



## BOARD OF ALDERMEN

### **Special STREET COMMITTEE MINUTES**

Tuesday, January 15, 2008

#### **Call to Order / Pledge of Allegiance**

Alderman Olin called the Street Committee meeting to order at 5:30:00 p.m. All those present rose and pledged allegiance to the flag.

#### **ROLL CALL**

Alderman Ken Olin, Chairman – present  
Alderman Stan Kudej – present  
Alderman Lynne Farrell – present (arrived 5:40)

Also Present: Alderman John Anglace  
Alderman John Papa  
Alderman Simonetti  
Alderman Perillo  
Asst Corporation Counsel Ray Sous  
City Engineer – Bob Kulacz

#### **PUBLIC PORTION**

Alderman Olin announced to the audience that the meeting is only scheduled for 1 hour. He asked that everyone who wished to speak to step up to the table, state their name and address to be properly recorded.

Alderman Anglace gave a brief description on why the Street Committee was meeting. They have been asked to review a proposal of a portion of Wells Ave. that came to the Board of Aldermen. That proposal has been through Inland Wetlands and Planning & Zoning. It was recommended by Inland Wetlands to the applicant to ask the Board of Alderman to abandon a portion of the right of way that the City has in the interest of putting less run off water into the headwaters of the Ivy Brook. The Board of Alderman took an action back in December to abandon the portion that they had requested and subsequently we rescinded that action and voted to refer the question to the Street Committee. Specifically so that the 2 Aldermen in the 2<sup>nd</sup> ward could give you an opportunity to come here and let the Street Committee know what your thinking is on that portion of the abandonment.

The members of the Street Committee are Chairman, Alderman Olin, Alderman Kudej, Alderman Farrell. This is a background of where we are now.

Alderman Olin invited the audience to speak.

**Dan Dicairano, 59 Wells Ave.**

I have an issue with the abandonment of the property and 2 more houses being built there due to the fact that the street is already congested with cars. There are 13 children under the age of 11. Right now what they have done is create a cliff at the end of the cul-de-sac, there used to be a barrio there, right now there is nothing. The kids are out there skateboarding, god forbid one of them, it's a bad situation there. The garbage men have a hard time getting up and down. The snowplow, where is he going to push the snow, I don't know where he's going to push it.

They are going to put 2 more driveways off of there plus the one they already put, I don't know where their going to push the snow. God forbid there was a fire. I don't know how the fire truck would get down with the parking the way it is. That's pretty much all I have to say.

Alderman Anglace asked; are you of the opinion that the Board of Alderman should not grant the abandonment of portion of the right of way.

Mr. Dicairano replied; I think they should not.

Alderman Anglace continued; if the Alderman do not grant that little portion that Inland Wetlands is suggesting, then what happens? Do they extend the street down 75 feet and build the houses anyway? They are approved lots as I understand it and they have the right to build. Planning & Zoning has no issue with it.

Mr. Dicairano stated; I don't know. If you go down there and look, it looks like wetlands there. I don't know how they can build on it.

Alderman Anglace stated; we are not trying today to determine whether or not it's wetlands or what the condition of the property is. That was already done at the Inlands Wetlands Commission. They are the ones that made this decision. Planning & Zoning said the lots are ok, that they acceptable and that they may proceed. What basis do we have for not granting this and how can we defend that because we are sure to get a court challenge?

I understand the thing s that you are saying, but I want to put it in perspective.

Alderman Papa stated; we are in a tough position here because Inland Wetlands already approved this. These are building lots. If Inland Wetlands hadn't approved it we wouldn't have a problem, they couldn't build there. Since they approved it, and I am assuming that it went to Planning & Zoning?

Alderman Olin replied; yes, it's been to Planning & Zoning.

Mr. Dicairano asked; does there have to be a public hearing?

Alderman Olin replied; no. Counsel has ruled no.

Alderman Papa continued; since Inland Wetlands already approved this, the problem that we have is that they can come back and sue the city if they are denied this. Is that correct Counsel?

Attorney Sous replied; I think the issue is not whether there is a suit or not but your board only has specific rights and obligations. That is to determine whether this property should be abandoned, it is not to determine whether there should be building lots here. What I think you're saying is true, The Planning & Zoning Commission is the only commission that makes decisions regarding these lots. If those lots are approved so be it. The question at this point is whether the road goes down further or the road ends there. It is not a question of whether the abandonment does or doesn't happen is going to stop the development of these lots.

Alderman Papa stated; the bottom line is that whether we abandon this or not, they are still going to build the houses? Am I correct in saying that?

Attorney Sous replied; from what I understand Planning and Zoning has given their approval, I haven't researched that. If they have given approval for these 2 lots then they can. But I don't want to get into that at this point because that is their domain and that is theirs specific. Your obligation here tonight is only to determine if this particular piece of property should be abandoned. You in fact made a decision that it should be abandoned and the only reason I kicked it back with regard to an opinion on this was because there was not a map affixed to it so that the minutes of the meeting did not reflect the exact area that you were abandoning. Now you have a map and you can make a determination as to the exact area to be abandoned. It was a technical issue of the area in question.

Alderman Papa asked; If we do not make any decision to abandon this, can they still build the houses and extend the street.

Attorney Sous replied; that I don't know. I haven't researched Planning & Zoning that is their issue. That is not what I was asked to do. I was asked to determine

how you go about abandoning and to review the abandonment of roads in general and how it specifically applies here. That fact of the matter is that we needed an 8-24 referral; you got that from Planning & Zoning. You needed a specific area of meets and bounds as your City Engineer has requested. You didn't do it according to that so therefore I asked that you do it according to this, if that is what you plan to do. I think that it's a technical issue at this point.

**Michael Verderame, 70 Wells Ave.**

I pretty much reiterate what Mr. Dicairano said. We weren't told, P&Z, was anybody notified of this, that these two building lots being approved? Was the public notified?

Alderman Kudej asked if anybody was notified? The audience answered no.

Mr. Verderame continued; I would say that everybody on Wells Ave was not notified that Planning and Zoning approved that property for thing. The house that's being developed there right now, or its already being built right now, we weren't aware of that either. We were slightly aware of it because of several thousand trucks driving down the road checking it out.

Alderman Papa asked: I don't know, in most towns if you are doing construction, there is supposed to be some notification? I think?

Mr. Verderame continued, look it, I'm a taxpayer. I don't know what the rules and regulations. I'm not a lawyer. I don't know the law, I don't know Planning & Zoning, I don't know the parliamentary procedures of all this that goes on. So when the house went up we really didn't argue about it. So now when they decimate our street and they put another 45 more feet into wetlands and when I moved back there 16 years ago I was told only 2 more houses were going on that street. 16 years ago. I researched it before I brought my property and I came down here to town hall and I looked at it. Sure enough only 2 more houses were going on that street. Mark Proseck(spelling) the builder split the property and built 2 more houses. Sheehy bought the land from Amato when he passed away and built 2 more houses. Perry Construction bought some land up the street and built another house. The present builder today built another house. 6 houses have gone up on that street in 16 years. Now you want to put 2 more and make it 8 houses. That's my problem, that's my issue, the issues traffic, the issue is wrecking wetlands, the issue is a dead end street that got extended 45 more feet, the issue is the reason why we bought in that area and that house was the dead end street and how small the neighborhood was, the cul-de-sac.

I understand progress; I understand people have to build to make a living. I'm not denying that. What I'm saying is enough is enough. Because this last house is

being put up I got another utility pole on my property that I can't do anything about. What am I going to do fight the UI and tell them to put the pole someplace else? So now I got 2 utility poles on my property, what do you think it does to my property value?

Alderman Anglace replied; nothing.

Mr. Verderame questioned; you don't think it does anything to my property value when you have 2 utility poles on your property? Do you want to buy my house?

Alderman Anglace explained; Utility poles don't go on private property...

Mr. Verderame replied; whose property is it, I pay taxes on it, wait a minute I pay taxes on that property. Do I not pay taxes on that property?

Alderman Anglace continued explaining; from the curb in 9 – 10 ft and utility poles go on city property.

Mr. Verderame stated; I have a 75 x 100 piece of property please take that off taxes then. Take it off my taxes. If you're telling me that's city property then I shouldn't be paying for 75 x 100 piece of property. I should be paying 70 by 140 piece of property.

Alderman Olin stated; it doesn't work that way.

Mr. Verderame replied; I understand and I agree but you understand what I'm saying. I agree, it shouldn't work that way. I have no recourse. What are you going to do. The gentleman that came over from the UI Company was a fabulous man. I'm just speaking my piece and you know what, it is what it is.

Alderman Anglace replied; were here to hear you and listen and to evaluate what you say. As we go along we'd like to make some comments to help you understand some of the things that you comment to us. For instance the wetlands, situation, ruining the wetlands. This already went to the Wetlands Commission and it has come to us because they are trying to protect the headwater of the Ivy Brook. They looked this over, they did soil testing and we'll be glad to share those minutes with you if it would help you.

Mr. Verderame replied; it doesn't help. The horse is out of the barn.

Alderman Anglace continued; they didn't come up with the same conclusion that you have and they have done far more research on it I'm sure.

Mr. Verderame replied; I'm sure they did but they never asked anybody in the neighborhood. I'm just saying. It would have been nice for them to turn around and maybe do a survey and say look it, we're thinking about extending the street here. What is your opinion?

Alderman Anglace continued; on this property they had and the minutes reflect that they had 2 soil scientists brought in. I'm not here to defend them, all I'm here to do is evaluate if we should just abandon a portion or allow that road to go down. Which is in the best interest. Can we stop it? I don't think we can. I don't think we can defend it in court. I'm looking for reasons from you if you can help me to change that opinion.

Mr. Verderame replied; I don't know if I have any reasons, but I think the reasons that I laid out are probably from our neighborhood why, why we wouldn't want that.

Alderman Anglace replied; it talks about the history, the city engineer indicated in one of his correspondence indicated that since 1988 that street has been extended 4 times. That confirms what you said about housing.

Mr. Verderame replied; lets just take a step back from that. That street was extended when I got there. 6 houses have been developed without the street being extended. 5 houses, excuse me. The 6<sup>th</sup> house is when they extended just recently. 7 & 8 will go if they extend it again or if they decide to keep the cul-de-sac the way it is, abandon it and add the driveways. So just to be clear here, that street has not been extended in 16 years. It was just extended. In that 16-year period 5 new houses were built.

Alderman Anglace replied; someone brought up somewhere that if this portion is abandoned this will constitute the last development on that street.

Mr. Verderame replied; I don't buy that. That's what I was told when the 2 houses went up across the street. That's what I was told when Gary Thompson was trying to turn around and get that property approved. "There's no way they are going to approve that house". They did. So don't tell me that after these 2 houses go up "there's no way" My guess is that they'll probably put a street through and go straight thru to Weybossett. And that might happen when the next administration comes in here, 5 years from now, or the Inland Wetland guys decide to say we don't need these ponds here anymore, we don't need Inland Wetlands. Lets just go right through...it's progress, it's Shelton We need the tax dollars...right?

Alderman Anglace replied; the unfortunate thing as I sit here and listen, I think for the neighborhood, you missed the opportunity to comment at the Inland Wetlands where they already approved it.

Mr. Verderame replied; what has happened is that this has all funneled into you guys and you guys are sitting here holding the bag. You're absolutely right. I feel bad for you guys because it's hitting you at the end. If we had talked to Inland Wetlands prior or were notified by Inland Wetlands we could have then turned around and just said our piece. If Inland Wetlands turned around and said we Don't care what you guys think; we're going to do it anyway. That's all right. I'm here to make an argument but were all friends in the room here, no big deal, what ever happens, happens. We walk away, I did what I had to do. It's nothing personal against anybody here.

Alderman Anglace stated; I wish we knew back when because we didn't focus on this, to be quite honest with you. There is so much going on in town that you don't focus on these things; you leave it to the other bodies that are responsible for those things to take care of it.

Mr. Verderame asked; who has the ultimate decision on that?

Alderman Anglace replied; Inland Wetlands.

Alderman Papa asked; Are Inland Wetlands supposed to notify the neighbors if there is going to be a discussion like this?

Attorney Sous replied that he did not know what the application stated. We are going to other issues here.

Alderman Olin stated; we need to stay with the course.

Attorney Sous reiterated; the only reason we are here tonight is for a technicality was because I was asked for an opinion on the abandonment by your commission. To start going in and talking about these other commissions, we can't get into it. It's a sympathetic standpoint but it is not going to help us answer the question.

Alderman Olin stated; we want your feelings and the neighbors on this.

Mr. Verderame asked; do you want to talk to everyone of the neighbors?

Alderman Anglace stated; we would like to give everybody an opportunity if they would like to say something.

**James Dorsey, 67 Wells Ave**

My concerns are the same as the rest of my neighbors. You're telling me that it's too late now to stop the progress that has already been started. What about the safety of our kids, the parking issues, the snow removal? Obviously it's too late to stop it so now what can we do to improve these issues that we have or settle some of the issues that we have, or make it better. Such as parking, snow removal, our kids safety? There are over 13 kids in the neighborhood. They ride their bikes, they skateboard...the traffic.

Alderman Kudej agreed that it is congested.

Mr. Dorsey continued; the garbage man has a hard time coming up and down. I watched the snowplow try to plow that street, it's almost impossible for the guy, he has to go down once and then back up. He can't see where he is backing up most times. It's his safety too. Obviously we can't stop it but what can we do to settle some of this.

Alderman Anglace pulled out the map.

Alderman Anglace stated; I think the map shows that they are abandoning this little section here and they would be able to put in a cul-de-sac there. That might help the turn around for the snowplows.

Mr. Dorsey stated; the way it is here there is no way he is going to be able to turn around.

Alderman Anglace asked; right now it's just straight right?

Mr. Dorsey replied; yes, but this side has been straightened out. They half a cul-de-sac here.

Alderman Kudej asked; how do you get to this lot when it stops here? The driveway situation is going to be a mess.

Mr. Dorsey stated; their driveway will look like this and they won't park in their driveway. They will park up here.

Alderman Anglace stated; Driveways are limited to a 15-degree slope. They can't exceed it. Do you know Warner Hill Road by Sikorsky? That is a 14-degree slope, just to give you a perspective.

Alderman Olin stated that he and Alderman Kudej had gone to see the situation the other day.



Mr. Dorsey stated; it's a mess up there.

Alderman Anglace replied; yes because it is under construction.

Mr. Dorsey replied; it will probably be a mess after they leave too.

Alderman Anglace replied; not if the building dept. does their job and makes sure that everything is done according to what's supposed to be done.

Alderman Olin asked; are there sewers up here?

Mr. Dorsey replied; I know there is one up here, but I haven't seen one put in yet.

Where is the water going to go, where are the storm drains.

Alderman Anglace stated; this is not the map that shows that. I'm sure that there is a plan and a map showing all of it.

Mr. Dorsey stated; if the road goes like this and you are going to put 2 houses here, you're going to abandon it, where are the storm drains going to go? Where is the water going to go?

Alderman Anglace stated; we don't have those maps here. That's not what we're here to decide.

City Engineer Bob Kulacz stepped up to review the map. He stated; this map doesn't show the storm drains. In the application to Inland Wetlands, that showed the information you are looking for. It's all going to have to go in this general direction because everything is higher.

Beecher Ave drains through these 2 lots. There was a watercourse that someone subsequently piped years ago.

Mr. Dorsey asked; are they building 2 houses on top of that? Or are you making other arrangements?

Mr. Kulacz replied; we haven't gotten to that area yet. I believe that some of the Wetlands approval requires them to do some test borings because there are wetlands materials that were buried here years before.

Alderman Olin asked; didn't they do those already?

Mr. Kulacz replied; no, not yet, the borings that you are talking about, they were just augers to see what kind of soil. To get a sample of the soil down 3 feet.

The water table is pretty close to the surface. There used to be a watercourse and then there is a storm drain from Beecher Ave and discharges somewhere in here.

Mr. Dorsey reiterated; the safety, snow removal and traffic are my concerns. If they are going to put the houses I just want to know what they are going to do.

**Maryanne Roggemann, 56 Wells Ave.**

I apologize, I have just gotten back from vacation so I am getting caught up with what is going on. I echo my neighbors concerns of the appearance of the street at the end, the snowplows coming down, the mail man getting up and down the street, the security, god forbid something happens and someone need to get down the street. I am not an expert in wetlands but it sounds like we have done our due diligence on checking on impact on soil and things like that. Have we thought to the future of building on those particular lots that have to be filled. Over time water flows down hill, it's a steep hill, so the water is going directly towards that end of the road. If I were a homeowner at that end of the road I would be a little concerns about having an indoor and outdoor swimming pool all at the same time. Also what is the long term impact if that ground starts to erode? Is their liability on the city's part? If something happens down at that end of the street does it expand further into other wetlands, is there a way to stop from that particular future look of the way that that street is going to look. Also, the impact of the environment and the cost of properties. If something happens at the end of the street our property values could go down if it becomes unsellable land or unsellable house. Those are my thoughts.

Alderman Olin asked if there was anyone else?

Someone spoke from the audience...

**Dan Ely, 64 Wells Ave.**

How do we stop them from building the houses? Any more houses?

Alderman Anglace stated; that's not what we are here to do.

Mr. Ely replied; that's why I'm here. I don't know why you're here but I'm here to stop the houses from being built. They have built 6 houses already. Enough is enough isn't it?

Alderman Anglace asked; why is it enough now and not then? Apparently they have the right to build on those lots. They must meet the criteria or they wouldn't be allowed to build.

Mr. Ely stated; I can't understand why the Wetland Commission ok'd them to build the 2 houses on wetlands. How do we stop them from going any further?

Alderman Olin responded; we can't answer that because we don't speak for wetlands.

Mr. Ely asked; how do I get in contact with the Wetlands Commission?

Alderman Olin replied; John Cook is the individual, wet lands coordinator.

Alderman Anglace stated; if you would like minutes of the meetings, they have had 2 meetings, where they talked about this project. You can get them online at the city website. I will give you my copies of the 2<sup>nd</sup> meeting, you can get a picture of what happened and then if you then feel you need to consult somebody, that's fine. At least you have something to start with. Go on the website to get the 1<sup>st</sup> meeting.

Mr. Ely replied; thank you.

**Dan Dicaiano, 59 Wells Ave.**

I have one more thing to say. The reason no one complained when the other 6 houses were built. The reason no one complained is because no one said anything..

Alderman Anglace stated; I didn't ask complain, I asked why enough was enough now and not then?

Mr. Dicaiano replied; because then the street wasn't being extended, there weren't more driveways, they weren't getting rid of the cul-de-sac. That wasn't happening with the other houses. Now the street has been extended, there's not going to be a cul-de-sac, more driveways.

Alderman Anglace replied; there is going to be a cul-de-sac.

Mr. Dicaiano asked; with how many driveways coming off of it?

Mr. Anglace stated; we don't have that map.

Mr. Dicairano asked; if you don't abandon that , then what happens?

Alderman Anglace replied; then maybe they could extend the street another 75 feet or so. What it is on the map.

Mr. Dicairano asked; then they would have to go to wetlands again?

Alderman Olin and Anglace responded; that they couldn't answer that.

Alderman Anglace responded; this was wetlands recommendation to come to us to abandon. If we fail to abandon then it will probably go back to wetlands and say what do we do now.

Mr. Dicairano stated; then maybe Wetlands would put a public notice out and maybe we could attend that meeting.

Alderman Anglace noted; all the meetings are posted, public notice under the Freedom of Information law. All commissions have to post their minutes. Do they need to have a public hearing is your question and the answer to that I believe, is no. It is not an action that requires the Inland Wetlands to have a public Hearing. That is the best I can answer.

Alderman Olin asked if there was anyone else.

### **Irving Steiner, 23 Partridge Lane**

I have done all the research on this situation. The 2 lots in question are filled in wetlands. The records that were generated back then were very vague, property lines, the whole thing is a can of worms. In addition to that there is a pipe buried below to handle the drain off. The City if it is not prevented can pick up liability by allowing 2 houses to be put in there with basements. There could be some serious settling, it's possible. What I'm saying is if it is allowed to be done, that the liability is there that the city picks up by allowing building on those 2 lots. The only solution I can think of is that the property in question be purchased and kept green, kept wetlands.

There were 2 soil scientists that you mentioned. The first one was a lady, she said they are wetlands and they couldn't be built on. The 2<sup>nd</sup> person brought in because someone was unhappy with the first answer said, it can be built on. They disagreed with each other. The opinion of the 2<sup>nd</sup> one was taken by Inland Wetlands to make a decision.

That's all the facts I have.

Alderman Anglace replied; I agree with you. It does show in the 2<sup>nd</sup> meeting that they did talk about it. They also talked about, was the fact that Inland Wetlands will say this is how you will build out this property, what you have to do to make it ok. They tell the builder. If you read those minutes you'll get a good perspective of everything that went on. There is also other information in there that was presented, a valuable document.

What the Inlands Wetlands commission ultimately came dome to, reasoned, in the best interest of getting the lots built on, because they have a right to build on them. Doing it in such a way that it doesn't impact, minimizes the impact on the headwaters of the Ivy Brook that they agreed on only abandoning a portion of the right of way. They are going to tell them what to do, how to do it. It is counsels business to determine liabilities, but apparently that is their thinking is reflected in the minutes.

Mr. Steiner stated; There have been houses built on unstable ground, landfills. There have been a lot of legal action against settling foundations. You might have 2 irate homeowners on your hands if you allow this to happen. That is the only thing I am bringing up as a taxpayer.

Bob Kulacz, City Engineer

I would just like to make some information available to the neighbors. First of all the cul-de-sac that was recently removed is going to be replaced with a new cul-de-sac. There is an approved plan that went before the Board of Aldermen to extend Wells Ave for the 4<sup>th</sup> phase, which completed house #72. The last house that is under construction now, #76, the road will be put back to its condition with either a metal beam rail or a jersey barriers at the end.

They jumped the gun removing the cul-de-sac. That shouldn't have taken place until the new cul-de-sac was in place. In regards to the 2 lots in question being approved building lots, that is a Planning & Zoning issue. Before a building permit can be issued the people have to have legal frontage on a city maintained street. There are 2 ways that can be done. They will have to extend Wells Ave from where it's last approval was so that there is full frontage in front of those 2 lots or in this case I believe the applicant may be trying to do is getting the city to abandoning it's interest in Wells Ave. so they can obtain the title to the end of the street and have legal frontage on that section of Wells Ave. Which is why they are before the Board of Aldermen now.

I don't know if that can actually happen because back in 1994 Corporation Counsel John Welch, we went over this, Planning & Zoning wanted to abandon a street in the same neighborhood to connect streets. Everyone that lived in Coram Ave gardens had an interest in the streets and ways as they say in the deed. Everyone who lived in the neighbor hood had an interest in any of the paper

street and public streets in that area. For the City, we can abandon our interest in Wells Ave. However I don't know that somebody can legal title to that abandoned street to say now I have ownership when everybody else has an interest in it. What was discussed back in 1994 was that each property owner would have to sign a quick claim deed to get rid of their interest in that paper street that we wanted to abandon and swap with another property owners. Based on that those are the 2 things that would have to happen before somebody could develop those 2 lots in question.

They would have to get clear title to the property so that they have frontage on the end of the street or they would have to extend the road. Now Wetlands did approve and does not want the road to go forward, they are not probably cognizant of the fact that they have to have legal road frontage. Putting driveways at the end of the cul-de-sac is not going to help the situation there. The driveways that they are showing are going to be quite steep. I don't know if people are going to be using a 14% driveway, which are shown on some of the plans here during the wintertime. The best thing to do would have the road be extended. If Wetlands hasn't approved the extension of the road then that's...(inaudible)..but the road should be extended, the properties have to have legal frontage before they can get a building permit. It may be on the books as a bonified building lot but they can't get a building permit until they have legal frontage in some way, shape or form.

If they extend the road the have to come before the Board of Aldermen for the extension of the paper street. Each section of Wells Ave,. had to go through that procedure when it was extended the 1<sup>st</sup> 4 times. I just wanted to let everyone know that is what is normal procedure on these paper streets and the unique part about Coram Gardens where all the property owners have that vested interest.

Side 2 tape 1

Mr. Kulacz continues.

They wouldn't have the frontage. They would have to extend the road to have the frontage. They would have to prepare plans and submit a plan to Wetlands, and Planning & Zoning.

Audience member asked: and if they said no? *(The rest is inaudible, as they did not step up to the mike to speak)*

Alderman Anglace asked the City engineer to address the Board, and not to engage in discussion with questions and answers.

Alderman Anglace stated; I think that all the members have the opinion from Assistant Corporation Counsel in their packets. Stan & Jason, I would recommend that the gentleman that I gave the minutes too, make him the conduit and make sure that he gets all the information we have including Asst, Corp. Counsels opinions and all the information that has been given to us so that at least someone has a complete package of the information. I think that is necessary for you guys to think on.

Alderman Anglace asked if the Street Committee was taking any action tonight?

Alderman Olin stated; they would review everything and make a decision at the next regularly scheduled meeting of the Street Committee. The first Tuesday of the month.

### **Attorney Stephen Bellis representing the developer MJS Builders LLC**

A couple things that I would like to address. I have a map, it's an assessors map with Wells Ave. and I heard a couple of constituents say that they were concerned that other lots would be developed along Wells Ave. and perhaps even the road continued to Weybossett Ave. Let me start by saying that if you abandon this portion of Wells Ave. then the road can not be continued to Weybossett Ave. so that would eliminate the problem of having the road continued if that was a concern.

If you look at the other lots that are down on the end of Wells Ave. they are already developed. No one is going to want to extend the road to Weybossett Ave. because there is no other building lots available. There is lot 139, there is a deed restriction, it says can not be built on. When you have a deed restriction it can't be built on so that is not going to happen.

There is not going to be anymore construction on the end of Wells Ave. The second thing I heard from the City Engineer, Mr. Kulacz, I disagree with his assessment about quick claiming the property. I have searched the title and I have an opinion letter from the lawyers Title Insurance Corp. that basically says in the first paragraph that upon abandonment title to the abandoned portion passes to the abutters to the center line of the road. I don't know if they thought they had their hopes up of getting all these deeds signed, that's not going to happen.

As far as whether these lots are building lots. These are pre existing non conforming lots that the city Planning & Zoning has acknowledged and given a written approval on back on May 5, 2006. I know that is not this boards domain or concern. Again, I think now you understand that it was the Wetlands Commission

that asked us to come in and to ask for an abandonment so as to lesson the impact on the wetlands.

The other issues that were brought up have to do with building on the lots themselves. Whether their were wetlands on them or not. Our soil scientist was of the opinion that they were not wet. There was maybe perhaps some evidence of some old pond, so they were requesting that some borings be done. I don't think that there will be any additional liability on the City's part.

The last thing that I would like to say is that by abandoning this portion it is lessening the impact and that is why the Inland Wetlands asked us to do this. We did not go into the Wetlands Commission asking that the road be abandoned. They recommended that we come to you and abandonment it. The only thing that I had I sent in an application in to abandon and that was pursuant to the Wetland Commission (you have a copy of the map) and the engineer had said we didn't have our meets and bounds, had raised that concern. The abandoned portion is highlighted with little dots, the grayish area, that is the portion that is requested to be abandoned.

Subsequent to the engineers letter, I think I brought to the last meeting a legal description with meets and bounds. Those meets and bounds are the exact same that you had that night that you voted.

Alderman Anglace replied; the night that we voted, we voted to abandon... The night that we voted to abandon, we voted to abandon .08 acres and the map that is here shows .18. I thought that you had only sent that to me as the President of the Board. That information. When I discovered that I didn't have it with me I thought that I didn't give it in and it wasn't distributed. The clerk tells me that I did give it in and I did distribute it. So even in my sleep I guess I'm working!

Alderman Papa asked; these are approved building lots and it would be less evasive for us to abandon this rather than have the road extended?

Attorney Bellis replied; according to the Wetlands Commission correct.

Alderman Papa continued; so you did what they told you to do?

Attorney Bellis stated; that's all we did.

Alderman Kudej asked; is this where the driveways will be?

Attorney Bellis replied; it is not shown on this map. There could be one of 2 things, there could be one driveway, which is a common driveway.



Alderman Kudej noted; this isn't filled, where you're ending the cul-de-sac here. Then it's down hill. The driveways are here (motioning to the map)

Both Alderman Kudej and Attorney Bellis referred to the map.

Attorney Bellis continued; we sympathize with the neighbors and with their traffic situations but the only thing I can say is that I can say is that these driveways will be large enough and there will be enough off street parking that it won't add to the their problems. I know that they park on both sides of the street now, and I know it's tight there. I know the builder will try to accommodate them if it is permitted by the city engineer in making the driveway cuts so that it is less intrusive.

**Michael Salemme, MJS Builders LLC**

There is definitely some congestion on this road with cars. There is nothing we can do to alleviate any of that congestion.

Alderman Kudej referred to the map and Mr. Salemme showed him what they planned for the driveways.

They referred to the map again and discussed grades and filling.

Mr. Salemme stated; I sympathize with everyone on this road, it is congested. It is congested. A lot of the driveways that were put in are single driveways that accommodate one & ½ cars. The 3 lots that were on the previous cul-de-sac, that were small, steep driveways, difficult driveways. A lot of them parked, and there are a lot of people in some of these homes, they parked in the cul-de-sac. I'm not going to say there is no chance they can park in this cul-de-sac, but these driveways are going to be larger and able to accommodate more cars than any of the other homes in the neighborhood. I can only guarantee you I that I won't make the problem worse but there is a very good chance I could alleviate some of the congestion.

Alderman Kudej asked; the driveway has to come through here somewhat like this, are you cutting through this property to get to this property?

Mr. Salemme replied; we are working on a plan for that. An exact plan that is going to work in favor of just accommodating more cars. Pushing these houses back on the lot.

Both Alderman Kudej and Mr. Salemme discussed the steepness of the driveways and the possibility of water flooding every time it rains.

Alderman Olin interrupted and stated that it was 6:30 pm and the meeting was closing.

Alderman Anglace stated; if I were the Alderman in this area, the thing that I would ask for, you are a local guy, you aren't going anywhere. You have been here since you were a kid. I know that you are sincere. I would sit down with the neighborhood because they don't understand what you are going to do. I think it would help them tremendously because they don't understand what you're going to do. They might be able to make some suggestions to you that you might incorporate and you might find useful. Everyone might feel a lot more comfortable about this. Take the legal people out of the picture, take us guys out of the picture, sit down and talk to the neighbors, they're your neighbors. You're going to be around along time. You're a first name type guy. If you sit down maybe you will receive some suggestions that will alleviate some of the concerns. Maybe some of the things you tell them about the details will help.

Mr. Salemme stated; I would be happy to do that.

### **Adjournment**

Alderman Kudej moved to adjourn the meeting at 6:30 pm; seconded by Alderman Farrell. A voice vote was taken and the motion passed 3-0.

Respectively submitted,

*Brigitte Plucienik*

Brigitte Plucienik  
Clerk, Board of Aldermen  
City of Shelton

Date Submitted: \_\_\_\_\_