is ongoing issue a change of order to either not construct temporary if they haven't gotten to that point yet or reconstruct temporary after the permit is okayed when they get the permit.

Martin: Joe do you have any comments or do you want us to move on? For the record Glen has arrived at 7:10 and Mike at 7:20, so thank you Duane for your short stint. Are there any comments from the members of the public on the High School projects?

### **Bruce Cianciolo – 22 Malvern Hill Road**

This weekend was a normal weekend for the household I am blessed with four children but we had our breakfast we got up we packed our lunch because we knew we were going to be on fields to participate in athletics all day long. The different thing about this weekend is that we were able to do everything at Swift Junior High School and between two soccer practices, a baseball practice, and field hockey clinic that they were running there we were right there and it was very nice to see all the participation, all the use of the field, all the little boys and girls running around and coming on and off and if nothing else talking in the parking lot with the other Moms and Dads and I tend to say there was a matter of community pride that we had this nice facility for our children to use. Last week I gave you a figure of 22 sports at Watertown High School and believe it or not I have told I have not been politically correct and I was told by Ms. Leggi that there are actually 23 sports at Watertown High School because I did not count cheerleading and I am sorry for that. But again some of the figures out those 22 sports Watertown High School had the most varsity sports within the Naugatuck Valley League. Which means that at least 73% of our student athletes are trying to use outdoors and outdoor facilities and with the increase in gasoline and maintenance on the buses to

take these athletes off campus I just think it is in the best interest of us as a community not only in pride but making Watertown High School I dare say the crown jewel of the school system to have these fields incorporated in the plan. And I hope that you would consider this and approve the plan as quickly as possible. Thank you.

Minnich: Is there anyone who would like to make public comments on the high school?  
Any comments from the public or the Commission? Hearing none.  
Does applicant has any final comments regarding the high school?  
Hearing none is there a motion?

**Stan Chowaniec 15 Hemingway Court**

Basically I just have this question because originally in the plan we were discussing that there would be turf field at Mills and the high school would have that type of sporting field conditions. Is it correct for me to understand that is no longer so, that is something that is being reviewed and there is a chance that the artificial turf may not be going in?

Minnich: The school has requested that the field #1 which is where the football field is now that it be changed to an artificial turf. And they have three fields in the back that they are proposing one of which they are proposing be artificial turf.

Chowmaniec: These are still proposals correct?

Minnich: That is there request this evening for us to consider?

Chowmaniec: So I am to understand there is a chance that none of these or some of these may not be artificial turf particularly the football field?

Minnich: Well the issue and the jurisdiction of this Commission is not the money. There has been a lot of time spent by the applicants and I will be informing the members of the Commission that they may not

consider any issues relating to money on this matter even though that has been the presentation. So absent money issues our jurisdiction is the remainder of other issues such as drainage, the special permit issues in terms of the effect of the neighbors and so forth so there is a lot of other issues besides anything other than non money issues which is what is in our jurisdiction.

Chowmaniec: That answers my question.

Minnich: Is there any other comments from the Commission? Any further comments from the applicant? Is there a motion to close this public hearing? Is there any further discussion? All those in favor of closing this public hearing please say I all those opposed say no. Motion carries.

The text of motion is to close public hearing. Motion made by J. Blais and seconded by G. Dupliese. All in favor and none opposed.

Micheal Masayda \_\_\_\_\_  
Secretary

Town of Watertown  
Planning and Zoning Commission  
Special Meeting  
Public Hearing

Polk Elementary School  
April 16, 2008

Minnich: **The next item on the agenda is the consideration of public hearing for Special Permit #241 for Polk School, Watertown, Ct Site Plan Modifications for an educational use with additions and renovations located at the Polk School, 435 Buckingham Street, Oakville, Ct.**

Does the applicant have any comments?

**Joseph DiCarlo – Landscape Architect with Kaestle Boos Associates**

Again as simply a reminder to the Commission the initial approval had 21 conditions attached to it and we were seeking a revisit of 4 of them.

The first one is relief of all of the sidewalks be concrete.

The second one more importantly was a decision there was a wording glitch in the approval as to which direction of flow the traffic will take as the parent drop loop whether it be in from Buckingham Street or out to Buckingham Street.

Next was a relief from having to screen the roof top units.

And the final again was relief from the Board of Education be bonded for performance.

You have before you a plan I believe that shows it as one way in which is to say that we have done it both ways. The one that was presented to the Commission initially had the traffic one way out and were seeking a decision from this Commission as its choice in that regard.

That's it very brief.

Minnich: Chuck you presented a memo to us just now. Could you give us your comments?

Berger: The middle paragraph is the important one on this memo. The Department of Public Works continues to recommend that the North Parent Drop Off be a one way into Buckingham Street. As shown on plans attached. We did hear from Mr. Cavanaugh last week about the reasons for that and his specification for it and us continuing to stand by that position.

Minnich: Is there any comments and questions from the Commission?

Dupliese: Is still continues to be a problem for me as far as that North drop off loop. Because they have it as two lanes and I understand Mr. Cavanaugh's position. But they have it as two lanes coming in, so if there is two lanes of traffic coming in then kids are still going to be getting out of their car and having to cross traffic if you are the second lane away from the building which does not make any sense. We are bringing in that way so they are getting out on the right hand side because that is what they are trained to do but for me I feel that we are going to stack traffic out on that street and just going to make a traffic jam. That is my position I much prefer to have them coming in the other way. I know we could do hash marks and we could do a bunch of different things to train people to go. If you are bringing them in from Buckingham Street on that North entrance the point is they are going to get out at the closest point to the entrance and that is going to stack up traffic out into the street. My opinion is I would prefer it the other way.

Masayda: Shouldn't a parent be dropping their kid off at the sidewalk they bypass capabilities to one park in front of the person dropping them off. Because you are going to have conflict with the bus loop and that presented there at the Public Works Engineering Department as proposed.

Minnich: Thank you. Is there any other comments or questions?

Martin: I agree with the opposite flow of direction. Mike you said it is not a two way, he did not say it was a two way. But when Mr. Dupliese says two cars are coming in the reasons for getting it the other way given by the Public Works was that children will be exiting because it is there natural process to go out on the right hand side. I think it is a natural process to go out either side or again allowing children in out on the driver side coming in that way is the same hazard. To me knowing drop off routes and paths the better way is to stack them in you don't bring traffic to Buckingham Street. You do not back up traffic to Buckingham Street. You are going to cause every morning a hassle with cars coming out of the parent drop off or the bus drop off with cars cross there and anybody making left or right hand turn. I believe keeping it off and letting them flow out onto Buckingham Street from the most northerly exit is the right way to go without question.

Dupliese: The other point that I would like to bring up is that if it does back up onto Buckingham Street than what parents are going to start doing is letting their kids out on Buckingham Street and then the kids are going to be running across the bus route itself. They are going to be running across the traffic that coming out of the bus traffic they are going to running in front of the buses. I much prefer stacking them inside the parking lot and let them have their 2 or 3 hundred feet of stacking inside the parking lot rather than on the road.

Minnich: Is there any other questions or comments?

Russ: I think you gentlemen are forgetting French Street. There are a lot of cars that do not even enter Buckingham Street to drop the kids off they let them off at French Street. So in my mind working across from the school for 26 years I think this is a marvelous plan with the two cars going in off Buckingham Street. And people coming in the bottom are only going as far as the parking spaces. They are not going into the drop off loop. With that traffic going against each other there will be complications with someone driving in to drop the kid off and someone driving in from the North dropping their kid off and stop and start talking and they will tie up the whole thing so just to have everybody come in one way and go out the bottom.

Martin: Could I ask you one question on that thought process? Are you saying you are assuming that children are going to be getting out of their vehicles on French Street and entering into the building?

Russ: Yes

Martin: May I ask the Board of Ed are you securing your buildings as all other schools is. You are limiting the access to the building so that you have a security locks on those doors and trying to keep the children to the front of the building as all other schools?

LoFrese: Yes, we try to limit access to the building as much as possible during arrival and dismissal times. There are teacher duties and the doors that will be opened will have a teacher assigned to those areas.

Martin: But are looking to push the traffic, the drop offs to your drop off areas that is your intent is to ask parents to drop off in the drop off area and not use that portion of the facility to get so you can lock it down and leave it locked down?

LoFrese: That is one intent and the other intent is to have as many students dropped inside school grounds as possible.

Dupliese: With that in mind and appreciate what you are saying here is that. My children have both recently been through Polk School and on many days I have dropped off my daughter and son off on the drop off on French Street and then I would get to the cross walk and hold my breath as the kids run across the roads. Parents were dropping them off both sides of the road and the crossing guard and we are trying to funnel them away from that so we don't have that anymore and bring them in the other end. But if we bring them in this other end than now I think we are funneling in all that traffic to be backed up here. I think we are just asking for a nightmare.

Russ: Just like what we are asking for is parents to never let their kids off on the opposite side on French St. They always still let their kids off in the drop off lane.

Minnich: We are not going to decide this at this hearing.

Martin: I understand that, but I think it is important to understand all the issues here. And I think I am hearing that the board eventually is to keep kids coming in this side keep them from coming into the back of the building if that's the case that takes the French Street option off the table which is good.

LoFrese: Our intent over time is to try to have as many people dropped off within the school grounds. Obviously during the course of arrival and dismissal times we cannot control where parents choose to drop their students off. However we are going to try to set up a situation where as many people can be in school grounds and an organized fashion as possible.

Mancini: That was my question.

Blais: I think this is the safest way to do a complicated situation as far pedestrian safety. I agree with Mr. Cavanaugh.

Minnich: Is there any comments from the applicant on this? Hearing none. Are there any comments from the members of the public for the Special Permit at Polk School? Are there any further comments from the members of the Commission? Is there a motion to close this special permit and site plan modification for Polk School? All those in favor please say I all opposed say no. Motion carries.

A text of motion to close public hearing. Motion made by C. Mancini and seconded by G. Dupliese. All in favor none opposed.

Micheal Masayda \_\_\_\_\_  
Secretary

Town of Watertown  
Planning and Zoning Commission  
Special Meeting  
Public Hearing  
Judson Elementary School  
April 16, 2008

Minnich: **Continuation of public hearing for Special Permit#240 Judson School, Watertown, Ct Site Plan Modifications for an educational use with additions and renovations located at the Judson School, 124 Hamilton Lane, Watertown, Ct.**

Joe do you have any comments for us?

**Joseph DiCarlo – Landscape Architect for Kaestle Boos Associates**

Again as a reminder at the Judson School your previous approval had 21 conditions attached to it. We are asking that we revisit 5 of them.

The first relief from having all the sidewalks from being concrete.

Relief from planting and the iron in the bus loop.

Approval of the parking plan down Hamilton Lane down by the athletic fields.

A relief from screening the roof top units.

And again relief from having the Board of Ed bond for the project.

After the submission of the plans and with discussions about driveway widths and at the request of the Police Commission the parent loop exit which originally we had as two lanes coming out so you could make a left or a right turn simultaneously was narrowed to a single lane with a shoulder so that the actual the neck down travel lane is about 16 feet wide with a right turn only both sign and painted arrow. And we complied with that and narrowed the resulting pavement down. We specifically have not done narrowing at the bus loop and because we discussed last time we concerned about one of the issues when the project started is congestion on the street. We want to make sure we get the large vehicles, the buses off the street as quickly as possible so we are providing a double lane width for buses to enter and leave and ensuring that if there is backup or extra bus or a bus that breaks down the others can get around without any difficulty and even the possibility of some parent wishing to go into visitor parking space and park while the buses are stacking up. So therefore the bus loop has remained as originally presented.

Russ: Do you predict any complications with the pedestrians making a left hand turn to go back to Rt. 6 to go to work or?

DiCarlo: You are asking me to comment on what the Police Commission requested. I am not sure why they did that, they just came to us and said could you please consider this and Mr. Cavanaugh also passed that request along and we complied with it.

Minnich: Is that your presentation? Chuck you presented us with a memo. Could you review that for us?

Berger: Mr. DiCarlo basically reviewed item #1 with you, relative I call it the teacher's parking area. Turn only lane on the way out and slightly reduce the widths as I know in my memo there. As he noted there were no further changes regarding the potential to narrow the curb cuts for the bus loop.

Item #2 deals with the parking area along Hamilton Lane we have recommended reducing the width of parallel parking area to six feet and to reduce the number of trees that would have to be removed. We have no other comments at this point.

Mancini: Chuck what was that width reducing down to six was it 8 feet before?  
Is that to save a couple of trees?

Berger: Six trees were proposed to be cut for the 8 foot wide parallel parking area reducing it to 3 trees being cut. It will cut it in half.

Minnich: Any questions or comments from members of the Commission?

Martin: Are you still looking to pave six feet in the front?

DiCarlo: The bus loop island? Yes.

Martin: Do you really want to do that?

Minnich: Are there any other comments from the Commission? Does the applicant have comments they want to make?

LoFrese: Just once again to thank the Commission and request a vote this evening on three projects. Thank you very much.

Minnich: Is there any comments from the public on Judson School?

Mancini: Going back to #2 with the 6 feet where does the 6 feet start from the edge of the road where it is right now? There is one section down there where a tree is actually partly in the road now where cars go around that tree or two cars cannot go by is it from the edge of that road right there in 6 feet is that where it is from? Where does it start?

DiCarlo: I am not sure if you can see it from that end that large tree is definitely coming down. There are two others the intent was to leave the edge of the road that there now and sort of move out from the furthest point in towards the fields another 6 feet to widen the road. We did not want to get into cutting the existing road and the problem is the edge waves all over the place so for instance at the end near the school there is a big piece of pavement that actually goes out into school property that is almost 6 feet it will only be adding 2 feet there. When you get further down towards Hamilton Avenue we will be moving out probably 8 or 10 feet so it will be a straight line averaging 6 feet.

Mancini: My question again for that is safety, again being down that area there are ball fields down there, also a lot of kids running around it parallel parking kids might be coming out of the other side of the car. And 2 feet might make a difference two cars going by and a car being parked with kids between the traveling car and the car they are getting into. I just thought that 2 feet might really have more safety for the kids there.

DiCarlo: I believe as relayed to me the concern it was sort of a park like atmosphere we wanted to remove as few trees as possible. The initial thought was 3 when I started to work it out to get enough room. It became 6 and then I was reminded that perhaps we could go back to 6 feet wide and cut the number of trees to 3 again.

Mancini: If I had my way I would cut more trees down to get more parking in there.

Minnich: Is there any more comments from the members of the Commission? In accordance with our practice are there any final comments from

members of the applicant? Hearing none. Is there a motion to close this public hearing? Is there any further discussion? All those in favor please say I all opposed say no. Motion carries.

The text of motion is to close public hearing. A motion made by C. Mancini and seconded by G. Dupliese. All in favor none opposed.

Michael Masayda \_\_\_\_\_  
Secretary

Town of Watertown  
Planning and Zoning Commission  
Special Meeting  
Public Hearing  
Southridge Estates/Bunker Hill Road/Sandbank Road  
April 16, 2008

Minnich: **Continuation of public hearing an application for a proposed 22 lot Subdivison to be known as Southridge Estates located at Bunker Hill Road/Sandbank Road, Watertown, Ct in an R-70 residence district.**

Is there a presentation by the applicant?

**Jim Strub - Secor Cassidy McPartland**

Curt Jones from Civil One is here with me tonight as well. Curt has some maps that reflect some requests made by the Commission the last time we were here. A couple items from the last meeting is a follow up to this one to be honest the last meeting took some unusual turns which is less for me reconcile than for the Commission we will proceed forward on what our preferred alternative is and continues to be. The Cull de sac I put together a letter for you which summarizes some of the stuff we discussed the last time our procedural history in terms of how we got to where we are today which included input from various Commissions and our town staff members. Again as I said last time input not necessarily, not direction the plan you have before you is the plan that we have decided to pursue and we are fully informed consumers here so we understand how the process works and it is our job to convince the Commission that this alternative is an alternative that is best for this property specifically and also for the town within the regulations. I will submit this now for your record and review.

Specifically as to the cull de sacs and on the map that Curt handed out as well there is two cull de sacs just one preliminary technical issue both serve 11 lots and both exceed the minimum distance of 1000 feet. One only slightly and then Southridge Lane exceeds by a little bit more around 1500 feet I believe. The one as you are looking on the left is about 1100 feet so further into the letter you will see a request that the Commission in conformance with its regulations approved the additional length on those two cull de sacs as they see fit to approve the cull de sacs generally anyway.

As to the through road issue on the Southridge Lane the letter at section B on page 2 after it goes through the procedural history

talks about the benefits in our opinion on Southridge Lane as a cull de sac. I understand there can be an argument made for through road in most cases there are arguments on either side. Certainly we feel that the balance tips towards a cull de sac the way your regulations are set forth. It is set forth as decision vested with this Commission. Certainly advice and recommendations from your town staff and an expert is something you should consider to some degree. But in the end it is your decision. One thought I had after the last meeting I am not sure if you all been out there to see the property I assumed you have I don't know if you have recently for me months ago before we came to any Commissions the thing that convinced me that we could come to not just the Wetlands Commission but also to this Commission that has to make the affirmative decision that this plan is preferable was when I drove around the site area and along Sandbank Road itself that was the final piece for me that thought that not only was more than defensive able but it was actually preferable as a alternative for this property.

So again under your regulations dead end streets are permitted I understand they are not encouraged. But your regulations set up to consider these pieces and proposals on a case by case basis based on topography based on where it is located in the town I would go far as to say that intend of the regulation when you put it together I can't imagine this location in town and Sandbank Road was in your mind when you pass this regulation as part of your sub division regulations. I understand the intent behind it and there are places in town where it is imperative to get as many through streets in place as possible. I personally don't feel that this is one of those instances that fit into the box created by your regulations. So I guess most importantly for me was not here to set up some kind of confrontational setting I know last time during the regular meeting there was very closely split vote of the board in terms of how to pursue this information finally moving forward. We are supplying you with information you should take a look at it. Your own analysis we are advocating for the cull de sac not just because the applicant desires to have a cull de sac which is shown by the fact by our first plan that we submitted to Wetlands showed us a through road. So

at one point it was the applicant himself who was looking at a through road and based on what we perceived our perception as an uphill battle in that regard we actually thought this was a better plan and a better alternative. I would be happy to go through things in greater detail. Curt and I would be happy to answer questions on that. I know there are some other issues on the sub division that we need to review as well. I just wanted to put that out there right away there we not here trying to hammer something through the Commission. I understand it is your decision in the end to make.

### **Curt Jones – Civil One**

Just a couple of notes on this map I handed out I would like to note that on Sandbank Road itself to the east which would be to the left of where a possible road extension would come out It is about 950 feet of Sandbank Road which is in the 100 year flood plain. So that water actually in 100 year comes up to about 4 feet high. There is potential for significant flooding. As Jim mentioned Sandbank Road is not a heavily traveled road we don't believe that a lot of traffic should be on that road and that is certainly a factor in coming to a decision on this. As far as traffic flow itself in our opinion the neighborhood is well served by a network of existing roads and I do not see from a traffic viewpoint the necessity of a through road itself. I would also like to note that on this plan and I have larger maps identical to this we have designated Phase I and Phase II on this plan. We would like to be able to set separate bonds for each phase. It is our understanding that both bonds would need to be posted in order to file the maps but it would give us a little bit of autonomy on how each side could proceed on its own. And we would also note that the open space we are proposing that to be transferred back to the farm for agricultural purposes. That is all I have right now. Thanks

Strub: Just for the record just to follow up on the open space piece section 3 of the letter talks about the other land going back and becoming part of the existing historic present farm operation part of that is what we had spoke about back in November was to pursue

a fee in lieu of open space I don't want to leave that piece out. As the other land rolls back into what is Walnut Grove Farm we would be requesting that the commission would favor the open space requirement.

Minnich: Could you say the last sentence one more time.

Strub: What we are asking for is for the other land to be rolled back into Walnut Grove Farm to the extent of that consideration rolling that land back into the farm does not meet the open space requirement. We would be willing to have the Commission consider in favor of open space for the sub division. And that is consistent with what we were talking about in November. I do not want to change where we have been on the discussion.

Minnich: That is the end for now?

Strub: I just want to point out some of the actual reasons to support our position on the road instead of a going through the list of them they are listed on the top of page. There several reasons outlined and again some are consistent with Curt. And our consistent with the maps in front of you so we would be happy to answer any questions you might have.

Minnich: On the last issue that you mentioned about being in lieu of how are you proposing that that be arrived at? As you know the basis under the state law for doing that is evaluating the fair market value of the land prior to development and so this is a little complicated in that I don't know you are suggesting I don't know how you are proceeding here. And we have not come to an agreement on a appraisal or a person doing this and secondly when they do it this is not the typical process in that you are also having some land that you are going to be turning over for agricultural purposes that you want to be using as open space so it is kind of a combination.

Strub: It is in some ways I would defer to you in terms of an example if you would consider that unencumbered property that going back to the farm itself as open space we would endorse that consideration

as well. But I don't want to say one thing in November and come to say to now as an alternative if it is not land that would otherwise consider as viable open space whatever degree you offset it by. If you want to set the percentage below the 10% in terms of a combination or otherwise we would certainly entertain that. I just don't want to leave an issue unaddressed with the Commission I am happy to help you work.

Minnich: Where my head is on that very topic it is my understanding and you are the lawyer not me, but were are not the ones that can propose this issue. You are giving us a fee in lieu of and you have under the state law there is process by how that's arrived at which is pretty clear you agree on somebody doing that appraisal it comes back and if both sides like it you then take that percent of the market value. Other than what is written in the law how do we arrive, or what do you propose we arrive at?

Strub: My understanding is that you can do a combination where by the percentage is lower than 10%. How do we arrive at it I think we would agree to pick an appraiser that is amendable to this Commission?

Minnich: Let me be real clear. If you are going to be proposing a percentage it is my understanding we are not the ones that can say it going to be 9.5% or any other number. You have to be the one proposing it and we have to be the ones reacting to it.

Strub: I need a better sense of how satisfied the Commission is with the open space. The condition we are proposing.

Minnich: So you want to wait on that answer?

Strub: Yes. I mean I don't want to put the Commission in a position that when we are done talking you guys say this open space arrangement is not acceptable. We want to make the board have the flexibility to make the decision if they can.

Minnich: I understand I know this board well enough and I am going to tell you if like this idea we going to tell you 10% the most we can get. That is not going to be what you like and I know very well we can ask for that you have to be the one to offer. I made my points it not in our court to make the proposal for the deal so to speak. It is in your court. I have not heard anything yet so I will assume it just all discussion at this point.

Strub: At this point it is all discussion.

Minnich: Is there any comments or questions for the Commission?

Martin: Does the engineering department or the highway take any position on the cull de sac in this particular presentation?

Cavanaugh: With the permission of the chair. My name is Roy Cavanaugh the Director of Public Works in answer to your question. And thank you for giving me the introduction and the opportunity or the speak I know that the Commission is already voted and got a sense of where the Commission wanted to go on this issue, however I wanted to explain my reasoning on the previous document.

I submitted requesting a through road. I acknowledged everything the applicant has said. Well almost everything the applicant has said there are a lot of difficulties in this particular area with pushing the road through. There are wetland impacts, there is the impervious surface impact, and the fact that Sandbank Road is within the 100 year flood plain and I can attest to the fact that road is over topped and closed periodically during periods of heavy rain. I am not going to say on a regular basis but it happens often enough that we can say that it is problematic. Having said all of that the Highway Division of the Public Works is a general position that we can make all the facts, it is a lot more difficult for the Highway Department to take off than straight or through roads. The islands are more difficult that is the Commission's decision whether or not you have a cull de sac or a through road however in this particular instance I felt a very important way in on the possibility of pushing a through road through and as opposed to a cull de sac

and it is kind of emotional decision that this point after giving it a lot of thought. I came to the conclusion we have a 100 year flood plain issue connecting the roads at that issue with the 100 year flood plain issue means is any given area there is a 1% chance that the road is going to be overtopped to the 100 year level. That is a problem in a few areas Sandbank Road hopefully down the road we are going to be addressing it. Where I get emotional on it was that the fact that were are not working on a 100 year flood plain issue I am working at two instances on Bunker Hill Road within the last year that caused us a lot of grief, anxiety, worry.

The first thing is you may recall back in the winter we had an incident where sudden ice storm came upon the town there numerous school buses stuck there. It was basically a regional disaster if you will as far as getting the kids home. What happens specifically here at Watertown in this very area was that there was a school bus stuck on the famous 7 hills which are not designed for this type of traffic if I can regress for a second this area of town is experiencing major growth as you know there is a lot of sub divisions going in. There is a 200 some odd unit retirement home going in down at the end of the Bunker Hill. So this past year we had a bus load of kids stuck up on the 7 hills in this area trying to get the kids out of there proved to be problematic and it was a nightmare. We had a police officer go down and try to assist the police officer got stuck. We had numerous cars stuck by the side of the road and in the road it was so bad that we could not get the plow trucks down to rescue everybody. What happened was we had a plow truck coming in east bound and west bound on Bunker Hill Road neither one of them could reach the incident scene. We had a snow plow truck come in our road and again they could reach the particular incident there. Fortunately nobody got hurt but the kids were stuck on the bus for an hour and its simply because the lack of #1, 7 hills is a problematic in the winter and #2 it was a sudden ice storm it may or may not have been help but it would have given us one more options to provide EMS services in through that area. I will acknowledge the fact this road is one of the worst roads that we have got remaining on our inventory. It certainly does not meet modern standards either with or sub base and subject to an

inundation however a portion of Sandbank Road when it not under water is a fairly good road considering it is a country road.

The second emotional part and the reason that I felt more urgency to coming out here was the fact that Barnes Road to the west of the Appleton site and further off the map is Bell Meadow Road both of those roads they pose significant safety challenges to the motoring public. Someone said that Bell Meadow had two weeks ago there was a serious incident out there, the second serious incident in two years. The Public Works Department is in the process of putting out the intersection of Barnes Road and Bunker Hill Road and putting in a design plan to improve the safety there unfortunately whatever we do is not going to be what I would like to do. We can't make that as safe as it should be, but were are going to do our best.

We are also in process putting together an application for improvement to Bunker Hill Road on Bell Meadow we are going to be submitting that to the State of Ct Department of Transportation next month. Mostly as a result of this accident so what we got here 2 serious intersection improvement or challenges lying ahead of us on Bunker Hill Road. I feel that not withstanding all the difficulties that would be pushing the road through or Sandbank Road the more traffic we can get off Bunker Hill Road probably the better we are going to be.

Eventually my long term plan is putting in for an urban transportation project to improving Bunker Hill Road probably from Middlebury Road all the way out to Quassapaug Road if I can get the state to go for it. Unfortunately that is at least 10 years out if I can get the project accepted but this particular is such in the town is of serious concerns for safety issues and traffic issues and development issues to the Public Works Department and certainly to the Planning and Zoning Commission and so I thank you for your time and those are my thought processes of why we are out there. Certainly it is a difficult situation it's not the applicants fault it is geography it is what it is and is 7 hills.

And if I can regress for a second I have a personal grudge against 7 hills they cost me 8 years of my wife's income she got stuck at the top of one of the 7 hills bringing the kids to day care on Quassapaug Road she said that is it I am not working anymore 8 years later she is still a housewife. Any questions?

Martin: Do you know exactly where Phase II comes out on Bunker Hill is that end of the road or at the top of the road?

Cavanaugh: If you take a look it is kind of on the side it's almost directly across from the other sub division road. So it would be like a 4 way intersection as that point. It does not show there is another sub division that was approved and that is directly across.

Martin: And it is on a side hill?

Cavanaugh: Yes.

Martin: So would you think it would be useful as a through road for that scenario that you gave us being on a side road. I totally agree with you I am wondering if the side road makes the same thing.

Cavanaugh: It is not the best but it gives us another option and that is what we are looking for options. Of course the two scenarios that I just talked about may never occur again hopefully they won't ever occur again but from a public safety perspective we like to be able to respond more efficiently and effectively.

George: We are talking about 11 units.

Cavanaugh: Yes.

George: We are not talking about a lot of traffic to warrant running them into areas that they may not be able to travel on Sandbank. If it is in the flood plain or you admitted the entire road is in terrible shape.

Cavanaugh: Yes.

George: I cannot understand why where even attempting to run in those directions.

Cavanaugh: We are not attempting to run those 11. What we are attempting to do give them an option for another way out. Keep them off of Bunker Hill and give us another option.

George: Why do we want to go in a direction that they can't go a lot of times? Nobody would ever want to go that way I understand that. You even admitted to that. When it is bad times with the flood plain and everything why would they want to go down Sandbank?

Cavanaugh: Nobody in their right mind would.

George: Okay and you are talking about 11 units. I do not understand.

Cavanaugh: I guess I am not following you. It's my thought; it is another option most of the time they can get down through there but given another through road option. That is all I am saying.

George: We have other areas in town that we have through roads to go through and we taken them out to let them on a cull de sac so we don't have that through traffic and then we turn right around here to have through traffic. I just don't understand. Did you make a recommendation when Mr. Polletta's piece was going to have a through road go out, did you make a recommendation that be eliminated and be a cull de sac?

Cavanaugh: No. Our recommendation was making through road.

George: They turned around and made that a cull de sac in.

Cavanaugh: That was a decision of the Commission. My position was in this case and that case was both in favor of the through road. The Commission decided otherwise and that's the prevue of the Commission.

Masayda: I would like to respond here Dwayne. I think what Roy is trying to get at is, that if you look at a aerial photo of that whole section of town there is a lot of available property and were not just looking for today. Again there is potential for development and that section of town and to improve the traffic circulation for the maximum build in the future. I think this road would be very necessary as the through road.

George: I don't mean to interrupt and I apologize but they are not adjacent to that road. Not adjacent to the road is there buildable property. Not adjacent which would effect that piece that area right there. If you go down the road tomorrow it is not going to affect that.

Masayda: Just basically what I said there is a lot of potential for development both on Bunker Hill Road and Sandbank Road some of these other roads if you look at maximum build in the future that I think we would want a through road to improve circulation at that time not just for this one development.

Martin: Difference between this and Joe Polletta property is this. It hits at the end of the cull de sac and Joe Polletta hits it in the middle of the road that made it a big difference in my view and I even said if it came to the end I support the going through but the fact that is was in the middle of that road I did not think it was worth wild.

George: It would have reduced the length of the cull de sac.

Martin: You are not getting rid of the cull de sac so it did not make any sense on that other one. It is the point I made just try to clarify why it is on there.

George: Why wouldn't it make sense? It would have taken that traffic on the cull de sac road and allowed them to go out on to Echo Lake Road in a different direction and allowed people to come off Echo Lake Road in two different directions to get to the same point.

Martin: But I am just trying to explain the difference between that one and this and why the decision. Why I supported the decision in not

making that. Because you brought both together I wanted to make sure I stated the difference.

Duplicate: I have three things to say here, Number one was I was on the Wetlands Commission when we had the site walk on this property. And I was there with the Wetland Commission and Emily Jones when we originally walked that field and there was a very minor wetland crossing that we would have to do. There was a little wetland thing that came down across the moat field or the hay field and the crossing that came across in order to bring this all the way to Sandbank. And at the time I did not feel that was a major option or obstacle when I was on the Wetland Commission and then it came back to us as a cull de sac so it eliminated that. It was not a major thing so go back and forth I hate making somebody go back and forth but that's just my feeling I don't think there would be problem if it went back to Wetlands.

#2 This one in comparison to Polletta division was that there was not so much Polletta road that was a problem more that it was the extending the existing cull e sac which was an existing neighborhood of ten houses that were now being disrupted. People bought homes in an existing neighborhood that they thought was going to stay a cull de sac and be extended.

#3 These are just my thoughts is that if bus had been stopped on the hill and there were plows stuck on both sides of the hill because this is going up the hill then somebody was in what we are going to call Phase II and had an emergency I would like to have the option of coming out of my house in Phase II and being able to go down that hill to be able to hit Sandbank because in the winter time it is not going to be flooded with four wheel drive I am sure you can access through what we are calling the flood plain I would not come around Mt. Olive Road. I would hit Sandbank down Middlebury Road but I would like to have that option if I am on that Phase II road and I cannot get out because there are plows stuck on both sides of this hill. If they are blocking the road I want to be able to go the other way. So that is my opinion those were my three comments.

Strub: Just for the record I don't know anything about Mr. Polletta sub division and I don't want to know anything about this sub division. My biggest point is that this piece of property is unique and so I would argue not anything about Mr. Polletta sub division that this has nothing to do with that. That being said I am not here to argue or wrestle with Mr. Cavanaugh either it was never our intention I hope it never came off that way. I would endorse his comment that it is not the applicant's fault I thought that was very astute comment by him. But I still feel as the risk of getting into a public safety area where I am not professionally to speak on that. I can draw you hypothetical's on any configuration you want to put out there that could be a problem. So it is the Commission's decision we have our reasons that we think are appropriate and appropriate for this piece. You r right if we have to go back to Wetlands we will of course do that. We would prefer not to also.

Dupliese: I can understand your position when I consider things like this here and bring it to me and I apologize if it does go back. I am not saying that it will but I would prefer the side of safety when I have the Director of Public Works in front of me saying well this happened here and that happened here and this scenario has happened and it is not like this is a flat road and I have to thank Mr. Cavanaugh for bringing it up. This is the infamous seven hills and if you have been there when you have a ten inch snow storm it is not just ten inches of snow that build up on these roads but sometimes you have snow drifts of 4, 5 or 6 feet. I have seen the plows and I have actually had to rescue because I drive four wheel drive and I go out in the snow storm on purpose to rescue people. But I have pulled people out of in front of Mr. Lynn's Farm as a matter of fact I actually Mr. Lynn out of his own driveway right there.

Strub: I will say on the issues brought up with Mr. Cavanaugh on the first one certainly germane the second one I think I understand his position, I don't think it necessarily relates to our position here before you I don't feel think it is confrontational in saying that. But again I would encourage you to consider the plan in front of you that being said if you do consider the plan in front of you as appropriate

the second piece is that we need the three quarters vote to allow the cull de sac to be line presented. So, I got to watch out for those regulatory boxes that all.

Blais: I would like to see cull de sacs in this particular spot because of this wetlands problem on Sandbank Road would it be fair to say that to improve Sandbank Road to drivable through road it would be a significant financial burden on whoever is going to do it?

Jones: I would agree that it would be a significant financial burden. As noted on the map here there is about 950 feet of road within that 100 year flood plain and the water comes up about 4 feet high on the road. And such a large amount of filling would definitely require army core of engineers permit. Which is as we know takes a long time and a lot of money. So beside the construction cost just the procedural effort would be quite burdensome.

Blais: We all know that roads get plugged up like 84 did about 2 months ago. For the whole day, 91 I have been on it when it is an ice storm and closed right down police and firemen can't come. My road Guernseytown Road gets snowed every 10 or 15 years for a couple of days. I think a cull de sac in this particular area is perfect.

Minnich: Any other comments from the Commission at this point?

Masayda: Mr. Jones, no one would ever recommend raising the road above the flood elevation.

Jones: And also responding to your earlier comment about the future build out which obviously we cannot predict. There are certain trends you can see we are providing for a through right of way with the cull de sac configuration we are leaving the 50 foot right of way in this proposal so that in the future I think that was part of the discussions early on also. I was not sure if you were aware of that.

Masayda: However though with the last several sub divisions that have come forward including Mr. Polletta's a lot of these temporary cull de sacs out there. But when future development does try to move in then it

is the same situation all the residents come out and getting back to what you said those people who bought on that road should have known if you are going to spend a couple hundred thousand dollars on a house you better do your investigation and know whether it is a through road or a temporary cull de sac or a potential for a through road. So it is buyer beware.

Jones: I just have one other housekeeping if I may at the last meeting there was a request to show 200 year flood lines on the record map I do have a copy of that for your records tonight.

Minnich: Is there anything further from the Commission? Are there any comments from the members of the public on this application? Let us proceed with some comments that I have on how to proceed. Our process normally would have been after we have our questions is to consider closing the public hearing and then go on to deciding the issue however the issues at hand our such that closing the public hearing would not be in the interest, in my judgment of the applicant in that and fair to them because this does impact the open space issue in terms if we are going to lengthen the road. It does impact if they have a discussion we had this being used for farming in this area and it also would need if we are to have this as additional length of road. It obviously has from their perspective an impact on finances that they want to discuss with us and they obviously have not done the engineering for all of this, would need to consider and review as well. So having said all that I think it is encumbered upon us to come to some more firm understanding of where we are in regards to lengths of the Phase II cull de sac and its connection to Sandbank.

I know the last discussion that we had in preliminary and this applicant came to us he is not required to come to us and asked us if we would wish to consider the proposal to keep this particular Phase II a cull de sac and not a through road. In recalling the consideration that I made at the time when we all make our own is that Sandbank does flood and it floods not just in the 100 year flood its floods regularly. I have been down there so considering it to be a road to which you are going to use for access and a dependable

means of access particularly in the weather periods of time and typically at some point in the winter and in the spring that's not one road I would want to go down as a way.

When I look at this it is on the Southern edge of our town next to Middlebury so anyone and there is really beyond into the Middlebury there is a lot of vacant land but it also homes and residential area just beyond that. If I was going to be living on this cull de sac or through road to use the access to Sandbank Road to get to anywhere in Watertown would mean that I would never use Sandbank Road I would always use Bunker Hill. With the exception obviously of the times where the road is blocked for some reason but that's the case with every road in town I think could be blocked by an accident or what have you.

We look at the condition of Sandbank Road it is not a very good road in terms of how wide it is, What we have invested as community in the dollars to up keep that road, that's given by the statements made tonight and other times about Mt Olive Road it is in terrible condition and needs improvement for the town. So why not have the road that is already through improved by the town rather than having the developer pay for a road to which we have never in our plan of development which we just completed had indicated this particular was to have any sort of change in through roads. Bunker Hill was the through there has never been discussions about there being any other road obviously that be connected to Middlebury further down as a through road. There is no other through road through here.

I have been enticed from the beginning about the fact that there is potential for this land to continue to be farmed and that was the intent of the open space that was to be deeded. I don't know how the deed was to work and exactly who was going to whether it was a trust or whatever.

But I intrigued by that hearing tonight a little bit as you can hear that they would like to give us town some money I don't know what

that would be but that's enticing I would like to hear that proposal at some point.

But the real issue for us to proceed as I see it is we need to come to some understanding as to whether this road is going to be a through road. I have given you my thoughts and understanding as to why I came to the conclusion the last time. I don't see for 11 lots the necessity to expand this road to Sandbank Road which is in pretty rough shape. And I don't see us ever going any further on Sandbank Road because you are in the town of Middlebury at that point. Those are my thoughts do we wish to proceed to come some conclusion on this regarding this issue tonight to give. If he is going to have to present something differently he going to have to come back with some other drawings so.

Martin: Are you saying that the continuing of Phase II road through to Sandbank affects the farming portion of this?

Minnich: What I was saying is that my understanding all of that area in there I don't know the exact area there was intent for it to be farmed. That was one of the concepts that came to us, and a lot of it is wetlands some of it is not, that they were going to use part of that land and exactly which for ongoing farming and that was part of the open space contribution they were giving.

Strub: Just to be clear even if it takes away a reason here. The proposed use for that land as farming agricultural land would be the same under either alternative. There might be a minimal to some degree increase over one proposal over another but that is not an issue that we are pushing as significant here.

Masayda: I still don't know. Why can't we close the public hearing? They said the engineering would be relatively quick to complete they had some it done already. So that was there original proposal so I don't see any reason why we can't close the public hearing. What other information do we need? You indicated to open space but we can make that a condition. I don't see the need to keep the hearing open.

Minnich: If that is everyone judgment, my own view is not so much for my perspective as for what I perceived as being fair to the applicant. The applicant is now going to have to have a through road to which is not his proposal not what they have done with the engineering for. If that is our conclusion then in fairness to him they need to do the proposal and the work design be able to present to use what issues they may have for it. If the public hearing is closed we not allowed as you know to accept those comments except through staff. So it is only my perception what is fair to the applicant in terms of what may be a significant change to this project. The other part of this significant change to the project is obviously the length of the cull de sac that he is going to need knowing how we are going to stand on the three quarters votes. To know whether he can even get the length of the road and if he can't how is that going to effect the 11 lots to which he has proposed.

Masayda: We can't have a vote until we close the public hearing though, relative to the cull de sac can't we make a vote on the cull de sac now?

Minnich: No, we can come to an understanding of where we are going to be. We tried that last time and he says you cannot to that.

George: Didn't we have a poll the last time?

Masayda: You cannot do that.

Minnich: The poll that we had was a non binding poll of the Commission drawing a non applicant there was no application before us. The potential applicant was wondering which way we would go so they then could spend their money designing it as we had talked about. They knew very well that is not binding on us and they went and made their plans according to what you have before us. So there is nothing that cast in concrete so to speak for this our decision.

George: Could we have a pole that would be binding?

Minnich: No. But I am assuming though that we are now closer to the time when we are going to make a decision that the non binding poll that we have now would reflect. I am going to ask the members of the audience that you may not talk in this room. Thank you. That the non binding poll that we have would reflect what we would be finally doing on this issue vs. what we did some months ago. But how you want to proceed is up to you. My own view is and you can go as you want that to close the hearing without these significant issues answered would be not in the interest of the applicant.

George: I agree with you 100%.

Masayda: Do you want to take a consensus.

Minnich: If that what you want to do?

Martin: Now what are we doing opening or closing the hearing.

Minnich: The issue we are doing is on the specific issues we will take each one and there are a couple of them. One of them is we can take each one in order. Is whether to make Phase II through road or keep it as a cull de sac as proposed. And we can start there. Do we wish to take a poll and do it this way?

Martin: Can I see the plan with the driveways.

Minnich: Gentlemen. There is no talking except those at the podium. Thank you.

Jones: This area we are pointing to is just a rain garden this is just a maintenance driveway to take care of that area.

Martin: Is that a paved driveway? So the maintenance driveway would be paved?

Jones: I believe so yes.

Martin: You are not really adding a lot of asphalt here.

Jones: It is a significant cost to the applicant to build another 800 feet.

Minnich: Let me make sure we are under the same understanding. Let me do this first part by unanimous consent. Are there objections to us taking several polls non binding polls this evening at this time on several issues relating to this development? Hearing no objection that is what we shall do. Where do we start?

Text of Motion by unanimous consent (non-binding) no objection to taking several polls on separate issues relating to this development. One is the road whether it is to connect to Sandbank Road or not. Is that a place where people would like to start?

Does someone have a motion? Yes Duane.

Martin: We do not recommend the road be through to Sandbank Road.

Minnich: So you keep it as proposed. That is the motion which is non binding now. To keep the cull de sac in Phase II as defined to us as presented by the applicant. Is there any second to that? Is there any further discussion?

Mancini: In essence if we are agreeing to a cull de sac then what we are also doing is agreeing to change the regulations from the 1000 feet down.

Minnich: No. That's the second part.

Mancini: But how can you have a cull de sac if you don't change the 1500 feet?

Minnich: Well let me explain theirs is two parts we can do this a number of ways there is no right way to do. As I see what is here regarding the road there are two parts to it. One it does extend into Sandbank Road is one question. And the second question is also regarding the length of the road I was attempting to do this with two different motions.

Mancini: What I am saying is I am all in favor of the cull de sac but not really in favor of the 1500 feet. So how do I do that?

Minnich: Is there any further discussion?

Dupliese: I see the way that they have put this sub division together. Mr. Lynn wants to maintain the farm and the farm and the barn is in the middle of the property and it just lends itself to putting in two roads that we want to maintain. And typically if they had developed the whole property instead of Phase I and Phase II you would have probably ended up with loop connecting Phase I to Phase II which I would have been greatly in favor of. But since he is doing it this way and he wants to maintain the center which I absolutely love that we are maintain some farm property and keeping his cows and mowing it. I can understand the Phase I not going all the way through and it ends up to be a cull de sac that way. But Phase II in my opinion for safety reasons for the people who live on that road I want a second exit to be able to go out. I don't care if Sandbank Road's floods once every hundred years or once a year. For the other 360 days of the year the road is passable and if there is a problem on Bunker Hill which there have been many times I would prefer to Phase II to not be a cull de sac and to go all the way out to Sandbank.

Minnich: Is there anyone else?

Martin: I think the Highway Manager has stated for safety reasons for versatility for whatever it needs and the fact that this area is going to grow more I don't care if it is Middlebury where it is you are going to have more traffic on Bunker Hill it only makes sense to. I understand making cull de sacs in some areas I just don't think this is the right area for it. I think this should go through to Sandbank if you make the right turn you know the road might be renovated in five or ten years and then we are going to be sorry we did not do that.

Minnich: Is there any other comments?

Masayda: I also agree with Gary and Glen for the same reasons. The recommendations of the Public Works Engineering Department the problematic of getting stuck in the winter on Bunker Hill and you have the access out to Sandbank maintenance, available property potential for future development again we are looking at this in the future not at the completion of this development. We are looking down the road ten or twenty years that we need this road. I would say yes.

Minnich: Is there any other members? Okay let me make sure we all understand this motion. This motion is non binding we can change our minds, what this is, is the motion is to not have the road connect to Sandbank Road. Carol would you please call the roll for the purpose of recording our votes.

Minnich: By a vote for four in favor and three opposed the motion is approved non binding.

Text of Motion by unanimous consent (non binding) to keep the cull-de-sac on Phase II as defined as presented by the applicant (not have the road go through)

D. Minnich, R. Russ, C. Mancini, J. Blais are in favor. M. Masada, G. Martin, G. Dupliese are opposed.

Strub: I think I might short circuit your consensus voting and just recommend that we come back let you take a look at the other plan. Let us put it together I think it is fair to the Commission and the public to take a look at it.

Minnich: Let me be clear, my view is and this has been pretty consistent in my thinking. If you want to go back and change your plan you are welcome to that. But the problem and this is a rather significant issue what you want to do in regards to it. I don't think you are being very fair to this Commission because I think the timeframe out to start over again. I would suggest that you consider withdrawing your application and then bring it back with the fee waived. If you

want to sit there in a middle of a project and change your application fine.

Strub: But our clock is ticking.

Minnich: Well then let us proceed.

Strub: That's fine.

Minnich: The next part of this road issue was the issue once again this is non binding the issue was on. I don't know if we take them both or the consensus probably on both of them. But they would like to be coming to us on a vote during our regular session at some point here that they receive a three quarters vote waiver regarding the 1000 feet requirement as that is the maximum that any cull de sac can be without that vote. Right now Phase I has 1200 foot length and Phase II has a 1500 foot length if I recall correctly. So given the length of this cull de sac with once again non binding do we wish to consider as direction to them.

Blais: Is keeping the plan as they have it with the length of these roads now and waiving the length of our regulation.

Minnich: If it is kept the way it is we would have to waive it. That is what is before us. Is there a second?

Masayda: I still don't follow.

Minnich: He wants to keep it as presented for Phase I and Phase II and his proposal is that we would consider waiving the requirement.

Masayda: Wouldn't we need a waiver for either Phase I or Phase II we would need both. We would need to do them separately.

Minnich: We would but I was trying to get a consensus.

Mancini: I think we should do them separately.

Minnich: Maybe we should do them separately. We will start with Phase II then because that seems to be the one before us the longer one. Your motion was to keep it as presented.

Blais: Keep Phase II as presented as the applicant has presented it and waives our regulation.

Minnich: Is there discussion?

George: Do we have presentment on extending the length since this new it is always 1000 foot before and it was put in that you could extend longer than that.

Minnich: We have used it yes.

George: Have used that and set president.

Minnich: We have used it we don't set president because there is no president.

George: No have we used it have we extended beyond 1000 feet that would be president.

Minnich: My understanding having asked this question under the law there is no president for waivers. Each stands on their own and no waiver that you grant before is president on another waiver.

George: Have we done other ones?

Minnich: Yes we have done other ones. Is there any other discussion on this? Hearing none the motion is to present this as to non binding to keep the length of Phase II at 1500 feet and consider waiving the requirement under our regulations.

Masayda: Would this require a super majority on this?

Minnich: This is only going to require us to give direction to them. Carol would you please call the roll for the purpose of recording our votes.

Minnich: On a vote of 5 opposed and 2 in favor, the motion is not approved.

Text of motion to keep the length of Phase II at 1,500 feet and consider waiving the requirement under our regulations regarding the 1,000 feet. (non binding)

Motion made by J. Blais and seconded by: R. Russ. R. Russ, J. Blais in favor.

D. Minnich, M. Masayda, G. Martin, C. Mancini, G. Dupliese are opposed.

Masayda: The same motion for Phase I.

Minnich: Is there a second? Is there any further discussion? We all understand the motion. Same motion but Phase I.

Mancini: Is the 1200 feet to the center of the cull de sac or to the end? We have gone through this with Bell Meadow I remember reading it.

Minnich: It is to the center. Right.

Dupliese: On this one and this is my opinion again the way this is designed if this Phase I stood on its own I would not have a problem with it because I don't want him trying to extend any further. Maybe in the future when Mr. Lynn decides he wants to sell the rest of his property he could actually make it a connection to Phase II and put in a lot. But on this one here I can that is the best he can do with that section of land and I have no problem with that section the Phase I road.

Minnich: Is there any further discussion? Hearing none. Once again non binding. Carol would you please call the role for the purpose of recording our votes.

Minnich: On a vote of seven yes and zero nos the motion is approved. And we looked favorable at the moment to the 1200 feet and do not look favorably on the other issue of the 1500 feet.

Text of Motion same motion for Phase I using 1,200 feet. Motion made by M.

Masayda and seconded by J. Blais. All are in favor and none opposed. The motion is approved (non binding).

Minnich: Next is the open space I guess we are going to wait for the applicant to tell us what they want to do with that. We need proposal, I only say that Jim we been through this enough times that we sit up here and negotiate it and we end up being told we don't have the authority to negotiate it and we end going someplace else so you need to tell us what your proposal is specifically on that and we will react to it but not necessarily now.

Strub: My request is to leave the public hearing open and allow me the opportunity to speak about tonight's developments with our client and come back to and make a whole series of reports.

Mulcahy: He has to grant us an extension as well. If you are going to keep the public hearing open.

Minnich: When is our next meeting is it May 7, 2008. Are you going past May 7<sup>th</sup> now do you want to wait until May 7<sup>th</sup>.

Strub: I am happy to give an extension for your next scheduled public hearing whether it falls inside or outside of it.

Minnich: Is there a motion to accept his extension? Is there a second? Any further discussion? Now this is a real vote. All those in favor please say I all opposed no. Motion carries.

Text of Motion accept extension request by Attorney Strub. Motion made by J. Blais and seconded by R. Russ. All in favor and none opposed.

Minnich: Now Ron you wanted to continue this public hearing?

Russ: Yes I make the motion to continue this public hearing of Walnut Grove.

Mulcahy: It is called Southridge Estates.

Minnich: Is there any further discussion? All those in favor please say I all opposed no. Motion carries unanimously. Thank you sir we will continue the public hearing on May 7<sup>th</sup>.

Text of Motion is to continue public hearing. Motion made by R. Russ and seconded by G. Martin. All in favor and none opposed.

Michael Masayda \_\_\_\_\_  
Secretary