



Planning & Zoning Commission

PUBLIC HEARING MINUTES

Monday, March 18, 2014

7:00 PM

Main Meeting Room
Oxford Town Hall

CALL TO ORDER

Chairman Carver called the Public Hearing to order at 7:00 PM.

ROLL CALL

Present: David Stocker, Pete Zbras, Harold Cosgrove, Arnie Jensen, Todd Romagna, Tanya Carver and Pat Cocciarella.

Also Present: Anna Rycenga, ZEO, Town Engineer, Jim Galligan, Town Planner, Brian Miller, Town Counsel, Kevin Condon, Jessica Pennell, Administrative Assistant and Court Stenographer, Anne Sohon.

Chairman Carver seated Alternate David Stocker.

PUBLIC HEARINGS:

- 1) **Z-14-001 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1)** (Zoning Regulations Amendment- Proposed New Article 5B – Housing Opportunity Development District – HODD)
- 2) **Z-14-002 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1)** (Zoning Map Amendment)
- 3) **Z-14-003 [RES-A] – Glendale at Oxford – Owner & Applicant: Glendale at Oxford, LLC, Christian Street (Map: 19 Block: 26 Lot: 1)** (Application for Site Plan Approval)

Commission Secretary Luff read or referenced the following correspondence:

1. Correspondence dated 3/7/2014 from Jim Galligan.
2. Referenced a letter from Jessica Pennell to Chris Smith.
3. Read a letter dated 3/7/2014 from the Town of Newtown.
4. Read a letter dated 3/18/2014 from the GBRC regarding the proposed new zone, Housing Opportunity Development District.
5. Read an email dated 3/17/2014 from Anna Rycenga, ZEO to Jerry Schwab, Oxford Ambulance Association and Scott Pelletier, Oxford Fire Department.

Chairman Carver stated that where they left off last time, they decided to continue the Public Hearing and let the public speak first at this hearing.

PUBLIC COMMENTS:

Ann Krane, 411 Mulligan Drive, stated that in real estate the one thing you always hear is location, location, location. I'm having a problem getting my head around the developer's proposal to build on a piece of property that has two very serious health and safety problems. Let's start with health. This property has major power lines going right through it, there are parallel power lines 100 to 200 feet apart, each carrying 8 lines for a total of 16 power lines that come from the substation which is just a ½ a mile up the road. I have here a packet of information that I'm submitting for the records that shows the health dangers of living in close proximity to power lines, the data in these studies shows a significant relationship between EMF and child leukemia, suicide, depression, headache, insomnia, dietary problems and miscarriage. Regarding childhood leukemia this conclusion was rendered by five agencies. The National Research Council, the National Institutes of Environmental Health Sciences, the National Radiological Protection Board, the International Commission for non-ionizing Radiation Protection and the California Health and Human Services Agency. These agencies all conclude that living in close proximity to power lines would significantly increase the likelihood of childhood leukemia in groups of children exposed to the elevated EMF's associated with these power lines. Now about the suicide, there was a large and detailed study of 138,905 male United States Electric Utility workers. It was stated that one biologically plausible explanation is that EMF's depressed the effects of melatonin, which is a hormone that is important for sleep and mood. Decreases in melatonin can lead to depression, which in turn can lead to suicide. Then there was a survey of the health of residents living within 50 meters of a 400 kilovolt power line, which is about 150 feet, in England that revealed a high incidence of depression, insomnia and dietary problems. The survey also found 18 cases of miscarriage compared with only 1 miscarriage in a similar population living away from power lines. These are just two of the studies that are included in this packet of information to show the dangers of living near power lines. Now what about the safety of this location? This property is 1 mile from the south end of the runway. Several months ago a small aircraft missed the runway at East Haven and crashed into a home, killing the two passengers in the plane and two people living in the house. The flight path for airplanes landing and taking off on this property is directly above. You can stand on Jack's Hill Road and see how low the planes fly on their approach to the airstrip. The third marker is over on Jack's Hill Road which is over just one block. Now what about the noise level? I was here 2 weeks ago, the presentation where he talked about the noise level and he stated that when it gets to about 65 decibels, then I guess you have to insulate the homes. That doesn't say that you can't build the homes and so the study that was presented said its 60 decibels in this area so I guess that means you can build the homes, but you can get away without insulating the homes. Right now there are homes that are being torn down at the north end of the runway because of the noise pollution. Our tax dollars, our state tax dollars are paying to take down these homes that were recently built on the north end of the runway. They were recently ordered to be taken down because of the air traffic and the noise. So why is this developer proposing to do the very same things, building homes on the south end of the runway, so they too can be demolished in a few years? Several months ago the airport was declared an Incentive Zone; businesses now have a tax incentive to locate to the area around the airport. Is this going to bring in more air traffic and more large aircraft? The landing strip at the Oxford Airport is the second longest in the state; it is 5,800 feet long and can accommodate large airplanes. It makes no sense to me to develop this property for residential use, age-restricted or not. There are already 9 homes that nobody wants to buy. Nothing is going to change and the health and safety problems with this site. The excuse for these 9 homes not selling is that the market is in the tank. Well is that really the only reason? Isn't it possible that the reason people are not buying those homes is because of these 16 power lines and the fact that you've got airplanes coming in overhead all day long? In my own opinion, not only should this zone not have been changed 10 years ago, I think you had it right 10 years ago, and for 10 years this developer has been trying to sell that property for adult housing and it hasn't worked. Does this mean that people under the age of 55 with small children are going mind living under power lines and airplanes flying over their heads? Not only should this zone change not be approved for housing, it should revert back to industrial, where it was zoned in the first place, or it might be a nice piece of open space for the town. Now, about that site plan, I had a lot of questions. This is a private

community and in their latest proposal, they are proposing 500 bedrooms, potentially 1,000 residents and 300 children. Where will these people meet to conduct their community business? There's no clubhouse, private communities have to have Board of Director's meetings, committee meetings, community events, for 300 children, what are the kids going to do? Where will the children play? What recreational facilities are planned? Where is the staging area for the winter storage for salt and plows? Where is the staging area for the landscape equipment? Don't forget, you are in the middle of nowhere up here, there are no services, there's nothing around here. How many off street parking areas are provided for guests of residents? You're going to have children, 4 bedroom homes, 3 bedroom homes, 2 cars; the cars will probably never get into the garages because of the bicycles and so forth. So when somebody comes to visit they are going to have to park on the street. The streets are narrow, as soon as somebody parks on the street you are down to a 1 lane road, you must have additional off street parking for guests and residents, and how wide are the streets? Can they accommodate fire trucks, ambulances, moving vans, Fed Ex, UPS, delivery trucks, garbage collection trucks, and furniture delivery trucks? You need to have wide streets. This winter, I live at Oxford Greens, with all the snow we had our roads were at least 4 feet shorter than normal because we had no place to put the snow, we were barely down to 2 lane roads all winter. What is the system for garbage pick up? Are you going to have dumpsters? Are you going to have those humongous garbage trucks going through there, through the place every week? Where are the mailboxes? Is there a mail kiosk? Where do people pick up their mail? Are there sidewalks or walking trails? I would also like to remind this commission that Oxford Greens is not up to 500 approved residences, Masonicare is coming in with 309 residences and that is just up the street, and I think Central Park has already been approved for Affordable Housing, I think that's 100, 150, somebody correct me on this. Then you have Garden Homes coming in with another 150 and now you have Glendale with 150 all within a mile or 2 of each other site wise. Is this in the Plan of Development?

Chairman Carver asked that Ann Krane submit her documents for the record.

Ann Krane submitted her documents to staff for the record.

Ted Dutton, 572 Putting Green Lane, stated that before he and his wife moved here, a little over 5 years ago, we looked around the area, we looked at Chatfield Farms, we looked at Meadow Brook, Glenview and ultimately settled on Oxford Greens because there are a lot of amenities and other things, but also location. It was removed from cluster housing, things like that; it was a 55+ community. Since then I know you've approved the low income housing up on Hawley Road, which is not too far away from Oxford Greens and now you're contemplating Glenview also, which is very close, I feel and anytime you have low income housing, you tend to bring in a certain element, some may be good, some may be not so good, for a 55+ community, I think we are in close proximity, we are an easy target for that type of thing too. I'm totally against it, not against the cluster housing if it stays 55+, even if its low income 55+, but I'm totally against opening it up to non-age restricted.

COMMISSION COMMENTS:

Chairman Carver stated that she would like to start. She stated that she did not bring enough copies, but she did pass out copies to Commission members and asked that one copy be given to the applicant.

Anna Rycenga, ZEO stated that we need one for the file.

Chairman Carver stated that for her, as a member of Planning & Zoning, the health, safety and well-being of the residents of Oxford is her number one priority. She stated that the noise is a health issue, the first item is from Brian Miller, and she stated that she did some research. She looked through the informational paperwork that they received from the applicant, she also went through the original application, she thanks the applicant for bringing in the 150 study, and she went through that as well. She noted that Glendale came in on November 19, 2003 and the first one is from Brian Miller and when I go back to the original, to before the application was approved, Article 6, Section 23, the Airport Impact Regulations, what it says per Brian Miller is *"this section of the zoning regulations is intended to prevent the development of land uses*

that would be incompatible with the operations of the Oxford Airport, specifically Section 23.2 prohibits residential uses on property that is designated as within the area determined to have a noise level of 65 decibels or higher. Much of the subject property is within this designated area, therefore, the application is not in conformance with the requirements of Article 3, Section 23 of the Zoning Regulations. The applicant has submitted, under separate application, a request to amend Article 3, Section 23.2 of the zoning regulations. If this application for a zoning amendment were to be granted, the site plan application may be in conformance with the requirements of this section of the regulations.” It goes on to say, what the change would be, “this article of the Oxford Zoning Regulations has been amended. Residential development would now be permitted within the 65 decibel subject to conditions. Approval of the site plan should be subject to satisfaction of conditions. It may also be advisable that an acknowledgement of the knowledge of noise impacts and a waiver of rights to nuisance complaints be placed on the land records, deeds to the residential units and other appropriate legal instruments as advised by the Town Counsel”. She stated this was before this application was approved and as we know the application did get approved for Glendale. It is important to note that we had prohibited residential uses, and it was in the 65 decibel area. Part of the condition of the approval for Glendale was, and it is on the record, that the residents that do buy a home there; there is a high level of noise. Noise pollution became clear there a couple years ago, on September 28, 2012, there was a publication on the Oxford Patch, what is important to know here is that the FAA, it was a news release from Senators Joseph Lieberman and Richard Blumenthal, which states that *“the Federal Aviation Administration will give the money to provide for relocation of residents who have been impacted by noise disturbance from the airport. Most of the residents affected live in Middlebury and they are the ones who will be relocated. We applaud the FAA’s strong commitment to the Middlebury residents who live next to Waterbury-Oxford Airport – the noise pollution that these homeowners have been subjected to for the last several years poses severe health and safety concerns.”* It is one more time noted that noise pollution is a severe health and safety concern. It also goes on to say here, *“State officials and others have studied noise complaints at the airport for several years. A study completed last year indicates that residents have reason for concern because the area is considered a “noise impact area”, per federal standards, according to a website formed in partnership with the state Department of Transportation titled www.oxcstudies.com that has information about the noise issues at the airport. The informational website states the noise study indicated the following recommendations could be implemented.”* It is in the manual, I don’t need to go through it, but its things we should be aware of and I do know that the applicant has also brought that on his report. The other piece of information, is actually interesting, as I was doing some studying, I happened to go to a site which describes noise induced hearing loss. Tanya read from the article: *“What is noise-induced hearing loss? Every day, we experience sound in our environment, such as the sounds from television and radio, household appliances, and traffic. Normally, these sounds are at safe levels that don’t damage our hearing. However, when we’re exposed to harmful noise – sounds that are too loud or loud sounds that last a long time – sensitive structures in our inner ear can be damaged, causing noise – induced hearing loss (NIHL). What causes NIHL? NIHL can be caused by a one-time exposure to an intense “impulse” sound, such as an explosion, or by continuous exposure to loud sounds over an extended period of time, such as noise generated in a woodworking shop. Sound is measured in units called decibels. Sounds of less than 75 decibels, even after long exposure are unlikely to cause hearing loss. However, long or repeated exposure to sounds at or above 85 decibels can cause hearing loss. The louder the sound, the shorter the amount of time it takes for NIHL to happen.”* Tanya stated that it goes on to say the average decibel levels of some familiar items. She read on; *“Who is affected by NIHL? People of all ages, including children, teens, young adults, and older people, can develop NIHL. Approximately 15 percent of Americans between the ages of 20 and 69 – or 26 million Americans – have hearing loss that may have been caused by exposure to loud sounds or noise at work or in leisure activities”.* Tanya commented that she did go through 150 Noise Study, it is over 300 pages, at the end of that study there are 3 appendices, Appendix A, B and C. She stated that what she wants to bring to everyone and to keep in mind are the following: Glendale is one of the areas that they actually did for this study. She referred to page A-7, where it says, Site #10, so wherever you see Site #10, on your sheets, it is the Glendale Community. She read from the study *“Site 10 is one of three monitoring locations located directly in line with the OXC runways. No residences are currently located at this site less than 1 mile to the south of OXC. Noise monitoring was conducted in an open field just south of Jack’s Hill Road, where multi-unit age restricted housing is proposed to be built. As summarized in the table below, aircraft departing Runway 18*

and flying at low altitude over this location produced the highest SELs. Single engine SEL noise levels from aircraft departing directly overhead were consistently in the low 80s range, with twin engine and jet aircraft producing slightly higher levels. Due to its proximity to the end of Runway 26, this location was also impacted by helicopter touch-and-go activity, primarily approaching from the southwest and producing SELs averaging around 80. Daytime ambient noise averaged 75 db due primarily to significant heavy truck traffic entering and exiting distribution facilities located on Jack's Hill Road." She commented that if you look at the data, the chart, the SEL levels that are above 85 decibels, which the noise study has done for NIHL, there is a single engine at 86.5, there is a helicopter at 86.8, there is a jet at 90.7, there is a helicopter at 86.7, there is a single engine at 87.7, there is a twin engine at 85.6, these are not an average, these are actual noise. Tanya referred to Appendix B, which she stated will help you understand what the difference is when they talk about the level, and what SEL means. For instance, the SEL is what they call a sound exposure level. It is the total sound energy of an individual noise event, incorporating intensity, frequency, and duration. She read, *"Unlike LMAX, this measure is normalized to a referenced duration of one second, allowing events of different durations to be compared"*. She stated, to her, unlike what you call an average noise level, which is a 24 hour time frame; this is what is happening at this particular time and why I brought the NIHL as a concern. She stated that Appendix B is the Supplemental Grid Point Analysis, there were a lot of measurements done, and one of them was Glendale. She directed others to look at the sheet with the map, Site #10 is right at Jack's Hill Road, and so Glendale is where there is residential, but Jack's Hill Road is where the children may be standing for the bus stop. She noted that the Grid Point Locations shown on the next page (B-3) shows Glendale as Location # 10, and she brought them to the page that really said that Glendale had the highest noise, page B-6. She noted that Glendale is again #10 and also notice the triangle where most of the homes were bought (#6). The noise level, one the Future Baseline, it has 106 but if you go across all of the noise levels for any actions that happen to the landing and taking off is over 85, and pretty much the same level as the triangle. She referred to table B-4 -- Noise Monitoring Location Results -- SEL and also referred to Table B-5 -- Noise Monitoring Location Results -- LMAX, which is the maximum noise level that occurs during an individual noise event. She stated that a lot of the tables represent Glendale as having high noise levels. She stated that page B-8 gives the duration of those levels and once again, Glendale is pretty much with the triangle, the duration of the longest exposure to the high levels, they are above 10 minutes, or the highest duration of time for Glendale. She noted that the last page is Appendix C which is Coordination with Towns. She stated that it is from December 20, 2007 and then First Selectman Mary Ann Drayton-Rogers and Herman Schuler, Economic Development Director were part of that meeting. She commented that during the summary, page 2, *"A representative of the Town of Oxford previously mentioned that residential soundproofing measures were required as zoning approvals for the Glendale and Central Park developments, due to their potential exposure to airport noise. Following this meeting, the Town provided copies of the approvals to the Study Team. The approval for each development contains the condition that "A notation on the deed be filed in the Town Land records that acknowledge that the property is located within an Airport Noise Impact Zone, and thus the residents are likely to be subject to high levels of airport generated noise" The approvals do not specify requirements for residential soundproofing measures."* She stated that was her finding and she understands that the applicant, Glendale, their findings were based on Manny Silva's reports. She noted that this application is not the same application that was approved in 2004. She stated that in 2004 it was 90 homes and we are looking at 137 homes, in 2004 it was 282 total bedrooms, we are looking at 435 bedrooms and we had an age-restricted approval, and there is no age-restricted here, so this is not the same application and she would like the Commission members to review this as a new application.

David Stocker questioned how many take off and landings are there daily at this airport? He also has concerns about living near the power line and questioned the dangers. He questioned if lightening strikes what plan do they have to evacuate the area? He also mentioned the bus stop where the children will be picked up/dropped off for school.

Chairman Carver stated that it is a private community therefore it would have one bus stop for the entire community.

Commissioner Cosgrove stated that he did a little review of the packet and he noticed that it mentions that they can do rentals, and he thought that this would just be sales of homes, not rentals. He asked for clarification on that. The other thing that concerns him greatly is the fact that no one has mentioned what kind of heating system is going to be in these units. Are they going to be oil or natural gas? He stated that that applicant is trying to stick these together 10 feet apart, and a gas leak with that close proximity is a real concern. He stated that the major thing he is concerned with is snow removal in the community. He commented that there is no snow provision. He stated that if we are going to have 3 or 4 bedrooms and we consider an average family having 2 children, how many total children are there going to be and where are we going to put them on the off hours. He stated that we (the applicant) want the bedrooms, but we don't want to provide the facilities for children to play. He referred to Section E, page 2, it says the plan will be administered by the developer or qualified administrator. He stated that he doesn't know that the Town of Oxford would want to be the administrator of the housing. He commented that he would like verification to the Town Engineer to Glendale proposing 2 ½ dwellings per net acre, is that actual? He stated that the questioned he proposes to the Town Engineer is this really 2 ½ houses per acre or is it more? He noted that if this thing is going to be rental, what kind of rental will be involved, what an estimated rent would be. He referred to Section E, page 6, how much of a down payment do they need to fall in accordance with these numbers.

Commissioner Romagna stated that we have talked a lot about how this housing will be affected by the airport, but have we done any investigation if this would impede on any future plans or expansion of the airport? He questioned if this housing, if put in place, would it restrict Oxford Airport from becoming anything other than it is right now or anything that they may have already applied for or have plans to apply for.

Vice-Chairman Luff stated that the only thing that he has been hearing a lot about the db's and everything else and he would like to make the recommendation that the board hire an acoustical engineer to give professional testimony on what the noise impacts will be for the residents of Glendale.

Chairman Carver stated that the Commission can request for the applicant to do real noise studies.

Commission Secretary Luff stated that he would like a professional recommendation.

Brian Miller, Town Planner stated that the Commission can do one of two things: 1) Ask the applicant to do it, or 2) the Commission themselves can retain an expert.

Commission Secretary Luff stated that he would like the Commission to retain their own professional to give a non-biased point of view.

Commissioner Cocchiarella stated that he would like to see the numbers, the actual number of flight operations per week, because it changes from day to day living under that approach. He stated that he agrees with Mr. Cosgrove, that the Commission needs an economic impact statement. He commented he would like that statement from the Commission's point of view.

Brian Miller, Town Planner stated that he did submit comments. He requested that the Commission reserve the right to comment on additional information that is received tonight. He also stated that regarding the acoustical engineer, if this is a significant concern, the Commission can hire somebody on their own. He commented that the answers you get depend on the questions you ask, and the Commission might ask slightly different questions than the applicant might ask. He suggested that a referral to the State Department Aviation Bureau may be appropriate since there is the concern about the noise impacts.

Anna Rycenga, ZEO stated that an acoustic engineer is going to consult with construction engineers and architects. She stated that they are also going to ensure that the buildings comply with the local ordinance and give readings of what the dbs are in the specific area of the site. She commented that they will also come up with solutions to minimize the noise caused by air traffic.

Commission Secretary Luff questioned if the Chairman if she would like the Commission to have an acoustical engineer.

Chairman Carver stated "yes".

Jim Galligan, Town Engineer referred to his letter.

Commissioner Cosgrove requested an updated map, because the one in the book, they decided is not accurate. He questioned the distance from units to the bus stop.

Alternate Pete Zbras questioned if cargo planes were included in the break down.

Chairman Carver stated that they could ask that.

Alternate Pete Zbras questioned if it would be possible to have a survey made up on the north end of the airport to see how those people are dealing with the airport.

Chairman Carver stated that there are not many homes left there, it is pretty vacant.

Alternate David Stocker commented that it's a private development that the buses have to stop in one area, say you had 100 children in the complex, where are you going to put 75 cars. That is a hazard.

APPLICANT COMMENTS:

Attorney Chris Smith, for the Applicant, respectfully requested a brief recess so they can talk about some of the answers to some of the questions that were presented. He stated that many of the questions that they hear, the Commission was discussing retaining an expert or two on, so obviously, they are not going to respond to that. He stated that Mr. Galligan did provide a report, and they did just receive that today, they will be providing written responses to Mr. Miller's report for the meeting on March 31st.

Chairman Carver called for a 10 minutes recess at 8:00 PM.

Chairman Carver called the meeting back to order at 8:12 PM.

Attorney Chris Smith, for the Applicant, thanked the Commission for the brief recess. He stated that he will try to address some of the comments that they heard from the citizens. He commented that until they heard some site specific questions from Ms. Krane, there were just a few general comments and questions from the public. He noted that one of the concerns was the sanitary sewer and as he indicated, in their packet they do have confirmation concerning capacity, there was a question concerning pumps and they will not have any pumps, everything is gravity fed coming off the site. He stated that as far as the school system, he would respectfully indicate to the Commission and suggest to them that law concerning fiscal impact analysis and impact on a school system with an 8-30g application, the courts have been very clear that does not constitute a substantial public safety and health issue, that would justify a denial of an 8-30g application. He stated that they have not prepared an impact analysis and really have no intention to do so, because the State Supreme Court has been very clear that if they were to deny the application, saying that there were going to be too many children associated with an application that was filed pursuant to 8-30g, that is not a valid reason to deny the 8-30g application. He stated that there were questions about not selling the homes, the owner made a conscious decision for the 9 homes that were built to date, to keep those as rentals, to maintain control over those particular dwellings knowing that he may very well have to come back in for an application such as is pending before the commission this evening. He commented that it has not been a matter of not being able to sell those 9, he kept those within the condominium and he controls those as the landlord. Mr. Cosgrove did ask, I'm not sure where it might be in the affordability plan. Everything is for sale, that is the intent, the items, all the calculations in the affordability plan as was submitted as part of the record do indicate that they are for sale, if there is somewhere in there that you were

referring to in reference to a rental, once again, this is a draft plan if indeed the Commission were to approve it or if it wasn't to be approved by the Commission and it were ultimately approved by another entity, it would be until we go to sell the first unit that we would have to be concerned about finalizing the affordability plan and quite honestly, at that time, all the numbers would have to be updated again anyway because they change on a yearly basis. Once again, if it does say rental in there, it is not meant to be. Mr. Galligan, as an engineer did pick up that in our calculations concerning the 60% median income that there is a reference in the left hand column that says 80% of the total income and that is incorrect, it should be 60%, however, the # that is reflected in the right hand column that is used for the calculation is indeed 60%. That was one comment in Mr. Galligan's letter and I'm going to be a little more specific for you on that. He directed the Commission to Exhibit E, the packet in yellow that they submitted and if you go to page 8, you have this formula and in the left hand column, #3, it says calculate 80% of Item 2, that should say 60%. However, the number in the right hand column, the \$60,065.00 is 60%. He noted if you turn to page 9, same issue there, if you go to #3, it says calculate 80% of Item 2, the \$53,851.00 is indeed 60% of the income. He stated that the numbers on the right hand column that were used to come up with the proposed maximum sale prices, are indeed correct. He stated that "the administrator", it is pretty standard language in a draft affordability plan, we have been utilizing this for most of the affordable housing applications filed in the state and they have been deemed to be in compliance. He commented that it is left that way because no one is quite sure if there were to be a housing authority or if the town wanted to do it. If not they would have to have an administrator that they would have to submit to the Commission, to the Town to have them sign off to be an appropriate and qualified administrator to administer the affordability plan going forward. He stated that the Commission had quite a bit of discussion concerning the airport and he would like to plan on filing a written response to comments from Madame Chairwoman, he would also like to respectfully point out to the Commission that they do have regulations concerning the airport and those appear as Exhibit K in the packet that was provided to the Commission, the zoning regulations do provide, and this is Section 23.2 – Noise Impacts, "within the area determined to have an average exterior day/night noise level of DNL, 65 decibels or greater as specified in the most recent Waterbury-Oxford Airport Master Plan, what we gave you, consideration should be given in any residential development to construction standards that would reduce the sound level of the interior auditory level to DNL 45db or below, the plan that your regulations refer to as the governing guidance document we've submitted to you and we are not within the 65, none of the housing units within the 60db level, so we don't even have to, under your own regulations there is no requirement considering we add any construction enhancements. When you have a prohibition against building because of the airport, what do your regulations provide for? That's in 23.3 – Runway Protection Zone; a) no new residential uses including without limitation, nursing homes, group homes, congregate care facilities and residential care facilities, all residential uses, that what you have in front of you this evening, shall be permitted with the area determined to be within the Runway Protection Zone, once again, as provided by the most recent plan concerning the Oxford-Waterbury Airport. He stated that they have provided that to the Commission and they are about a ½ mile from the Runway Protection Zone relative to our property. He stated that under the Commission's own regulations there is nothing that prohibits anyone from building this development as proposed, and quite frankly, it is in the same area as was approved by this Commission years ago with the development, with the age restriction and he would respectfully submit to the Commission that if this were not an 8-30g application that these are the regulations that control. He stated that if there were five single family homes going up on that hillside the Commission would have no basis for saying no to it, this is what your regulations provide for, and just because this is an Affordable Housing application or 8-30g, it doesn't entitle the Commission to go beyond their own regulations and deny the application because of that. He stated that they do meet the Commission's own regulations that were adopted and, as pointed out in the most recent airport plan, it had recommended that the towns, Middlebury & Oxford consider adopting regulations. He commented that he walked the Commission through that plan; it is in the yellow packet. The plan specifically requests that the towns consider having land use regulations to address these two particular issues. He noted that the Commission did adopt the regulations, pursuant to the recommendations from the DOT and the State of Connecticut. He stated that once again, those are the regulations that control, they meet those, and he presumed that when they were adopted by the Commission, it was not a safety issue and as indicated in the plan, the Commission relies on them as their governing document. He commented that the State of Connecticut has determined that they are not within the 65 decibel level area whatsoever, nor are they

within the Runway Protection Zone, that would be a concern to them. He replied to the question of how many flights go in and out of the airport, by stating that the Commission can look into that, it has no bearing on what the regulations provide for concerning a substantial public interest under 8-30g. He stated that he would like to quickly go through some of the comments from Mr. Galligan, and then he stated that he would turn the floor over to Mr. Silva who will walk the Commission through some of the specifics they heard about snow, parking, and sidewalks, those types of issues. He noted that they will provide a written response in detail to Mr. Galligan's report as well as Mr. Miller's. He went through the following items:

1) Questions about the basic traffic counts.

Answer: The counts were taken in April of 2013, less than a year ago.

2) Does the area of open space indicated in the plans include wetlands?

Answer: Yes, 49% of the open space area constitutes wetlands.

3) Are there slopes greater than 35%?

Answer: It is his understanding that the answer is "no", zero.

4) Are there any easements in favor of a third party?

Answer: When this same site development was being reviewed by Nafis & Young last year, with the prior application, these questions were asked of the applicant and Mr. Young and Mr. Galligan indicated that they did not want them to include any of the easement areas within the open space. There are zero easements in favor of a third party.

5) Questions regarding the meandering channels, detention ponds and bioswales.

Answer: We respectfully refer you to the landscape sheets, SP-4, SP-4A, SP-4B & SP-4C.

6) Please clarify the turning radius capable at each intersection, provide the vehicle rating.

Answer: This wasn't a problem, it wasn't an issue with the prior application, I know it was reviewed by Nafis & Young relative to buses which is what the question focuses on, there will be no buses traveling through the private roads that will constitute this development. The bus stop is located at Jack's Hill Road so there will be no necessity for a public school bus to enter the property for purposes of picking up children. Mr. Silva will address where the bus stop is located and the access to that in a moment.

7) Does the flight pattern at the airport cross over the parcel?

Answer: It does, it was indicated on the site plan, when they respond to some of the other questions that Mr. Galligan raises, a couple of items later, they will pull that all together with their written response. He stated it does go over part of the site well above the elevations where the homes are going to be.

8) Level of service at the intersection of Christian Street.

Answer: One of the turning movements will go from a C to a D and the difference there is 2/10 of a second. There is no adverse public safety issue that is involved there, it is not even a second longer, and that is how the calculations work. He commented that it is at a very low C and it is just going to slide into the D level, which once again, does not constitute a public health or safety issue and he believes that Mr. Young had signed off on that with the prior application, which once again is identical, the site plan is the same site plan, that you had the last time, and denied, except that in that one they were committed to two bedrooms

per unit and this one they have added bedrooms as he had talked about the 1st evening of the Public Hearing.

9) The applicant stated that the sight lines of the project intersection at Jack's Hill Road meet or exceed Connecticut DOT standards, the 85th percentile.

Answer: They do and they will provide a copy of the standards for the record as requested by Mr. Galligan.

10) Please indicated the bottom elevation of the clear zone elevation for the airport over the subject parcel, as well as court documentation.

Answer: They will provide that additional support documentation, elevation for the highest point of the property is 664 feet and the flight zone or path is currently over 900 feet. Once again, it is not within the Runway Protection Zone, which is prohibited not only by the Zoning Regulations, but he presumes also the State of Connecticut because nothing can go through the Runway Protection Zone, that is why they have it.

11) Please provide any evidence available indicating that there is no negative impact living next to high tension power lines.

Answer: He stated that he would like to see what Ms. Krane had provided; it sounded as if there was a lot of information pulled from the internet. He stated that he will take a look at it and will respond for the next meeting.

12) Please provide comparative references for noise levels.

Answer: He stated that they will do that, he knows that they did a preliminary look at that regarding cars and trucks with decibel levels higher than 65. He commented that a chainsaw is extremely high, he used kitchen appliances as an example, a food disposer is in the high 60's to low 90's range. An automobile at 50 feet, this is from the EPA, goes from 60 up to 90. Home shop tools go from 65 to 110, blender is somewhere in the 64 range up to about 88, and a vacuum cleaner goes from 60 to the high 80's. He stated that he will get that to the commission for comparables and that it makes sense even for the public. He stated that they are talking about a food disposer and a vacuum being on levels comparable to or higher than a plane going by within a few seconds.

13) No reference or support information providing the impact from the Oxford School system.

Answer: He stated that once again, not a valid reason to deny an application; it is not really relevant to this application. , children would be involved with this particular development. He commented that he would like to point out again, that they do have an appeal from the denial of the prior application where all the dwellings within that community were going to be capped at 2 bedrooms and they had 20% of those dwellings at the 80% affordable. He noted that for some of the folks that weren't here the last time, that what was proposed, they were asked to come before the Commission and not come in with an 8-30g and they had a conceptual plan that they showed everybody, for 220 units, a lot more that you have today and the client was trying to work with the Commission and they were denied, so they came back with the same exact site plan, same traffic, same drainage, same everything and they added the bedrooms to it so that appeal is pending and very shortly the Commission is going to have to file the record and they will be pursuing that one as well as this one if it were to fall to the same fate.

14) #3, pages 6, 7 and 8

Answer: He stated that as he had indicated he referred to the Affordability Plan with the 60% # that Mr. Galligan had picked up on, so they will modify that or it could just stand to be modified by the

Commission. He stated that the numbers once again in the right hand column that are used to come up with the maximum allowable sale prices are accurate.

15) The applicant should affirmatively state for the record that the homes in this project are not located within the Runway Protection Zone.

Answer: We had submitted the study, the plan that actually controls, not only the airport but through your own regulations, we are not within the Runway Protection Zone, about a ½ mile from it.

16) Number of proposed homes.

Answer: Glendale once again, goes to that executive plan, that when they were looking at alternatives. They will address that more specifically. He stated that at one point in the study one of the considerations was to save to the Middlebury homes and not have the planes take off in a northerly direction, but to have them go in a southerly direction and one of the things that happened in that report, they performed an analysis as to what that would involve and they obviously decided to keep the flights landing in the south and taking off in the north, for a number of reasons; the winds go that way and the runway actually slopes up that way. He stated that is the whole idea, to have the winds coming at you and to have it sloped up so the wing flutters pick it up and it goes as opposed to going downhill against the wind, then you wouldn't be able to use the wind, you'd have to use more fuel to take off. He stated that he thinks it is pretty clear that the state has determined to continue flying in a northerly direction for the take offs, that is why they have acquired the homes in Middlebury, to address that particular concern. He stated that the report is pretty clear that they are not anywhere near the 65 db range for the homes, or the 60 db for that matter, the Plan speaks for itself.

Chris Smith asked, with permission from the Chairman to turn the podium over to Manny Silva so he could walk through some of the specific questions relative to the site development plan.

Chairman Carver agreed.

Manny Silva stated that some of the questions were where the central mailboxes were and how mail would be delivered to the site. He commented that currently there is proposed and it is in place, a mailbox area where there is a pull off and that basically a mailbox structure where everyone just stops once a day and picks up their mail. He noted that the mail person doesn't have to go to each house. He stated that the bus stop is just off of Jack's Hill Road, that was combination of conversation with the Commission and what they believed was the best location for a bus stop. He stated that there is a bus stop shelter. He commented that regarding the playgrounds and recreation areas, there is a gazebo, a large recreation area in the middle and two playground areas (shown on SP-1). He commented that another question was about parking onsite. He noted that there are two car garages for every unit; every driveway is at least 20 feet long, if not longer. Essentially you have two parking spaces inside the garage and two spaces in front of the garages. There is also some designated visitor parking areas, which he depicted on the map for the Commission. For the questions regarding sidewalks, every road has a sidewalk along one side of the road, they also provided a trail which is part of the wetlands approval, and it is a cross country stone ash trail that goes around the whole site through the woods and near the wetlands area. The question regarding heating, the energy onsite is going to be gas heating; all units are 20 feet apart which is well above the building code.

Commissioner Cosgrove questioned the 20 feet, he is reading 10 feet.

Jim Galligan questioned if it is natural gas?

Manny Silva commented that it is natural gas.

Commissioner Cosgrove stated that it states 10 feet apart.

Chairman Carver stated that they will address that, and questioned Mr. Silva if the units are 20 feet apart.

Manny Silva stated, "Yes", on the plans they are all 20 feet or greater. The plans show everything being 20 feet or greater. He stated about the snow storage, they have a 72 acre site so there is quite a bit of area for that. He pointed out on the map the areas for snow storage and also the open areas below the high tension power lines. He stated that if snow storage becomes an issue, they will truck it off site. He stated that the road widths are to the Zoning Regulations private road standards, which is 24 feet wide. He stated that they tried to reduce the impact of impervious surface area and still have traffic being able to pass.

Chris Smith addressed the Commission, asking them if they had any other questions concerning the site plan.

Chairman Carver stated that if Mr. Smith is done with his presentation, she would ask that he have something in writing addressing Brian Miller's comments and Jim Galligan's comments in two weeks.

David Stocker questioned evacuation and what would happen if there was a major fall, if the power lines actually fell off the tower? He stated that there is only one way out.

Chris Smith stated that he would hazard a guess that if the power lines went straight down, everyone living in the existing nine homes to the west would drive out onto Christian Street and everyone else on the other side would drive out to Jack's Hill Road.

Chairman Carver stated that there are now two exits out of the development.

David Stocker stated that he understands that, how long are the power lines between two towers?

Chris Smith stated that they can try to respond to that at the next meeting.

Commissioner Cosgrove stated that he thinks he was advised that the dumping of the snow was going to be on the tennis court. He stated that he would like to see a map that shows information of what they are proposing for a children's play area. He commented that the upper right hand corner, it's not marked; he'd like to see on a map that shows what is going to happen instead of saying well, we are going to put a play area "here". He questioned the kind of detail, are there going to be swings sets? He questioned what they are going to have to entertain these children. He also stated that he assumes that they will be getting involved in fire hydrants and other types of safety equipment down the line and get that approved with the Fire Department.

Chairman Carver reiterated that they are putting playgrounds in; she stated that she does not believe that Commission requires details of what is going to be in the playgrounds, just that there are going to be designated play areas. She stated that she does not see any tennis court on the plan, but the applicant has explained what they plan to do to take care of the snow.

Anna Rycenga, ZEO commented that they did state on the record that if there is an excessive amount of snow, it will be removed from the site.

Chairman Carver stated that is all they can ask at this point.

Chris Smith stated that the road is designed to the Commission's own requirements so he would think that if you had single family homes on here you would have the same road and you would have the same people, but the Town would plow it.

Peter Zbras questioned the pick up spot for the children, how many will that accommodate and how large will it be?

Chris Smith stated that they can spell that out a little better in their responses for the Commission.

Peter Zbras stated that the Commission is concerned about the children walking from Point A to Point B.

Manny Silva stated that they can make the bus shelter as big as it needs to be, right now, schematically, he showed it at 15 feet wide. He commented that it is your basic shelter, a covered bench. He reiterated if it needs to get bigger, it needs to get bigger.

Peter Zbras questioned pick up for special needs children.

Chris Smith stated that with special needs he would presume it would be a van like situation, which would be able to get into the development; once again, it meets the Commission's own 24 feet road standards.

Chairman Carver stated that when the Fire Marshal and Ambulance review that, they will look for the safety, so we are going to leave it up to them to decide that this is the number, they know the number of families coming in and if they will have adequate room.

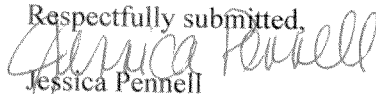
CONTINUE/CLOSE

MOTION BY Chairman Carver to recess/continue this Public Hearing to *Tuesday, March 31, 2014 at 7:00 PM.*

Second by Pat Cocchiarella.

VOTE: All Ayes.

Respectfully submitted,



Jessica Pennell

Planning & Zoning

Administrative Secretary

14 MAY -6 PM 2:56
TOWN OF GRAFTON, CT
Thomas A. West
TOWN CLERK