

Town of Watertown
Planning and zoning commission
Special Meeting
Public Hearings
Watertown High School

Minnich: The public hearing for the Planning and Zoning Commission will come to order for the meeting of March 5, 2008 7 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

Members Absent: R. Rondeau, C. Mancini

Others Present: Ruth Mulcahy, Land Use Administrator

Kenny Demirs will you please sit in for Carl Mancini

Demirs: Yes

Minnich: **The next item on the agenda is the hearing for a four lot subdivision for land to be known as Deluca Subdivision located on Hinman Road, AKA Town Line Highway, Watertown, Ct. Mike would read the notice of public hearing.**

Masayda: The joint commission of the town of Watertown, Ct will hold a public hearing on Wednesday, March 5, 2008 at 7pm at the Watertown High School Technology Center, 324 French Street, Watertown, Ct on the following application. A four lot subdivision of land to be known as Deluca Subdivision located on Hinman Road, also known as Town Line Highway, Watertown, Ct that this hearing interested persons may be here and be heard in written communication will be received. The application is on file at the Planning and Zoning Office, 51 Depot Street, Suite 502, Watertown, Ct dated at Watertown, Ct. this 21st and 28th day of February 2008.

Dennis Sullivan –

We are going to pass out to you for your convenience half scale copy so you can read them in front of you. I am a professional engineer and I'm here with Gary Giordano. Gary is a land surveyor and a professional engineer and we worked on this project together mostly I did the field work for the septic and mostly Gary and I worked together on the lot

layout. Gary is going to overview the details of the lot. But let me give you an overview of Regina Farms. It's best seen on the first page. Currently I run my finger around the property line so you will understand it. This parcel here is not part of the subdivision that was broken out of the property previously. Currently the owner has his house on the property and mostly property has been used for farming the owner developed a sophisticated water system to bring water during the dry periods up to that which he is growing. And if gone to the Bethlehem Fair or you have gone to Goshen Fair you probably has some of this corn or gone out to his stand here and bought vegetables. He has fallen to ill health however his son who knows lives on parcel three is involved with a landscape business. You will see as we develop what we are proposing to the property we are trying to leave some agricultural dimension to the property with the hope that his son would pick off that in the area. Let me turn this over to Gary. He will go over the specifics on the lot layouts. When we first got into this we were trying to look at the best lot development for the property. We were not trying to squeeze as many parcels in as possible. We wanted them to be gracious we wanted those folks out there and maybe do a little farming themselves so the lots are oversized. The layout of the property is such that you have a substantial portion of the lot in the rear it is not running along the road. Also a substantial part of the lot is wetlands about seven acres. And you will see what we have done with that. When we were looking at ways of developing the lot you have the plans we originally came up with and in working with staff recently and looking at what others had done and wanting to not push forth a plan that would not be consistent with letter of regulations what we shown on the last page a alternate for our lot number 2. With that said Gary will weave that into an overview of the plan that we have.

Gary Giordano – Land Surveyor

Most of the time you are looking at sheet 1 and basically that is a topography survey with an A2 property line on it and it shows our existing conditions. It's showing existing wetlands that was delineated by WCT Land Consultants field located by my office. Also shown and delineated here the detested locations by Dennis O' Sullivan that were on here. So that basically is our framework for the developing our subdivision. If we switch over to sheet 2 you will see the first layout of the subdivision we are talking about. And on that last sheet that I handed you with the yellow part that is highlighted that's the part we would like to probably amend the subdivision map with and that would be basically putting that strip back into here and adding to lot 2. So the major difference we have on these plans and I have it here on my last plan. I will go to that this one here. This is what we our adding to lot 2 this substitution with a revised date of today's date we did this about 4:30 this afternoon after getting comments from a cell phone. This part is what we would like to add to lot 2 so we

can get our billable square up in this front part here instead of this back part here in the front setback and that's why this was done. What you will see on lot 2 right now the minimum frontage looking at the old layout of 125 feet then coming back and using the front set back line getting the square in here which some discussions we did not like that layout and we would now like to add this piece to so we can get the square up in here and still conform to all our regulations. Makes for a crazy lot line.

Dupliese: So where would the house go if you were putting up a house?

Giordano: The house would be going up here on sheet 2 we will be getting to that. If we go back to sheet 3 now we will get into the site development plan. Site 3 is what I call an overall site plan you'll see this one here in the lower right hand corner sheet 3. It showing on lot 1 you see the existing house and septic system and its driveway and everything that is built on there. We get into lot 3, 2, and 4 the brown is our proposed houses, the gray the driveways and green is the septic systems.

Dupliese: I am having a hard time following your wetlands and lineations on this one on sheet 3.

Giordano: Let's go onto sheet 4 and see we have a quick blow up of it what I did I take lots 1 and 3 and 4 site scale plan the brown is our existing house and our proposed house you see our green is our system our existing primary septic system and proposed for primary lot 3. There is a reserve area on there you will see that gray is our driveways. There are no wetlands on lot 1. Lot 3 has some wetlands back in this corner here and total area for wetlands is little over 70,000. What you seeing here is the set back line that is the 75 foot set back line. Torrington Area Health showing there is no septic system in that 75 foot.

Dupliese: And when you have your roof leader infiltrators are

Minnich: Our process during this part of the phase they make their presentation. The reason that we do that is because they need to get everything on the record to us. And often times we interrupted them they never had a chance to put it on the record several years back we changed our rules this part of the phase is entirely up them to make their discussions.

Dupliese: Sorry.

Giordano: I did mind him interrupting me I was keeping notes. You will see on here we have a 75 foot set back for Torrington Area Health. Our roof infiltrators for the proposed house are more than 50 feet from the wetlands so we comply with that part. We have a ground water interceptor for lot 3 for the primary area still designed to comply with Torrington Health

requirements for a subdivision regulations. If we switch to our next sheet which is sheet 5. We have a scale detail for lots 2 and 4. Again using the same color scheme with brown for the houses, our gray for driveways, and green for the primary septic systems again these two new houses you will see we have a roof leader infiltrator system those are outside of the wetlands buffer area but they are inside that 75 foot buffer Torrington Health which is no affect on the roof infiltrators. We designed according to the Torrington Area Health subdivision regulations for septic systems. We tried to believe accommodate everything into our subdivision regulations unless there is a new amendment that I might have missed recently. The last sheet on this one here is I think is on sheet 6 is probably in your original packets I don't have all the details for the DEP testing information that was prepared on another sheet part of that was not in the catch package I could not print that out for you. In the original package all the MLSS and stuff in there for Torrington Health is on that. Again I will flip to that last sheet revised sheet for #2 kind of give you a better layout on how are trying to propose that lot 2. Again it will have 150 feet of frontage up here and another 125 feet of frontage here it is going to have a common driveway for lot 4. So there will only be one access in for that lot 2 in the back. They are going to share a common driveway.

Blais: Where is that common driveway?

Giordano: If you go back to sheet 3 actually sheet 5 here is the common driveway. The common driveway is owned by lot 4, and lot 2 is going to have the right of access with a common driveway easement area up to this point here. Lot 4 will branch off onto their own lot and swing off to lot 2 this way. If there are any questions?

Minnich: Is there any other presentation that you have?

O' Sullivan: There was a question about the wetlands and the extend of the wetlands. There is so much wetlands that you have to stick on here what I did was I took the green area and that is the wetlands on the project. So the wetlands are quite extensive that agricultural lot Gary didn't get into it what we are looking to do is we are looking to keep that lot forever and ever agricultural we are proposing that would be the way it would go we hope either Mr. DeLuca if his health comes back or his son if he goes in that direction or someone use that for agricultural purposes. And we would propose that be in lieu of our open space the lot is substantial it is about I am not sure with it is new variation.

Giordano: With its new variation it is going to be about 5.1 acres.

O' Sullivan: What we propose is that would be owned currently by Mr. DeLuca but it would be agricultural only not developed period.

Blais: What kind of agricultural?

O' Sullivan: We see it mostly as trees that would be replanted elsewhere for garden type of landscaping business. That at least what Mr. DeLuca's sons are involved in I would anticipate that would be done. He will use that for maturity and move them out.

Minnich: Is there any other presentation you have?

O'Sullivan: No.

Minnich: You no doubt have read the open regulations we have. How does your agricultural designation that you just described comply with that?

O' Sullivan: I think in those regulations it allow you to consider agricultural land I don't have the working on it maybe Ruth reading it right now. It overviews various open space under the new section with delineate but the 10% might be addendum if you give me some time. But it is listed specifically as option for your consideration.

Minnich: I don't recall that but I will look at that. But let me get beyond that and assume that's the case and no doubt you have research that and just have not done that. Are you proposing to restrict that agricultural land? Let me be clear my concern today it is you are calling agricultural. I know and you know that tomorrow you could do something different with that land. With the open space state law is obviously designated for functions for other than having development on it. Are you proposing that there be some land restrictions deeded restrictions to that agricultural land?

O' Sullivan: We would place those restrictions in whatever legal manner that would be appropriate to make sure it cannot be used for anything else. I'm sure the lawyers could come up with something. I spoke with the owner and that was his plan to do that.

Giordano: Plus I think the regulations for zoning and wetlands conditions are going to prohibit any building on that property also. Because you are going to have a front set back in there plus the wetlands you are not going to make building on that piece.

Martin: Am I correct in stating that the map that you are holding the delineation you have is the wetlands?

O' Sullivan: Yes, the green.

Martin: Is that all the agricultural lot?

O' Sullivan: Yes it is.

Martin: So how are you going to have an agricultural lot that's deemed wetlands?

O' Sullivan: Farming is an appropriate use on a wetland area. And again Mr. Deluca has used that property in addition with other portions of this property for agricultural.

Minnich: No doubt carrying that thought. There are other thoughts here other kind of questions but I haven't recently read the open space but there is an up lands requirement for that. And bring into this issue this all being wetlands. How does it meet the up lands requirements that we have open space?

O' Sullivan: I think we should look at the regulations I did look at them. It said it was not open space or farmland and what we are proposing to is that if you look at the definition this meets the definition of that requirement it is in the first paragraph Ruth. I did not bring my copy maybe I should have.

George: In our subdivision regulations it states that under 20 acres open space is not required. It says five lots or under 20 acres irregardless of how many lots there are. I happen to have that with me tonight.

O' Sullivan: I mean no disrespect I think that was modified.

George: When was it modified?

O' Sullivan: It is in the regulations in the section.

George: What section was it modified? It is still in the regulations.

Mulcahy: The part you are talking about the transfer of all land and subdivision of less than 5 lots to a parent or child.

George: No. I'm on page 49. And I'm at 7.2 size. I will read the paragraph for you. When open space and or recreation area disposition is deemed appropriate the size of the required area shall be determined by the commission based on the site's value and importance in meeting the objectives sited in section 7.1. The scope of the subdivision proposal required open space and or recreation may be up to 10% of the property under consideration in determining the total land to be reserved as open space or recreational land the commission may consider not only the track or tracks of land to be immediately sub divided but also and other adjacent track or tracks of land controlled or under agreement to buy or optioned by the sub divider areas to be reserved as open space and or recreational shall be shown on the sub

division map. This provision shall apply to sub divisions of more than 5 lots or 20 acres or more irrespective of the number of lots. Now it is always been that way this always been part of the sub divisions I did four subdivisions myself with these regulations.

Mulcahy: Duane is right. In that the opens space is an option that the commission may require or may not and as you can read in 7.1 it says for any sub division of land under these regulations. It's up to the commission.

George: I don't think it is up to the commission it strictly says that does not apply this provision shall apply to sub divisions of more than 5 lots or 20 acres. So anything 5 lots or under 20 acres this does not apply. It what is says right here.

Mulcahy: That your interpretation of that.

George: What do you mean these are the words.

Mulcahy: You can interpret it that way but in the first paragraph it says for any sub division land under these regulations the commission may require of the sub divider the disposition and final dedication of appropriately located inside open space or recreation areas. What their talking about is you can require up to 10% for the over 20 acres but in this one at the top it says you can require it for any sub division.

George: That in contradictory to this.

Mulcahy: Right. Whatever you want to say the total distances.

George: The practice as always been up until just recently this applied. Like I said I personally did four sub divisions and this applied. You sat on one of mine up in front of my house on Platt Road. I had no problem with that being done.

Blaise: Well you only spun off two lots or so.

George: It does not matter I did North West Drive it was 23 lots and 16 acres of property.

Mulcahy: There is an amendment to that in the back that was adopted February 11th. It would be the very last page of your sub division regulations it is an amendment.

George: I don't have all the sub division regulations with me.

Mulcahy: Duane I'm sure you have more experience with these regulations I am just reading what. 7.2 were amended in 2006. So that's probably why.

George: Give me the information on the amendment.

Mulcahy: Open space and recreation area disposition area is deemed appropriate size of the required area shall be determined by the commission based on the size of value in accordance in meeting the objectives sited in section 7.1 and the scope of the sub division proposal required open space or recreational may be up to 10% of the property owner. Determining the total land of reserved for open space for recreation the commission may not the track of lands but also other adjacent tracks or under agreement to buy or option by the sub divider. Areas to be reserved as open space and or recreational land shall be shown. This provision shall apply to all sub divisions irrespective of the acreage or number of lots. They changed it in 2006. That's amendment.

George: Why is it still in here?

Mulcahy: Because this amendment is included with your regulations. It just like with the sub division zoning regulations no one has integrated the amendments until just recently when we spent. Dave spent weeks of his time and I spent months of my time integrating to get it so you have one package with zoning regulations with all the new amendments in it. The same thing happened with sub division regulations these amendments there are several amendments in the back of these regulations in the back of these regulations that are not integrated into the text yet. That will replace the existing text and that's why it is confusing and I agree with you Duane it's very confusing and unless you we give a package when Carol gives out the regulations these. You probably did not see it. It is new it after sub division regulations.

Minnich: I think we settled that issue it does apply. So the first part on the agricultural issue I just haven't reviewed these in a while.

Mulcahy: There is a part that does match agricultural land which Dennis talked about and I did have my finger on it before I went to other part. Open space shall be defined to include but not limited area left in natural and undisturbed state agricultural land for which the development rights have been assigned. That would be the type you can use that for open space but it does says for which the development rights have been assigned or otherwise alienated in to.

Minnich: You agreed that you will get that done.

O' Sullivan: Yes we would.

Mulcahy: And that is the way it would be qualified at open space.

Dupliese: I am not sure I quite understand all that here so the agricultural will be open space?

Minnich: No it will still be agricultural but we consider that it is what the open space is I say that only because there is a restriction for what open space can do. But we said you can have agricultural in lieu of open space. It serves the open space requirement to have agricultural.

Dupliese: Okay and that means only that person will have access to that open space.

Minnich: The concern was that addressed some years ago was not that is was going to continue to be agricultural. That was certainly fine but it was what address here in what I had asked as a question what that they need to come back with restriction as to how that and when if that going to be developed. And obviously that is not what we want. So they are going to give some language through the attorney to keep that agricultural land forever. That is what they are proposing to do.

O' Sullivan: And in answer to your question I think it would stay the ownership of that would stay with Mr. DeLuca and however it would not change from agricultural land even if it gets sold.

Minnich: And we would use that to satisfy the open space requirement but it is not open space its agricultural land.

Dupliese: So he could sell the lot because it is a separate lot he could sell it somebody else you would use it as agricultural he could never use it for anything else but agricultural.

Minnich: its use would be restricted.

Giordano: The developments rights would be assigned and probably what will happen is when Sal gives it up he'll convey it to his son which is right next door which will be used for agricultural piece.

Martin: Property never gets used as agricultural it just stays as a parcel of land for lot 1 that is goes to

Giordano: Right now it's just basically a remaining parcel or will have a separate title to it really.

Martin: It gets cut out from that one house that is there now and just separated and pulled off as agricultural lot but it never gets farmed we lose the town never gets tax dollars from that parcel correct.

George: It gets taxed.

Dupliese: If the land goes fallow fifteen or twenty years and becomes brush. Do they have right to go back in and then cut all the brush down and re farm it again?

Martin: It is deeded agricultural land.

Dupliese: Always agricultural so if goes for fifty years and becomes forest they have a right to go in and cut it down and turn it back into farmland.

Minnich: Yes they do. I have one or two more if I may. This on the sheet you handed out dated today a separate sheet you obviously wanted to meet that square for the frontage and that associated with lot 2. Lot 2 is away from this area.

Giordano: There is a thirty foot strip of land

Minnich: Is that what that yellow line is.

Giordano: Yes. Currently right now on the current plan this is the build able square we are showing for lot 2. Come back here we have a 150 foot square back in there and basically we are saying from the back of lot 3 this will be your front yard set back it is in there. We've had some discussions and basically it's a gray area so we kind of said let's provide this other strip here and kind of meets more of the regulations of the town subdivision for having part of that square being in that set back line. Before we had the square showing here now by putting up in here were are even more compliant.

Minnich: Is that a build able lot up there?

Giordano: This here no because the wetlands is cutting crossing across it.

Martin: This would be the square for this lot.

George: It's part of the lot.

Giordano: That correct. This will all be connected. This is all part of lot 2.

Dupliese: You can't sub divide it again at a later point because it is all wetlands.

Giordano: It all to meet that letter of the square without trying to get away with maybe we thought this might have been a little sneaky and we did not like that aspect of it. So we would rather be up front about it and comply and go this route here.

Dupliese: And you would rather do a shared driveway for lot 2 and 4 than have a separate driver for lot 2 going back up Hinman Road?

Giordano: We though it would be less development of the property instead of having two long driveways now we are just down to one and it would be a lot less impact I think on the property.

Minnich: I did not see it in our packet but Ruth do we have Torrington Health district approval on this on all these four lots.

Mulcahy: Yes

Minnich: For septic and water.

O' Sullivan: It was also Mr. chairman I don't know if we covered it this time around there is a requirement for a water for fire service and discussions with the fire marshal and fire chief what we are proposing to do is to use this approximately an mediating gallon lake as a source of water you should have the statement from the final issue. We have the details on the end of your sheet showing a dry hydrant going into the lake and the fire marshal was very happy with that because this would serve not only this area but there is a lot of goings on there like homes and they have been built out there this will really be a resource for them. And what it does it brings from the lake a I put an eight inch line because it is a little bit farther than normal I wanted to make sure there was no issue with hydraulics and it goes within 10 feet of the roadway and then the car as a fire bumper pulls up on the road on a gravel area and they hook up with the hose and they suck the water out of lake in that manner. And they were very happy with that.

Minnich: Between now and our meeting next could you go back to the Torrington Health District the letter that was submitted doe not include lot 1 in terms of their approval so could you.

O' Sullivan: Lot 1 was a previously approved lot.

Minnich: It was already approved.

O' Sullivan: Oh yeah! Lot 1 it already exists.

Minnich: Anybody from the public have any comments on this project? Any further comments from the commission members? Any further comments from the applicant?

Masayda: Motion to keep the public hearing open.

Minnich: Is there a second. Is there any further discussion? All those in favor please say I. Is there any further discussion?

Mulcahy: I think we need to put it as a condition of approval.

Masayda: Because then it will be approved by our attorney. Motion to close the public hearing.

Minnich: Okay is there a second? Any further discussions? All those in favor please say I. All those opposed please say no. Motion carries the public hearing is closed.

Text of Motion: Close public hearing

Motion made by: M. Masayda

Motion seconded by: J. Blais

Aye: 7 Nay: 0

Michael Masayda, Secretary