

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JUNE 26, 2017 AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Sean Strollo, Vice Chairman; David Veleber, Secretary. Members: S. Woody Dawson, Edward Guadio, Vincent Lentini, Gil Linder.

Alternates – Jeff Natale and Jim Jinks.

Absent: John Kardaras, Earl J. Kurtz, Louis Todisco, and alternate Jon Fischer.

Staff: William Voelker, Town Planner

I. CALL TO ORDER

Chairman Strollo called the public hearing to order at 7:31 p.m.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. BUSINESS

Secretary Veleber read the call of public hearing for all applications.

- 1. Special Permit Application**
Dean and Judith Monllos
141 Braemar Drive
In-Law Apartment
Section 30, Sch. A. Para. #5

PH 6/26/17
MAD 8/30/17

Tom Norback, Norback Builders represented the applicants.

Mr. Norback stated the in-law apartment would be about 750 sq. ft., and it meets all the zoning requirements. Cheshire Health District has verified that the existing septic system can accommodate the in-law apartment. The applicant will conform to the comments and requirements from the Cheshire Fire Department for smoke and fire alarms. Mr. Norback said another garage is being added under the new structure.

There were no further public or Commission comments. The public hearing was closed.

MOTION by Mr. Veleber; seconded by Mr. Natale.

MOVED to adjourn the public hearing at 7:36 p.m. and open the regular meeting.

VOTE The motion passed unanimously by those present.

THE PUBLIC HEARING WAS REOPENED AT 7:38 P.M.

(Mr. Dawson was recused from the Apex Development LLC applications)

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| 2. Waiver (partial)
<u>Apex Developers LLC</u>
Coleman Road
Section 6.10.1 Cheshire Subdivision
Regulations; Sidewalks to be constructed
On the north side of roadway only | PH 6/12/17
PH 6/26/17
MAD 8/30/17 |
| 3. Subdivision Application
<u>Apex Developers LLC</u>
Coleman Road
7 Lots (6 new; 1 existing house)
Coleman Farm Subdivision | PH 6/12/17
PH 6/26/17
MAD 8/30/17 |

Town Planner Voelker read comments from the Cheshire Fire Department dated 6/26/17, Cheshire Police Department dated 6/26/17 and Regional Water Authority dated 6/26/17, and e-mail with attachments from Diane and Ed Colechia dated 6/13/17 into the record.

Attorney Anthony Fazzone, Old Towne Center, Cheshire CT represented the applicant along with Ryan McEvoy, P.E. Milone & MacBroom.

Attorney Fazzone stated that there was a full presentation on the application at the last public hearing, and he would have additional comments and exhibits to be included with the application.

Under Section 8-26 CGS, the Inland Wetlands & Watercourses Commission (IWW) is required to make a report to PZC for a subdivision involved with wetlands. A copy of the decision, resubmission, and letter from the IWW on why a new application was not required by Apex Development was submitted for the record. The 2015 IWW memorandum (report) to the PZC was introduced as an exhibit by Mr. Fazzone. Section 8-26 requires the Commission take into consideration the findings of the IWW. As part of the applicant's proposal and application with respect to the cul-de-sac and the request not to be required to put in a right-of-way or through-way to the Watts property, the Commission is asked to consider what IWW has determined with respect to the wetlands on the site.

Concerns were cited by Mr. Fazzone.

1) There is a concern about lot #5 and wetlands on #5 and #4; it has been discussed that the logical place to put an extension, if required, would be through a portion of #4 (and then there would not be enough square footage for #4 to be a valid lot); or put the extension through #5 in terms of where the road would be drawn. One of the consequences of this is the extension requiring relocation of the house position on lot #5, as well as the septic system; they would be moved closer to the wetlands and watercourse area which goes through the property. Both are tributaries to the Broad Brook Reservoir.

2) Because the IWW report only applies to the wetlands on the subdivision property, the applicant has broken its argument with respect to the extension of the right-of-way into two portions. It is believed there is sufficient reason, on the subdivision property alone, not to require the right-of-way extension. It is also believed there is reason on the Watts property not to extend the road; on the Watts property the argument is the steep slopes making it impractical to build a road through there without significant impact on the reservoir and water shed.

The Plan of Conservation and Development (POCD) gives the Commission authority to consider that effect with respect to two sections of the zoning regulations before the Commission.

Ryan McEvoy, P.E. cited the graphic presented at the last meeting with potential grading plan for a roadway extension through the Apex property to Watts property and impact on lot #5. It would drive the house and septic on lot #5 closer to the wetlands to make room for a right-of-way. In order to construct the roadway to town standards, the result and grade for lot #5 would have the road 6 feet higher in elevation than the current grade for the house. This means the house would be pushed further into the wetlands, raised 6 feet, so it is not in a hole. The entire length of the driveway would be located in the town right-of-way for future road extension, and this presents many challenges for access to that lot. Mr. McEvoy said the point is the roadway extension on the Apex property has a significant, detrimental impact on the proposed development, which has been sensitive to the wetlands and water courses on the site.

The Commission asked a question at the last meeting regarding the graphics shown on the slopes of the Watts property. Mr. McEvoy displayed a plan which depicts the steep slopes and wetlands; red is slopes 15%; maximum slope on the property is consistent at 40% of grade; there are isolated pockets on the property; the entire length of the eastern side of the wetlands/watercourse are about 40% in grade.

There was discussion at the last meeting on a number of items and figures regarding the roadway on the subject property, and potential impact of roadways to and on the Watts property. Mr. McEvoy submitted a summary of this information for the record.

Mr. Linder asked about the steep slopes, whether there has been a development application for a building on a 15% slope; if it was successful; and about development on a 40% slope.

Stating it does happen with a 15% slope, Mr. McEvoy noted there is much work involved to create a pad for the house, and challenges for excavation near a septic system. As for successful development at 15%, it can happen, but he does not recall any development with a 40% slope.

On the graphic, Mr. Linder asked if the majority of the slopes in red are at 40%. He asked about anything greater than 15% requiring special consideration or waiver by the Commission.

15% is the benchmark, and Mr. McEvoy said it is referenced in the regulations as an area of concern for house placement and grading. He is unsure of waivers, but 40% would require special consideration.

Mr. Linder asked what percentage of the particular area consists of grading that is greater than 15%, and the white areas on the map being more buildable and flat areas.

Mr. McEvoy said with steeper slopes and wetlands, his guess is it being 50-50 that an area would be not steep or wet.

Mr. Natale talked about lot #5 and the extension going through it, and raising the lot about 6 feet.

The graphic was referred to by Mr. McEvoy, who said the impact to the property is shown. It would cause pushing back the house, septic system, have the driveway almost entirely located in a right-of-way for future road purposes. He talked about grading of that road, the minimal vertical geometry from the 3% cul-de-sac to maximum grade of 10%, and creation of a clear picture of the impact to construct that road and elevation with respect to how lot #5 is presently graded. The right-of-way would require pushing the house and septic system back, and future grading of the roadway would be considered. It would be a challenge to construct and maintain and tighten with close proximity to the wetlands.

Regarding excavation materials, Mr. Natale said the road construction would take about 6,000 cu.yds. He asked how much more material would be needed if the property is raised up another 6 feet.

According to Mr. McEvoy it would be about 1,000 cu.yds. of additional material.

Town Planner Voelker read an excerpt from Section 5.3 of the Subdivision Regulations into the record.

Attorney Fazzone submitted photographs of the property to the Commission for the record.

#1 – northwest lower point on the subdivision property towards area of the proposed cul-de-sac; the road would start coming down to lot #5.

#2 – this is a point below photograph #1; it is near the edge of the Watts property; beyond where you see the sunlight begins the hill shown on #1.

#3 – looking southeasterly into the Watts property; near the boundary line; can see where property drops off significantly.

Mr. Fazzone said they are trying to show, in addition to the steep slopes, there would be extension of a 50 foot wide road down through the reservoir area, through declines and elevations; there is one point from the proposed cul-de-sac to the turn where the road enters the strip of land to get to Tamarack...it is a drop in elevation of 108 feet. The cul-de-sac is at 308 feet; there is a depression just short of the turn with elevation of 200 feet; there are changes in elevation on the Watts property to get up to one of the flatter areas on the site.

At the last meeting, Mr. Fazzone introduced the Town GIS maps to show the relationship between the subdivision property, Wallingford and Cook Hill Roads, and the red marking is the subject property.

The GIS maps were submitted for the record.

For the record, Mr. Fazzone stated the applicant agrees with the Cheshire Fire and Police Department comments; most have been addressed; the proposed driveway on lot #5 is shown on the plans with 15 foot paved width with gravel sides, and with heavy duty construction for the driveway. The application agreed with the site distances shown on the map, and RWA comments.

Attorney Fazzone commented on an error in the minutes of June 12th...the mileage from the property to Wallingford Road should read “.6 miles”.

Mr. Veleber clarified the 15 foot driveway with gravel sides, and said this is the driveway from the end of the cul-de-sac down to lot #5.

If the house and septic system had to be moved, Mr. Gaudio asked how close it would be to the wetlands.

Mr. McEvoy said when you apply the building setback from the right-of-way as shown on the plans, the front of the house is where the septic system is now shown. It would be approaching the upland review area with the rear of the house; retesting for a septic system would have to be done either in the upland review area of a pump system elsewhere on the property. There would have to be a primary and reserve septic system; it would be about 50 feet from the wetlands, the regulatory limit.

Pushing the house and septic system back, Mr. Veleber asked about elevation drop, the house now being where the septic system is shown, and the house going further down and lower.

It would be one or two things, and Mr. McEvoy said it would follow the natural grade, lower house elevations, match existing grade, taking into consideration a future roadway 6 feet higher than the house. The first floor elevation would be 16 to 18 feet higher than natural grade. To follow the natural grade the house would be 12 feet below the roadway, and septic system will be further back towards wetlands and water course.

If the right-of-way did go through, Mr. Natale asked about the original lot size versus the lot size due to moving the house.

This is an oversized lot and Mr. McEvoy said most of the lot is within wetland and water course areas. The lot today, as proposed, is about 4 acres, which would all be within the regulatory areas and closest to environmental resources.

PUBLIC COMMENTS AND QUESTIONS

Dennis Waz, Director of Public Utilities, City of Meriden, cited the city's concerns about the proposed development, impact on the major feeder stream, storm water drainage and runoff entering wetlands, feeder stream and reservoir. The city has concerns about the amount of excavation, water quality, septic system runoff, health issues, nutrient runoff, algae, chloride, use of toxic products that can contaminate the water and other issues affecting the drinking water. The city wants to prevent any more mistakes and perform due diligence for water quality. In response to a question about control of toxic products used by homeowners, Mr. Waz stated that the city has a legal right to contact homeowners. He and his staff visit all water shed properties once a year for housekeeping issues, identify what is happening on properties, identify issues, and request removal of toxic and harmful materials. This is how the water shed is managed. With regard to precautions by developers, Mr. Waz said the city is satisfied with Apex. They do request notification of when a subsurface is installed to insure wetlands and water courses are not impacted. Staff will look at storm water management; contacts and works with Cheshire staff; address any issues; and Chesprocott and IWW are informed of all findings. Lawn care products are problematic; there is a tendency to over-apply these products; and Meriden is facing a phosphorous reduction in its treatment plant.

Lori Watts, 825 Wallingford Road, read a prepared statement into the record about the current Watts property, and history of the property going back 35 years. She does not understand the attacks on her family, which come out of fear, but understands the fears of the water company and possible problems. In her statement she cited her belief that her son is being deprived access to his property; he is requesting a 50 foot right-of-way, which has been granted to others; and wants access to his land in the future and use under local ordinances. When the property is developed it would conform with PZC and

IWW regulations. Ms. Watts talked about prior PZC votes, the court appeal, regulations now including “harmonious” as the word to be used, right-of-way granted to others in similar situations, development of Inverness Court, 16 homes permitted on a right-of-way, not having to defend a future subdivision on the Watts property which will not impact surrounding areas. Ms. Watts requested PZC be consistent in its decision.

The statement of Lori Watts was submitted for the record.

Attorney Joan Molloy, 150 South Main Street, Wallingford CT, represented the Watts family. Attorney Molloy read a prepared statement, which was submitted for the record. She talked about the prior application which was appealed, good planning to keep options open so the Commission can make good decisions. The Watts family does not oppose the Apex development but they request acquisition of a future road extension. In her statement, Attorney Molloy pointed out other properties that had road connections including one with future road access to the Watts property...Platts Knoll, and said zoning regulations do not require proof that the Watts property can be developed. She cited Sunrise Farms which required a future road connection to an abutting undeveloped parcel. The transcriptions of September 28, 2015 and October 14, 2015, testimony of engineer John Whitcomb, were submitted for the record, and as information into this hearing.

Ms. Molloy stated the applicant’s engineering conclusions are based on town wide mapping rather the actual field located data, with the Commission accepting these conclusions on their face, and decisions being made about the Watts property without field verified data. Ms. Molloy said there has been testimony about the road, topography distances, lot #5 driveway, cul-de-sac elevation of 306 feet, end of the driveway 252 feet, the 2017 CFD memo mimics the 2015 comments, Fire Marshal concerns about the steepness and width of the driveway. She said the applicant could have presented evidence to address these.

According to Ms. Molloy the Watts family is requesting the Commission to require future road extension by preservation in favor of the town, not the Watts family. The town has allowed this in the past and it was required in other subdivision applications. With regard to the Watts having access from Wallingford Road, Ms. Molloy said this is due to a limited right-of-way that is 50 feet wide. She noted that the Apex property was for sale a long time and the City of Meriden could have purchased it. There is an understanding of the need to protect wetlands, water courses, the reservoir, and neighbor’s concerns about the impact on the adjoining property.

Under the amended regulations one factor is compliance with the POCD...Principle #4, Growth Management, and Ms. Molloy cited excerpts from Policy #5. The open space cluster regulations could be an option open to the Watts. For public health and safety Mr. Molloy believes existing circumstances in the adjacent neighborhood are relevant to the discussion. Tamarack Road has two connections; 1,700 feet road length; the road is 2,900 feet long to the intersection with Stuart Drive. If Windemere Court and Tudor

Drive are included, 4,000 feet is the actual road length. There are 26 homes on the access road easement; only 16 units are allowed under the regulations. Watts land is a rear lot with no frontage on a town road and extension of Tamarack creates a greater non-conformance. What is requested is not an easement in favor of the Watts, but an easement in favor of the town. If an application is submitted to utilize this easement, the Commission and IWW would review the application with all appropriate steps followed. Ms. Molloy said the Watts are asking to be given opportunity to make a presentation, and prove it can be done in an environmentally safe way. Without the road extension this option is eliminated. The Watts do not oppose the proposed development, have tried to work with the applicant, and request planning and preservation for a future roadway. No approval is requested, just keeping options available, with the Commission having the opportunity to review a plan based on actual data.

A question was asked by Mr. Linder about Tamarack Road cul-de-sac created with a right-of-way, or was the right-of-way created before this parcel was created.

Mr. Voelker replied it was created when the Commission approved Tamarack Road. Configuration of the Watts property is the result of previous developments.

Mr. Linder asked about whether a road could be extended on the Watts property.

Ms. Molloy said engineers looked at the Watts property, and a road can be developed and done.

For clarification on the right-of-way from Watts property to Wallingford Road, Mr. Linder asked if this right-of-way was already constructed.

Stating "no", Ms. Molloy said the Watts have the right to utilize the road, but they do not own it.

Mr. Linder said the Commission has been given data, plot plans, elevation maps describing the Watts property, discussion about this property being buildable or not. He said the Commission has things on paper to be looked at, and Ms. Molloy has verbally described things. If there was submission of engineering study on what a proposed Watts development might look like, it would give the Commission more food for thought.

Attorney Molloy stated the Commission wanted this at the last application, when there is no regulation requirement. When the regulation was amended, it was noted the Commission cannot ask an abutting property owner to do those types of things. The only reason why this was brought up is that the Commission seems to be turning this...saying prove that the property can be developed. This cannot be done without an actual application before the Commission. It is not fair to say the Watts must go through the steps to preserve what the regulations provide and can be done with good planning, with large abutting pieces of land, and preservation of all options. The regulations say plan for the future and this is what Ms. Molloy is asking.

Mr. Lentini commented on Apex and Watts meeting two years ago on the issues, and asked if there have been discussions in the last two years.

Attorney Molloy said there is a difference of opinion. Apex's concerns are understood; a future road extension does have impact to them; the Watts have offered to help minimize those impacts; but nothing has come together.

It was noted by Mr. Natale that in her opening remarks, Attorney Molloy said the Commission has already made its decision. But, he said this is a new application.

At the last hearing, Attorney Molloy felt that the Commissioners had made their decision when she walked away from the last hearing. This was based on the questions asked at that meeting.

In that regard, Mr. Natale noted that Attorney Molloy did not speak at the last hearing, and the Commission could only address what was presented to it.

Lori Watts clarified that the Watts property was part of the original Balletto property. The Watts have 36 acres; Balletto in front has 7 acres; Dr. Moore has 5 acres; this was all part of an original farm. She does not have dates or times of subdivisions cut from the original farm. Regarding the Watts right-of-way, she said they have a driveway which passes over the Balletto property to the Moore property. It is a ½ mile driveway; it passes the Tamarack cul-de-sac; request has been made to access this cul-de-sac, and it was denied. The Watts do not own the driveway.

Sarah Buehl, 634 Tamarack Road, stated that she submitted Assessor cards at the last hearing which shows the history of the Watts property. The data can be compared to the information submitted when Tamarack Road was built, about 22 years ago.

Attorney Paul Beckerman, 3127 Whitney Avenue, Hamden CT, represented Vincent Masciana, 643 Tamarack Road, Cheshire CT. His comments were submitted to the Planning Department for the record.

Using GIS maps, Mr. Beckerman pointed out the Masciana property in relation to the proposed subdivision and Watts property. It was stated by Mr. Beckerman that Mr. Masciana is not opposed to the application itself, but is opposed to the potential roadway going behind the lots on Tamarack.

The Masciana property was pointed out (yellow color); the applicant's property is to the south; and the Watts property is to the right. The Masciana property is where the applicant and Watts properties come together. The second map shows the elevations; the intermittent water course (blue color) drains from the applicant's property to the Masciana property onto the Watts property; the different elevations involved between the applicant's property going down to the Watts property; and area of road extension which goes around the corner of the Masciana property. The 3rd and 4th maps are those

introduced by the applicant at the first public hearing, with highlights showing the Masciana property, the watercourse through this property, draining from the applicant's property, through the Watts property and into system for the Meriden reservoir.

If the road extension were built, Mr. Beckerman noted map #3 showing the road going right around the Masciana property which currently drains into this area onto the Watts property.

The prior application was approved in 2015 without the road connection, and the Commission made detailed findings, which the court upheld on appeal. They were in regard to the cul-de-sac, the shape of the subject parcel, wetlands, and location of the potential road through the reservoir water shed. All of this led the Commission to not require a road at that time. Those same factors are still the same to be considered under the current regulations.

Mr. Beckerman talked about Section 5.6 of the Zoning Regulations, which discusses circumstances when a cul-de-sac would be permitted. He cited an excerpt from the previous Section 5.6 and read it into the record. It stated a cul-de-sac shall not be granted unless the Commission made certain findings...which it did in 2015. Among the findings was *"there was no logical or feasible alternative for a through street at the present time or in the foreseeable future"*. Under the new Section 5.6 it states *"that cul de-sacs may be permitted if the character of the cul-de-sac does not pose a danger to health or safety, and is in harmony with the existing thoroughfares, especially in regard to safe intersections."*

The previous Section 5.6 stated it "shall not be granted unless the Commission has findings; and the current 5.6 states the cul-de-sac may be permitted if it does not pose a danger. Mr. Beckerman said the analysis has flipped from what it was previously.

Mr. Beckerman said the factors considered in Section 5.6 include the length of the cul-de-sac, number of lots, distance from emergency services, and the subject application meets all the requirements.

Section 6.6 discusses when a *Commission shall require a cul-de-sac to reserve connection to a future street*. The prior 6.6 stated the Commission shall require where it deems appropriate a reservation to connect to future streets. Mr. Beckerman read an excerpt from the new and former Section 6.6 into the record. He cited excerpts from Section 5.3 and Section 5.2 and additional excerpts from new Section 5.6 and Section 6.6 for the record. Under the current section, as written, he said the Commission must consider the suitability of a road, and can only do this with evidence presented, which the applicant has provided.

Mr. Beckerman said if the owner of the adjacent parcel wants the Commission to reserve that area, they need to provide evidence for the Commission to rely on to make that decision. The Watts property is not land locked; it has an access way; but this

access way may not be suitable for a subdivision; and it is their responsibility to provide this information. Ample evidence has been presented to reject the road connection, and Mr. Masciana opposes the road connection requirement.

A question was asked by Mr. Lentini about the land owner having an engineer saying the road was feasible.

Mr. Beckerman replied that from reviewing the 2015 record their engineer said the land could be developed.

Attorney Fazzone submitted exhibits: Planning and Zoning public hearing and subdivision application minutes of August 12, 1985 and read the highlighted section into the record. He submitted GIS maps #2339 and #2330. The 8/12/85 minutes give the history of the division of the property and where the Watts property came from. Mr. Fazzone briefly reviewed the history of this property over many years. The Watts property is described as a farm; map #2339 shows the existing right-of-way, history of the property on Wallingford Road; map 2330 shows subdivision of portion of property of Grace F. Balletto.

It was noted by Attorney Fazzone that Ms. Molloy said something to the effect...that if the Commission denies the right-of-way it is creating an undevelopable piece of property. This was done a long time ago. Ms. Balletto made the decision that she would only maintain a right-of-way, with full knowledge that there could never be more than 3 buildings on this right-of-way...and the Watts family has built 3 buildings.

In his comments, Mr. Waz mentioned fuel oil...and Attorney Fazzone advised the developer plans to use propane. The IWW requires the applicant to go back for final permits on lots #4 and #5. Full notice of this will be given to Mr. Waz, and the applicant will discuss with him the final site plan for those lots. Storm water drainage and maintenance of the basins are cited in the HOA document, which requires maintenance of these basins by the HOA with details developed by the Town Engineer's office.

Mr. Fazzone commented on the new regulation which was developed as result of the court decision that the two prior regulations were vague. In the interim this Commission made major changes to the POCD, especially as it applies to requiring extensions and preservation of natural features. An exhibit was put into evidence at the last public hearing listing major sections of the POCD. Mr. Fazzone cited page 31 of the Plan which recognizes the 2002 POCD discussing the need for reduction of cul-de-sacs. He read an excerpt into the record.

With extension of the road it would be a temporary cul-de-sac.

Mr. Fazzone noted that the applicant is not saying...if Watts had access from Wallingford Road, that they couldn't develop this property in some way. The applicant is saying that it should not be required to affect their property by granting a 50 foot side

access way without the Commission considering the innate characteristics of Sections 5.6 and 6.6 of both the applicant's property and the Watts property. He said this is why the difference in changes of elevation was stressed. He talked about the only logical way for entry from Apex property into the Watts property, loss of lot #4 or putting it where lot #5 is shown. There will be a large amount of excavating and re-grading to create a road meeting town specifications to reach Tamarack Road, with one spot showing a dip of elevation 200 feet before making a turn.

There is no report from IWW about that property. Mr. Fazzone pointed out that Mr. Waz stated excessive excavation causes a danger to the reservoir and water shed. There is no question that no matter where the road is put there will be significant earth work and excavation work to be undertaken in the water shed area.

It was mentioned that Mr. Voelker chose a right-of-way, extension of the road, for the Sunrise Subdivision off Oregon Road. Mr. Fazzone said that comes in under a different set of regulations...Section 5.6.4. The owner of this property owned a rectangular shape; subdivided one portion; and left a portion to the remaining land of the owner.

Attorney Fazzone informed the Commission that he prepared two proposed motions for their consideration in the decision making process for the subject application. He submitted these motions (Sidewalk Waiver and Subdivision Application) to the Commission.

With regard to the public hearing information and map #2330, Mr. Linder asked if this is what created the existing Watts property.

Attorney Fazzone replied that #2339 shows the original piece of property; #2330 shows the 50 foot right-of-way which is the end of the 50 foot right-of-way on the upper map; the narrow strip of land goes up to where the Watts built their home...and is labeled "other land of Grace Balletto".

Regarding the reliability of town GIS and topography maps in looking at the Watts property, Mr. McEvoy said the town mapping is used for topography, particularly in terms of planning purposes, subdivisions, developments. The Watts property is based on new aerial photos using town wide mapping, and based on experience they are very reliable. Generally speaking, compared against a field survey, the topography is usually within one foot of what is shown with survey equipment.

Attorney Fazzone pointed out wetlands on #4 and #5 which were mapped by a soil scientist in the IWW application for this subdivision.

Mr. Linder said we now know the existing Watts property was created in 1985, and asked when Tamarack Road/Platts Knoll was created.

Attorney Fazzone said it was created in 1987.

Mr. Linder asked about this right-of-way and no other parcel of land.

The Commission was told by Mr. Fazzone that it is all what is now the Watts property, and he pointed it out on the maps. He pointed out Tamarack and the cul-de-sac that goes out to Tamarack.

Without the minutes for the Tamarack subdivision, Mr. Linder said it is assumed that right-of-way was given to create a future road, either taking a left hand turn to where the Watts built a house; or take a right hand turn into the right hand portion of the Watts property for some future development.

Attorney Fazzone said the property is on Wallingford Road, to the north of where the Watts property is, and this is all developed.

PUBLIC COMMENTS AND QUESTIONS

Eric Ehrenfels, 625 Tamarack Road, asked about public comments going forward after this public hearing. He said he is in complete agreement with Apex Development and points made by Attorney Fazzone. Two years ago, the Commission approved the Apex subdivision application, and in his opinion, nothing has changed. He requested the Commission to render the same decision this time.

VI. ADJOURNMENT

MOTION by Mr. Veleber; seconded by Mr. Natale

MOVED to adjourn the public hearing at 9:45 p.m.

VOTE The motion passed unanimously by those present.

ATTEST:

MARILYN W. MILTON, CLERK