

**Revised 5-20-08**  
**MINUTES**

Watertown Planning and Zoning Commission  
Planning and Zoning Commission  
Public Hearing  
Lakeview Estates Sub division/Mallory Road  
April 2, 2008

Time: 7:00PM (7:05PM)  
Date: Wednesday, April 2, 2008  
Place: Watertown High School **Technology Center**  
324 French Street  
Watertown, CT

- e. An application for modification to Lakeview Estates Subdivision to eliminate the through road to Mallory Road, Watertown, CT in an R-30 residence district.

Minnich: Mike can you read the notice of public hearing.

Masayda: The Planning and Zoning commission will hold a public hearing on Wednesday, April 2, 2008. 7 PM at the Watertown High School at 324 French Street, Room 502, Watertown, Ct. On the following application enclosed is Lakewood Estate Subdivision to eliminate the through road to Mallory Road, Watertown, Ct in R-30 resident district.

Minnich: Thank you.

**Charles Spath - Stuart Somes Co. 1211 Main Street South, Southbury , Ct**

I am here on behalf of Mr. Joseph Polletta. I like to hand in green cards for notification and handouts to make it easier to understand.

Minnich: Is this the same one you submitted to staff earlier.

Dath: There have been changes to the map. The lines and positions are the same. What we are proposing is a modification to the subdivision for Lakeview Estates that was approved by this commission. In October 2005 at that time we proposed it was seventeen lots on a dead end street. And at that time there was only 15 lots that you could have at a dead end street. So we

showed a connection to Mallory Road. Mallory was to be built after 12 lots were sold as a condition so at the time Lakeview Drive is filled but Mallory is not. Since that original approval the commission has made a text amendment regarding the dead end streets. Which I'm sure you all are familiar with to make it brief. It states that three quarters vote of all members of the commission may approve sole access to a dead end street to exceed no more than twenty lots. And street length shall not exceed two thousand feet if the street is safe and convenient for vehicular access and this is including an emergency. On that map that you have in front of you the area that would change on the subdivision the three lots 2, 3, and 4. On the map on the upper right hand corner it shows overall subdivision outlined in green it shows these lots. Mr. Polletta is requesting the commission to removing this road it would allow more lots better placement of the buildings. Right now because the street that does access there is a thirty foot set back and if you look at lot 4 the house is closer to the wetlands. Mr. Polletta is looking to make the lots more angular instead a skewed lot. So he would have much more better placement of the houses for a sale. At that time the concern from the neighbors on the existing Mallory Road to not extend it. We did notify them for time that the reason was that we did want not to connect but the reason we had to because of the amount of lots. We did tell them that we would go before the commission there was an amendment in the future. And that's another reason we are here. So there are two purposes to this. One is to keep the cull de sac on Mallory for those people there and for Mr. Polletta to have a better lot configuration than what he has right now. The revisions also reduced the land clearing. I have in there I think it's actually pretty clearer now. We are overdue for site reading now in pervious areas and storm run off associated with subdivision. If you have any questions?

Minnich: Any questions from the commission? Are there any comments from the public on this topic? Whoever wishes to go first?

### **Robert Ferrucci 17 Mallory Road**

Mr. Chairman I would like to submit a petition signed by every resident on Mallory Road and few on Adams Road to the commission.

Minnich: I assume this is a petition to do what?

Ferrucci: To keep the road closed. All the families on Mallory would love to see this road stay closed. There are ten houses on Mallory Road. Everyone has little children. We don't have any cars speeding down this road. We don't have any safety issues. It is a great family neighborhood. We would like to keep it that way. Cull de sacs obviously keep the speeders away. All these home invasions they are really starting to scare people. They are definitely are not going to be hitting cull de sacs because there is only one way in and one way out. So they are going to stay off those roads. We are requesting that the

commission take our view and keeping Mallory Road into consideration. I thank you for your time.

Minnich: Thank you.

**Paul Barross 43 Mallory Road**

Two weeks ago a certified letter from the postman came to our door and my daughter said why he is coming to the door he just leaves it outside. And I explained to her the situation on why we got the letter today. At dinner time she came to me and said we our learning about civic duty and I asked my teacher today if this was example of your civic duty and she said it was. And I appreciate the commission for my daughter understanding of civic duty. I am here tonight explaining the same reasons of why I want to keep Mallory Road a cull de sac that I did a year ago. And I am selfish I like my cull de sac. It's a great neighborhood. I think everybody should have a cull de sac. When I was here the last time the fire chief proposed to keep it closed. The police chief said he had no problem keeping it closed. The residents want to keep it closed the developers want to keep it closed. I heard the only reason to open the road is to keep the snow plows to continue on. We don't have many snow days I think it more beneficial for the residents to enjoy their neighborhood. Robert explained to me a safety issue. Every car that comes in here we know who it is. Who is not in the neighborhood who is circling about? So everybody keeps an eye on everybody's kids. We have sixteen kids on our street. We have another eight kids on the end of the street on Adams Street they like to come down on our road. So I beg you it's a good neighborhood I would like to keep it that way. We would like to keep the traffic down. And keeping the safety issue as it is. Thank you very much.

Minnich: Is there anyone else that would like to make comment?

**Rosario Polletta 75 Gorham Street Oakville**

Gorham Street is a dead end street. My wife Suzanna and I raise two beautiful daughters there and we really enjoy it. And we are thinking of building a house right on Lakeview. I agree. Keep that street closed. Keep it as a cull de sac. Not only did Mr. Ferrucci say it's a safety issue. It enhances the lots we are talking about. Please keep that road as a cull de sac. Thank you.

Minnich: Is there anyone else that would like to make public comment?

**Brenda Corbo 42 Mallory Road**

I live down on the end of the cull de sac. And I agree with the comments that were made and I urge you to keep that road closed. I am a single mother of

three and it gives me a lot of security to know that I have neighbors that watch out for my children. And I would really appreciate keeping it closed. Thank you.

Minnich: Is there anyone else?

**Ken Cestar Riverside Street**

I have grandchildren that play on that road in that area. People have homes on cull de sacs because it keeps the traffic down. They choose to live on a cull de sac for that reason knowing that there is no traffic. Those who are familiar with Riverside Street it's not a cull de sac and you have speeders all over the place and they fly up and down that road. My grand children feel safe up in the area. My grandkids feel safe there and they ride their bikes in the area. I feel safe about them being there. Adding more traffic is not good for it.

Minnich: Is there anyone else has public comment?

**Greg Brown 25 Mallory Road**

The only thing that I would like to add is obviously that the because of Echo Lake Road and going across towards the high school. That it would become a short cut for people if that road comes through it is not just for the neighborhood for the new development as well as Mallory Road. People going over to the high school in the morning will increase the traffic quite a bit. That's all I want to say. Thank you.

Minnich: Is there anyone else who has comments? Let me read this memo if I may from Dwight Cavanaugh Director of Public Works. February 29, 2008 it is addressed to Ruth Mulcahy. Ms. Mulcahy as you requested by telephone yesterday this office has performed a preliminary review of the request of by the developer not to end Mallory Road into Lakeview Estate subdivision off Echo Lake Road. We continue to stand by our recommendation to have this worked performed for the same reasons that it was originally approved. Please feel free to contact this office if you have any further questions regarding this issue. Roy Cavanaugh PE Director of Public Works.

Is there anyone else? Mike you wanted to make a comment.

Masayda: For that edification of the members that were not part of this discussion. The original approval should explain the reason why we approved it at that time.

Minnich: Going back in my memory so you could help me. The issue at the time was that our requirements for subdivision regulations in regarding dead end streets. Specifically section 5.3.11 said that this road would have to be

connected because of a dead end street regulation. And with that discussion we talked about perhaps changing the regulations in which we did it was effective up till February 8<sup>th</sup> of 2006, was effective on February 11, 2006. There were a number of issues that were discussed back and forth. One of safety, the snow plows and there were a number of people who came and spoke on both sides of this. Do you want to go any further on that Mike?

Masayda: I guess there were 16 lots that were the developer was proposing vs. 15 at the regulations at that time.

Minnich: Yes, was it the 16 lot sub division.

Dath: 15 lots per cull de sac. 17 sole access.

George: I did Mallory.

Minnich You did it:

George: I developed Mallory Road. I was required to do this for access requested to do a permanent cull de sac which would have been a lot shorter. Then could have had another lot to go on the end of the cull de sac. That with regard to leave it open so we can have access because they said if another development leading through traffic not cull de sacs. We did it and now they want to change it. I don't think we should this because many things were like you were saying. What the town engineer recommended. If we keep this the way it was.

Martin: Okay. So what you are saying is keep it the way it was. You are saying it's the through road that should go through.

George: The way it was approved for that road it gives better flow of traffic. It does not create the problems that these people are talking about. I did North West Drive which came off of Beech Avenue and it added 68 houses on a one way street. Everbody opposed it but when we put it in, it took 68 houses to give two ways of slower traffic. It reduced the amount of traffic each Beech which was overloaded for that area. I don't think we should be doing this. I think we should keep it the way this commission approved it.

Mancini: Duane said that it would be a better flow of traffic. The way I heard it from the homeowners on Mallory that's exactly what they don't want traffic in their area more traffic. You did say create a better flow of traffic. This is just what you don't want and I agree with homeowners. I live on a cull se sac and I would not want people to add another road into my cull de sec we would have more traffic. One reason I bought on a cull de sec. I thought on a cull de sac, I think it enhances the property if you look lots 2 and 3 it will

make those lots look like a rectangular instead of wavy side lots. It will make those two look better. The whole division looks a lot better. I'm in the favor closing of the road as the neighbors are asking.

Martin: I've been up there on several occasions. Driven up the road when you talk of a thousand feet. Sometimes it's hard to conceptualize that distance. You look at this and you try to think it through first time around. You go up there now and Mallory Road comes out probably the third of the way up Lakeview Road. I see no reason to connect Mallory to Lakeview. I think Lakeview should be as stated as it is proposed tonight should forget that connection. All the people on that road asked for that. You are not getting rid of a cull de sac. Lakeview is going to remain a cull de sac. If you go there and look at it leave it the way they are asking for it. It only makes sense to leave the way they are asking for it here and not put that cut through.

Minnich: Okay. Are there any other comments from the members of the commission?

Rondeau: I was on the commission at the time this was voted on. For the most part it was very unanimous that everybody agreed that this particular road was not necessarily the best thing to do. But because the developer insisted on putting in 17 lots on a cull de sac that only allowed 15. The only way that it could be permitted was to connect Mallory Road. Now that we have made changes to our laws regarding ordinances for cull de sacs. I don't think there is a reason to make that connection to Mallory. And as the neighbors are saying, not that this is the only issue. But it does cut down on traffic in areas where there is small kids and what not. And I think it best to go through with this proposal. My question is there is no indication on the map that has been provided that this was what the road was. So it is strictly asking what the proposed road with this. And you said it was to be twenty six feet.

Dath: I believe it was decided to be twenty six feet.

Rondeau: The only other recommendation I would have besides closing off Mallory. I think it would consider twenty six feet is the width of the road we prefer. Now that Mallory is not going to be there. If we feel the need to increase it to thirty or leave it at twenty six. I am not suggesting we do nor don't I think as a commission we should consider it.

Mancini: Doesn't that road already end at twenty six feet. How would do it. How could you increase it to thirty?

Dupliese: My only comment is this. That is what the developer, and I appreciate what Duane George said he was instructed to build it with the cull de sac. Because of future through routes. The people who come and buy those homes okay. They don't buy the house and right there on there drawings it says by the

way you're on a cull de sac right now but it's going to be a through way. Okay it doesn't say that on their drawing map it says cull de sac.

George: It says temporary on the subdivision plan.

Dupliese: Correct. They don't get the sub division plan. They just buy their house and they get their lot description. So you have ten people on this cull de sac bought their homes and raising their children on a cull de sac. And it has a curb all the way around it. It doesn't have a break in curb on the end that shows eventually its going to be a through road. It's a paved road all the way around. It's curbed all the way around. For me to hear that it's going to make the three lots nicer lines. I know Joe Polletta okay and I hope Joe's forgives me. But I don't really care that it's make his three lots nicer. What I do care about are the ten people that are existing on Mallory that bought their homes and are raising their kids on a cull de sac. And now somebody wants to come along and make it a through road. Now I've just recently done some work in that area. And I've done work on Edge Road and I have watched the traffic that goes through. If you open this up people will take that short cut because of the amount of traffic comes out on the route up above. It easier to cut through and come down on Lakeview Estates to Echo Lake Road. I would be livid if was living on Mallory Road. So that's my only thing. Not that I care one way or another either way about a dead end or not a dead end. Is that we have to take into consideration the ten people raising their kids on that dead end.

Minnich: Is there anybody else? Does the commission have any comments?

George: Yes. Ten people living on the street will be the ones taking the short cut to get to highway. It will not be somebody coming down the road that comes up and takes that short cut. It will be the ten people that live on the street. I disagree with what you just said.

Masayda: Like I said earlier the whole reason why we approved it at the time was the regulations didn't not allow for it not to be connected because of the 17 lots. It was defined a temporary cull de sac and it again it was recommendation of the Public Works and Engineering Department. I really don't see it providing any additional circulation. For instance if I were going to the high school, I could down the new road and make two turns to go up Echo Lake Road up to French Street. I'm going to go up Adams Road the way I always go. It not like that road is going to provide any additional connection or circulation.

Dupliese: However in the morning if you down Adams in the morning sometimes there are five or six cars parked there waiting to get out. They can't take a turn because of the traffic going down. So there the ones that are going to Mallory to try to cut to Lakeview Estates and then make the turn onto Echo Lake Road. When you go down there 7:30 or 7:45 in the morning there are

five or six cars parked there trying to make that turn. They can't make the turn.

Duane: I have never seen it. And I go up and down that road all the time.

Dupliese: I was there for four months.

Minnich: Is there anybody else on the commission to make comments? Is there any member of the public that has any comments?

### **Robert Ferrucci 17 Mallory Road**

It really upsets me that taxpayers have no say. That is not right. I own two houses in Watertown and pay two sets of taxes. Any there's nine other people on Mallory road that pay taxes. A former commissioner on this board said that to me two years ago. And he was actually in the room awhile ago. I never forget that. What makes you different from me?

George: I'm a tax payer.

Ferrucci: That's right. And I am a taxpayer on Mallory Road. Believe or not it's not anybody's fault. I bought the house on Mallory Road I am a recent purchaser. In 2005 when the market was doing wonderful I paid 330,000 because it was a cull de sac because we have four children. And you know the day after the closing one of the neighbors came over and said you know there opening this road. We were sick to our stomachs for at least six months. At least that. And were still sick to our stomachs because we paid extra money to live on a cull de sac because we have four children. This is chance for us to try to keep this road closed. And as far as traffic I guess you should go stand on Lakeview Estates exactly where Mallory Road is going to connect. And take a look and see how close Echo Lake Road is and how close Mallory Road is. You cannot say that's not going to increase traffic. Traffic is going to increase one thousand percent and I am guaranteeing it and I'll bet any amount of money on it. Because it's an easier shot to come down off Adams and shoot down Mallory and get on Lakeview and take a right to the schools whether you are going to John Trumbull or if your heading to the high school. There are at least two to three hundred houses in that neighborhood. If you traveled that road a lot you would know how many houses are in that neighborhood.

George: I built the road I know.

Ferrucci: Well then you know better than do because I did not build this road. I watch people go down Adams road and go sixty miles an hour and to go down Mallory and go sixty. That's all I have. Thank you.

Mancini: Do we have something signed by all ten. I didn't know if it was ten or if you had all ten n that road.

Dupliese: All I want to say is what Mr. Ferrucci said he bought a home thinking he was buying a home on a dead end road it just not fair to them. If there was a good function to connect this because it made better fire access, better access for traffic flow. I don't see anything and that it serves any good function to connect it at this point. And it's not fair to these ten people and all of sudden these those who bought homes on a dead end road were going to open it up. Whether is increases traffic or not. I don't know if it will or it won't. I don't think its fair to them.

Martin: I urge all commission members to take a ride up that road. Because if you go right up that road. And you look at that road this makes no sense. You are destroying a neighborhood for nothing because it's a minor connection. It's not going to cost anything better to the community than we have today.

Mancini: Gary, I agree. I went up there a couple of times.

Masayda: Were doing this several times over. Can we move on?

Minnich: Is there any members of the public who would like to have further comments. Okay let me make a ruling from the chair on this issue for this evening this application that came to us. Let me read the letter from Ed Scovill from Stuart Somers. This came with the application that we have a public hearing on tonight. This is to request a modification to the Lakeview Estates we are requesting to modify the existing subdivision approval to remove the connection of Mallory Drive to Lakeview Drive. A text amendment for this subdivision was adopted February 8<sup>th</sup> 2007. Which appears to allow the above section 5.3.11, should there be any questions to contact me at this office Ed Scovill.

This evening we had a discussion or a presentation from the applicant that they would also like to consider if I heard correctly a property line changes. The ruling from the chair and if there is disagreement from the commission that the application if it is being modified by the presentation made by the applicant this evening for the property section is not an order. The public hearing was notice and informed the consideration of closing Mallory Road only. And that is the only matter before us this evening. If there are wishes to change property lines. Which by state law they may not change property lines within the sub division without approval from the Planning and Zoning commission so the property line portion of the request is not in order. Is

there any disagreement from the members of the commission? Does the applicant have any comments on that?

Spath: I understand what you are saying it just that the when road gets split between two adjoining lots and that under state statues and that what happens. I understand that's not on the original modification.

Minnich: Did I also understand that tonight you were suggesting modifying your application to include the property line revision. My ruling and the commission has confirmed it. That is not in order and was just dealing with the closure of Mallory Road. You can come back at any time as you well know and do the next part that you would like to do if we decide to close the road. Is there any further presentation by anybody? Is there any further presentation by the applicant? Hearing none. Is there a motion to close this public hearing? Is there any further discussion. Closing the public hearing. We are now ready to start our meeting.

Ruling from the Chair on this issue. Regarding the application requesting a modification of Lakeview Estates to modify the subdivision approval to remove the connection of Mallory Drive to Lakeview Drive - the applicant would also like to consider a property line change. The ruling from the Chair, unless there is disagreement from the Commission, is that application if it is being modified by the presentation made by the applicant this evening for the property line section is not in order. The public hearing was noticed and warned for the consideration of closing Mallory Road only and that is the only matter before us this evening. If their request is to have property line changes, which by State law they may not change property lines within a subdivision without approval from the Planning and Zoning Commission, the property line portion request is not in order. There was no disagreement from the Commission.

Text of Motion: Close public hearing

Motion made by: G. Martin

Seconded by: G. Dupliese

Aye: 7 Nay: 0

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

