



# TOWN OF WOODBURY

## Planning Commission

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**UNAPPROVED DRAFT MINUTES – NOT YET APPROVED BY COMMISSION**

### MINUTES PUBLIC HEARING/REGULAR MEETING WEDNESDAY, MARCH 17, 2010

**7:30 P.M.**

**TOWN ANNEX**

#### **MEMBERS PRESENT:**

Andy Peklo  
Bob Travers  
Jane Sandulli  
Mary Connolly

#### **ALTERNATES PRESENT:**

Linda Carlson  
Tom Amatruda

#### **MEMBERS ABSENT:**

Eileen Denver

**ALSO PRESENT:** Catherine Adsitt, Gary Giordano, Klaus and Norma Weisbrich, George Johannesen, member of the press, and other interested residents.

#### **PUBLIC HEARINGS**

##### **a. 10-PC-1001/Mackey/Giordano/Mill Road/2-Lot Subdivision (Tax Assessor's Map 010/Lot 045)**

Chr. Peklo reconvened the public hearing at 7:30 p.m. Seated were Commissioners Peklo, Travers, Sandulli, Connolly, and Alternate Carlson. Reference was made to Section 8-21, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest. The application and legal notice were read at the first session of the public hearing.

Gary Giordano, Engineer, was present for the application. Mr. Giordano said he has not heard yet from Bob Oley of Land Tech, and will speak to Dave Monckton of the Public Works Department regarding Mr. Monckton's driveway recommendations. Mr. Giordano said as requested from Catherine Adsitt, Town Planner, the zoning table was updated on the plan.

Mr. Giordano asked if the applicant would be locked into the location of the house. Chr. Peklo said no, as long as there are no encroachments.

Chr. Peklo asked for an update from the health department. Mr. Giordano said he was required to show an approved well on the neighboring property and will make adjustments as needed on the plan.

The Commission agreed to continue the public hearing to allow Mr. Giordano to hear from and respond to Land Tech comments and recommendations. Catherine Adsitt commented that the close hearing date for the public hearing is the next meeting date, so another extension would be needed from the applicant if the public hearing is not closed at that meeting.

**MOTION:**

To continue the public hearing for Application 10-PC-1001 submitted by Mackey/Giordano for a 2-lot subdivision on Mill Road on Wednesday, April 7, 2010, at 7:30 p.m. in the Town Annex Conference Room. (Tax Assessor's Map 010/Lot 045)

Made by Travers, seconded by Sandulli.

Vote 5-0 in favor.

**1. Regular Meeting**

Chr. Peklo convened the Regular Meeting of the Woodbury Planning Commission at 7:35 p.m. Seated were Commissions Peklo, Travers, Sandulli, Connolly, and Alternate Carlson.

**2. Pending Applications**

**a. 10-PC-1001/Mackey/Giordano/Mill Road/2-Lot Subdivision (Tax Assessor's Map 010/Lot 045)**

The public hearing has been continued.

**3. Plan of Conservation and Development**

**MOTION:**

To adjust the agenda to accommodate those people present.

Made by Sandulli, seconded by Connolly.

Vote 5-0 in favor.

**4. Other Business**

**a. 05-PC-5004/05-IW-5009/Grey Fox Woods Subdivision/Weisbrich/Grey Fox Trail/Bond Reduction Request (Tax Assessor's Map 27/Lot 11A, 12, 13)**

Klaus and Norma Weisbrich were present. Mr. Weisbrich stated he received a letter from Dave Monckton of the Public Works Department which stated there is an irregularity of the size of pipe used, noting that a 14 inch pipe was installed and an 18 inch pipe should have been installed. Mr. Weisbrich said he would have to ask his contractor for an invoice to see which size pipe was put in.

Mr. Weisbrich said the cash expense of the road was over \$800,000.

Catherine Adsitt, Town Planner, asked if Mr. Weisbrich received a fax from Bob Oley of Land Tech today. Mr. Weisbrich said he has not been at his residence in New York because of a power outage, so did not receive it. Mrs. Adsitt said the letter from Land Tech summarized what has been done and what the bond could be reduced to, and also commented that the work done so far has been done well. Mrs. Adsitt said Land Tech is requesting that the expenditures be in the same format. Mr. Weisbrich said he has asked the contractor that did

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the road, but cannot get a response from them. Mrs. Adsitt asked if Civil 1 could prepare the document. Mr. Weisbrich did not wish to have that extra expense.

Mr. Weisbrich asked that Mr. Oley do a field visit and he will see that anything less than a \$350,000 bond reduction would not be fair. Chr. Peklo explained that the bond reduction is not based on what work was done, but what is left to be done. Mr. Weisbrich explained that the contractor has to buy the material in quantity for the job and the materials are already on the site to finish the road, and that Mr. Oley should be able to tell by what is there. Chr. Peklo said the amount of material to finish needs to be represented, and Mr. Weisbrich would need to have to have someone do that, as the town can't. Mr. Weisbrich explained that he does not want to have to pay additional interest on the bond. Catherine Adsitt explained that Mr. Weisbrich needs to have an engineer, based on the original estimates, show what has been done, and then Bob Oley would review the information, and if Mr. Oley is not satisfied he would ask for additional information, and would review it again.

Mr. Weisbrich said Phase 1 has one more black top coating to finish. Chr. Peklo said \$760,000 was claimed for Phase 1, and Mr. Oley is asking the bond to be reduced by \$400,000. Commissioner Jane Sandulli said she is confused as to where the \$400,000 would be spent. Mrs. Adsitt said the format submitted made it difficult to see that. Norma Weisbrich asked if Mr. Oley based that number on the A-1 survey. Mr. Weisbrich wondered if Mr. Oley based it on just the road or included the detention pond too. Mrs. Adsitt said the bond reduction for Phase 1 stated it was for Mt. Laurel Road. Mr. Weisbrich said most of the roadway on Princess Pine is almost done too. Mrs. Adsitt said only the information submitted could be reviewed. Mr. Weisbrich asked if that meant if the economy didn't get any better he would still have to finish the whole road.

Norma Weisbrich said Phases 1 and 2 are one bond for \$1,469,000. Chr. Peklo asked Mrs. Adsitt if both phases were bonded and the intension was only to do Phase 1 to this point, is there any reason that the whole thing has to be bonded. Mrs. Adsitt said she would have to review the regulations. Commissioner Bob Travers said the whole thing is bonded to make sure the whole thing gets done. Chr. Peklo said that Bob Oley is figuring that it would cost \$1.1 million to finish the project. Mr. Weisbrich said Mr. Oley is wrong. Chr. Peklo asked Mr. Weisbrich how much he thinks he has left to do and if he could convince Mr. Oley that is the amount.

Commissoner Sandulli asked if there is a format that Mr. Weisbrich could follow. Mrs. Adsitt said it is the same format as the initial expenditures and that Mr. Oley said it could be done by Civil 1.

Commissioner Travers asked if it is common practice that Mr. Weisbrich cannot speak to Mr. Oley himself. Mrs. Adsitt said Mr. Oley is hired by the town, and if Mr. Weisbrich wishes to have a meeting with Mr. Oley, it has to be directed by the Planning Commission and Land Use office to do so. Mrs. Adsitt explained that the town pays Mr. Oley and the applicant has to reimburse the town for that bill.

Chr. Peklo encouraged Mr. Weisbrich to ask his road contractor to prepare something in writing. Mr. Weisbrich said he has tried, but is not getting any response. Commissioner

Travers said if Mr. Weisbrich's contractor is not giving him what he is asking for, that is between him and his contractor. Chr. Peklo said something needs to be submitted, and that the bond is to protect the town, stating there has to be enough money in the bond to finish the project. Mr. Weisbrich did not seem to understand that the bond was for the work that still needs to be done, not what has been done. Chr. Peklo had to tell Mr. Weisbrich the Commission explained to him what needed to be done, and now it is up to him to submit the information requested.

## 6. Referrals

### a. 10-ZC-1013/Johannesen/146 Pomperaug Avenue/Referral from Zoning Commission for Special Permit Application in Middle Quarter D District (Tax Assessor's Map 102/Lot 001)

George Johannesen was present and explained that the applicant is proposing to renovate and remodel the existing motel building, which is located in the Middle Quarter D and Aquifer Protection Districts. Mr. Johannesen said the motel has not been in operation since 2005/2006. Mr. Johannesen said the building is in fair shape, stating water has caused leaving to the sidewalk and building. Mr. Johannesen said the interior of the rooms would be removed and extended 4 ¼ feet to current motel room size. Three more rooms would be added to the right wing for an aesthetic balance to the building, and a two bedroom apartment in the center would be removed and converted to two more motel rooms. The exterior of the building will be stone face at the bottom and clapboard above. The parking area would be regarded so water would not drain toward the building. Mr. Johannesen explained the sewage flows, stating that 1125 gallons/day would be reduced by eliminating the 2 bedroom apartment and washing machines in the basement. Mr. Johannesen said Aquifer Protection allows 600 gallons/day/acre, and 1116 gallons/day are allowed, which they would be 9 gallons over the allowable. Mr. Johannesen said the sewage has been discussed with Nancy Kontout of the Pomperaug District Health Department. Mr. Johannesen said erosion controls are on the plans.

Mr. Johannesen said he reviewed the Plan of Conservation and Development and the plan agrees with the ideas represented in the plan. Mr. Johannesen said he also reviewed the Land Use Guidelines for the Middle Quarter District, and said this proposal meets the requirements of the regulations.

Chr. Peklo asked about roof drainage. Mr. Johannesen said Bob Oley of Land Tech recommended a dry well, 6 feet x 4 feet in diameter to the shorter end of the building, and the longer end would have gutters than drain to the ground.

Commissioner Tom Amatruda asked if there would be any changes made to the driveway. Mr. Johannesen said there would be no changes, that the same curb cuts would be used.

Mr. Johannesen said he is in discussion with United Water about the existing well, stating it may be that someone has tapped into the existing well.

The Commission agreed that the proposal conforms to the Plan of Conservation and Development and Middle Quarter regulations.

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**MOTION:**

The Commission agrees that Application 10-ZC-1013 submitted by Johannesen, a referral from the Zoning Commission for a special permit application in the Middle Quarter D District for property at 146 Pomperaug Avenue, conforms to the Plan of Conservation and Development and Middle Quarter District regulations. (Tax Assessor's Map 102/Lot 001)

Made by Connolly, seconded by Sandulli.

Vote 5-0 in favor.

**3. Plan of Conservation and Development**

Bill Scanlan was present. The Commission discussed some minor changes to be made to the final draft of the plan, and agreed to approve the plan. The Commission congratulated each other and Mr. Scanlan for their efforts on completing the plan. Mr. Scanlan said the final plan would be posted within 30 days.

**MOTION:**

To approve the Plan of Conservation and Development final draft with minor changes as discussed.

Made by Sandulli, seconded by Connolly.

Vote 5-0 in favor.

**7. Privilege of the Floor**

No one spoke at this time.

**8. Consideration of Minutes**

Regular Meeting – March 3, 2010

**MOTION:**

To approve the minutes of the Wednesday, March 3, 2010, Regular Meeting of the Woodbury Planning Commission, as submitted.

Made by Travers, seconded by Alternate Carlson.

Vote 5-0 in favor.

**9. Correspondence**

None

**10. Adjournment**

**MOTION:**

To adjourn the meeting at 8:50 p.m.

Made by Travers.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Karen Blanchet, Clerk