

TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Planning & Zoning Commission

Special Meeting Minutes
Tuesday, September 29, 2015
7:00 PM
Oxford Town Hall
Main Meeting Room

CALL TO ORDER

Chairman Carver called the Special Meeting to order at 7:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present: John Kerwin, Pete Zbras, Harold Cosgrove, Glen Persson, Arnie Jensen, Tanya Carver
Pat Cocchiarella and Todd Romagna.

Staff Present: Jessica Pennell, Administrative Secretary, Steven S. Macary, ZEO, Attorney Eugene
Micci, James H. Galligan, PZC Engineer and Brian J. Miller, Town Planner

Not Present: Ed Rowland and Jeff Luff.

SEATING OF ALTERNATES

Chairman Carver seated Alternate John Kerwin.

ITEM:

**Garden Homes Management Corporation – “Oxford Commons” – Hurley Road –
Proceedings of Hearing on Remand from Superior Court**

- a. Hearing
- b. Deliberations on Remand

TRANSCRIPTION OF MEETING BY COURT STENOGRAPHER:

MS. CARVER: The item on the agenda is the Garden Homes Management Corporation – Oxford Commons Hurley Road proceedings appearing on remand from Superior Court. The first part of the meeting will be a hearing. We will hear from the traffic study and then we will ask Attorney Branse to ask any questions in regards to the traffic study at his request.

After that, I will go to the Commission and they could -- for any questions that the Commission members will have to the applicant and/or to our traffic expert. After that we will go into the deliberations on remand and that is the consensus of this meeting. So at this point I will please bring up the traffic study from Adler Consulting. Please state your name and address for the record.

MR. O'ROURKE: Good evening. My name is Michael O'Rourke and I am a senior associate with Adler Consulting. We are located at 235 Main Street, in White Plains, New York.

At the request of this Planning and Zoning Commission Adler Consulting has reviewed the site plan, as well as the various traffic studies that have been prepared by the applicant and subsequent information prepared by the applicant.

We submitted -- prepared and submitted two studies to this -- two letter reports to this Planning and Zoning Commission. You've had them in front of you. I will very briefly highlight.

What we found in particular is that the layout of the site plan of the particular project would make it very, very difficult for emergency access vehicles, in particular the tower ladder, the Ladder Quint Arrow XT, to successfully maneuver through the various streets that are proposed as part of this site plan. In addition, there would also be a problem actually just getting into the site and out of the site, into and out of Hurley Road and from either street, in particular Emily Drive.

We base this on measurements that we use. We prepared a turning template using the information provided in a letter from your fire chief that included the specifications of the vehicle that we were talking about the ladder -- the Quint Arrow XT. That vehicle is forty-eight and a half feet long. It has a wheelbase of just under twenty-nine feet.

Unfortunately, there was no turning template available that we could readily use. What we did use is we went back into the -- the handbook, the American Association of State Highway Transportation Officials Handbook, which provides turning templates of various vehicle types of various lengths and widths. The closest vehicle that we found to the vehicle that we wanted to use was an intercity bus that was forty-five feet long. As we mentioned to you in both of our letters, actually, the -- that bus vehicle is actually forty-five and a half feet in length and has a wheel base of twenty-six and a half feet. So it is slightly smaller than the wheelbase of the Ladder XT.

In using that information we increased the turning vehicle template or vehicle turning template for the bus 45 vehicle approximately 9.1 percent to account for the difference in the vehicle lengths. Having that turning template, that is the turning template that we then applied to the site plan and used that information to determine that there would be problems at various intersections within the site -- the proposed site for this vehicle. And there has been previous testimony and I know previous letters indicating that this vehicle, the Ladder Quint XT, does respond to all structural fires, so this is a vehicle that needs to be accommodated.

Other issues that we identified -- part of this, in addition to internal access, we also noted that external access, particularly Emily Drive as it reached Hurley, there were problems there. The applicant themselves had identified site distant issues and it proposed a turning restriction and possible mitigation. However, because of the -- we found problems with that because again we had problems -- the turning templates indicate that there would be problems both entering and exiting the site on Emily, either getting onto Emily from Hurley or being on Emily Drive to leave. So this is something that while the mitigation proposed by the applicant would mitigate the left turns by standard vehicles by most residents trying to leave, it doesn't cause problems for the Arrow XT, the power ladder I would call it.

In addition, as part of our original analysis we did talk about stop lines and stop signs. These are very definitely needed within the site. You need to have vehicles. You need to have motorist stop where they are supposed to stop. The stop sign tells you that you are supposed and the stop line tells you where you are supposed to stop. So these are things that are very definitely needed within the site. You want to have a motorist come up to the -- to a particular stop line, stop and not just roll through or slow down, stop and then proceed. That is the safest way you do it. That is the basis for the design and that is part of what is needed.

We have also noted that the roads are fairly narrow and there is a -- there is no ability for local police to enforce any kind of parking ban on these streets because these are private streets. So that becomes an issue. It becomes considered a safety issue because if

you have vehicles on one side or both sides of a road or along any stretch of this road, it makes it very, very difficult, if not impossible, for emergency responders of any kind, particularly this tower ladder, to navigate these roads and get through.

We also noted that the -- this site had previously been the subject of a traffic review by the Office of State Traffic Administration, what used to be called STC. That is still something that would be required after the town goes through all of its deliberations.

So in some way the proposed left turn sign prohibition -- or the proposed left turn prohibition with signing and even with some type of traffic island from Emily on to Hurley is really not sufficient to prevent left turn movements. Motorists will routinely go around that. You need something more.

We also note that that is an issue with the fire department. If there is a small raised concrete island, you now have a possible problem for an emergency vehicle trying to get into the site, via Emily.

We know that the stop signs and stop lines are required. They really do need to be there. You want motorists to stop. You want a safe and very -- the safest possible operations within the site.

And also a complete parking ban would be required, even though the local police really cannot enforce that. There are issues with that because there are private roads. I know there have been other discussions as to how something like that could be enforced, but you know not really. Those are really the highlights of where I think we need to be at the moment.

MR. COSGROVE: I have a question.

MS. CARVER: Can we -- what we would like to do is we're going to let the traffic sit down and we're going to let Attorney Branse and then at the end of it we're going to go and ask and you can do one on one.

ATTY. BRANSE: The Commission can ask questions first.

MS. CARVER: Excuse me?

ATTY. BRANSE: The Commission can ask questions first, if you prefer. That's fine.

MS. CARVER: Okay.

MR. COSGROVE: The applicant mentioned that there was a route in Westchester County, I think it was 115, give or take, and you wrote a letter in regards to stop signs. Can you explain to me, because you know we have been living up in the woods too long, are there similarities between State Route 115 in Westchester County and Emily Drive?

MR. O'ROURKE: No.

MR. COSGROVE: Not at all?

MR. O'ROURKE: No, not at all. What the roads in Westchester County -- the road that the specific study refers to is -- minor correction; it's State Route 125.

MR. COSGROVE: Okay.

MR. O'ROURKE: It's public road. That means that all of the traffic laws can be enforced on that law, as opposed to a private road.

MR. COSGROVE: And it was decided to use stop signs for simplicity for you know lack of expense, and whatever?

MR. O'ROURKE: No. If I may?

MR. COSGROVE: Because it was brought up and I --

MR. O'ROURKE: Yes. It's a --

MR. COSGROVE: -- am just trying to understand it, you know.

MR. O'ROURKE: This is a second alternative for the intersection that consists of the realignment of Route 125 to pass -- to direct through traffic directly on to the bypass. For this alternative the traffic signal would be removed and the intersection would operate under stop sign control. One positive aspect of this alternative is that both intersections, and we're not just talking about one; we are talking about more than one; would operate without traffic signal reducing maintenance costs.

MR. COSGROVE: Thank you, sir. Thank you, Madam Chair.

MS. CARVER: Thank you.

MR. COSGROVE: I just wanted to get that point straight because it was brought up last week and I couldn't ask the question.

MS. CARVER: I appreciate that. Thank you. Yes, Jim?

MR. GALLIGAN: Yes.

MS. CARVER: Engineer.

MR. GALLIGAN: My name is Jim Galligan and I am the Town Engineer. I just wanted to just go over a couple of points that you had made. The curb radiuses for this project are twenty-five foot curb radiuses.

MR. O'ROURKE: Yes.

MR. GALLIGAN: And minimum curb radius for a subdivision road is twenty-five foot as well. The width of a town road in town is a thirty-foot road and the width here is I believe twenty-four foot. With my understanding of diagrams that you provided is that the ladder truck is not able to make a turn around a twenty-five foot radius and stay within the paved surfaces.

MR. O'ROURKE: That's correct.

MR. GALLIGAN: Would you address that, please?

MR. O'ROURKE: Sure. As you mentioned, because the roads are narrow, while the design of the curb radii are in compliance with the town requirements, the combination of a vehicle making a wide turn, and not a typical vehicle, and the narrow streets you get to a point at almost every intersection for almost any turning maneuver the ladder truck would not stay in the paved roadway and would go outside of the paved roadway.

Now our original thought that if there were curbs here and there were other pertinences, but apparently that's - - those are swales and actually that concerns us even more because if those swales are, for whatever reason, below the grade or below the elevation of the roadway surface, now instead of mounting a curb, not you are actually taking a vehicle below grade. And depending upon the vehicle, how fast it is being moved, and things like that, other things could potentially happen as a vehicle leaves that paved area to go over whatever is at those corners.

MR. GALLIGAN: Well these drain swales are more than a foot deep. So if I understand correctly, what you're saying that that the ladder truck when trying to go around one of these corners is going to drive into a ditch?

MR. O'ROURKE: Essentially, yes.

MR. GALLIGAN: Okay. You had talked about the procedure you had used for extrapolating the size of the vehicle based on the bus wheelbase. Is that a standard protocol procedure that you follow for extrapolating the size?

MR. O'ROURKE: Yes. If there is not - - if there is not an exact match - - if we do not have a vehicle that exactly matches what we are doing, yes, we do expand. And we have, in other cases, contracted to get a - - but, yes.

MR. GALLIGAN: Okay.

MR. O'ROURKE: Astro keeps adding vehicles almost every time they prepare that design guide, but there hasn't been a new design guide in a while and maybe the next one will actually hold that.

MR. GALLIGAN: And then finally, the left turn prohibition my understanding is that the left turn prohibition out onto Hurley Road is not going to be - - is not going to be adequate for the fire vehicles to - -

MR. O'ROURKE: Yes.

MR. GALLIGAN: Thank you.

MR. COSGROVE: One more question, if I can?

MS. CARVER: Yes, please. Harold Cosgrove.

MR. COSGROVE: If you can, can you explain to me you know your credentials? You know have you been doing this for a year or two years? You know what I am saying?

MR. O'ROURKE: Yes, I understand.

MR. COSGROVE: In other words, this is your --

MR. O'ROURKE: I'm sorry.

MR. COSGROVE: -- specialty.

MR. O'ROURKE: Yes, it is.

MR. COSGROVE: How long have you been working on this specialty?

MR. O'ROURKE: Thirty-eight years.

MR. COSGROVE: Only thirty-eight years?

MR. O'ROURKE: Only thirty-eight years. I am a licensed professional engineer in Connecticut, New York and New Jersey. And I am also a certified professional traffic operations engineer.

MR. COSGROVE: So really to comment on a lot of this you have to be certified in traffic operations, you know?

MR. O'ROURKE: Yes.

MR. COSGROVE: Thank you, sir.

MR. O'ROURKE: You're quite welcome.

MS. CARVER: Attorney Branse? Thank you so much.

ATTY. BRANSE: Mr. O'Rourke, I have a couple of questions for you, if I may.

MR. O'ROURKE: Sure.

MS. CARVER: Yes. If you can -- you might as well just go to the Chair --

MR. GALLIGAN: Point of order?

MS. CARVER: Yes.

MR. GALLIGAN: I think under Robert's rules of order Mr. Branse should address the Chair with his questions and then have the Chair address the expert.

MS. CARVER: Yes. That's what I'm asking --

ATTY. BRANSE: He is actually not correct, but I am happy to do that.

MS. CARVER: That's why I have asked Mr. O'Rourke.

ATTY. BRANSE: And I know Attorney Micci knows that and I know Attorney Olsen know it as well. I guess my first question is you have indicated that the -- that the left turn sign alone is not adequate and that you would request more. And I am wondering what would you recommend in this situation?

MR. O'ROURKE: The problem that we had in this particular instance is we wind up with essentially a catch 22. No left turn signs supplemented by the raised concrete island would typically be the mitigation that would be recommended. However, in this case because we need to be able to use Emily both to get in and to get out of the project site, using the ladder truck, that is where the catch 22 inadequacy comes in because that vehicle is now going to overrun whatever is on that road, you know a concrete island. It would have to negotiate something like that if that is what is installed. And quite simply, even with the no left turn signs if it is not something positive channelization or positive control and we're just simply striking them on the road, then the no left turn prohibition is more likely to be ignored.

So the problem that you have is by putting in the concrete island, which is something that generally would be recommended, you've essentially created an obstacle for emergency ingress and egress. That is something that has to be addressed in another fashion.

ATTY. BRANSE: And what fashion would that be?

MS. CARVER: Can you -- can you get --

ATTY. BRANSE: What would the fashion be? For example --

MS. CARVER: Can -- let's do this, Attorney Branse --

ATTY. BRANSE: I'm not being --

MS. CARVER: It's okay. Let's do this; I would like you to come to the podium and ask all of the questions that you have and then we'll have the traffic consultant come up because --

ATTY. BRANSE: No, I am not going to do that.

MS. CARVER: Okay. Then you'll do one question at a time.

ATTY. BRANSE: I'm happy to do one question at a time.

MS. CARVER: Okay. This way it is not back and forth and this way you go for the record who is asking the question and he is going to answer.

ATTY. BRANSE: My question was what would those options be? For example, would you use textured pavement, mountable curb, an entrapment here? What would your solution be? What would his solution be?

MR. O'ROURKE: The solution would include a larger design for a larger roadway in that location, such that you could make the right turn safely. But also a large enough roadway throat to allow the ladder truck to be able to have access into Emily Drive from Hurley Road and also to allow it to have access out of Emily Road onto Hurley Drive -- onto Hurley. It would be a change in design.

ATTY. BRANSE: And Madam Chairman, is there a reason why, for example textured pavement or Belgian Block or things like that that you see on -- as a layman I see on highways all of the time, that that wouldn't work?

MR. O'ROURKE: Something in the order of Belgian Block or textured pavement most of the applications that I have seen have been to define roadway sections or to define something like a crosswalk in a roadway. It isn't in and of itself something that can direct or control roadway access. It simply highlights a different area. You need something more like a traffic island or like a concrete island to positively direct traffic to turning vehicles to be turning a specific way.

ATTY. BRANSE: Okay. The next question is who hired Adler Associates?

MS. CARVER: The -- I will answer that. Thank you very much. So your question is whether the town hired?

ATTY. BRANSE: Just we checked the minutes of this Commission and there was no vote and we checked the meetings and the minutes of the Board of Selectmen and there was no vote.

MS. CARVER: Well first and most we -- in any application that we have we don't vote whether we go to a traffic study. The Judge had asked us to do our own study.

ATTY. BRANSE: So someone made this decision, but we're not sure who?

MS. CARVER: It is -- we don't -- I don't require a motion to request for a traffic study when I am getting a notice from a Judge saying that we need to have a traffic study done and we have to look because there are traffic issues. This Commission, there is no expertise in this Commission.

ATTY. BRANSE: I guess the reason I was asking that, Madam Chairman, is my next questions to Mr. O'Rourke was going to be what instructions was he given as to the scope and nature of this study? What was he asked to do and by whom?

MS. CARVER: Sure.

MR. O'ROURKE: We were requested by the Commission to --

ATTY. BRANSE: Who?

MR. O'ROURKE: Various members of the Commission --

MS. CARVER: Let me help with that.

ATTY. BRANSE: Sure.

MS. CARVER: The Commission -- I shouldn't say the Commission. We had a staff meeting. I as the Chair called for a staff meeting. We had asked Adler to go and review, what the Judge requested us to do, review your traffic that was submitted before and review the plans. That was the charge for the traffic.

ATTY. BRANSE: And Mr. O'Rourke, was there anything else that was said to you about what the Commission was seeking in this review?

MR. O'ROURKE: It was seeking an independent traffic engineering review of the information that had been submitted to them.

ATTY. BRANSE: Anything about what they hoped that review would produce?

MR. O'ROURKE: No.

ATTY. BRANSE: And I just -- at the appropriate time if you would consider it, Madam Chairman, Kermit Hua, our traffic engineer, would like to respond to this latest report. Is this the time?

MS. CARVER: It's the perfect time.

ATTY. BRANSE: Mr. Hua.

MR. HUA: Hi. For the record Kermit Hua, KWH Enterprise, LLC, registered PEOE in the State of Connecticut.

The main thing that I will talk about is the fire truck. The other topic that was touched on by Mr. O'Rourke is the left turn on Hurley Road. I think in Connecticut there are ways to address so that both fire truck access and the desire to prohibit people making -- people making left turns at locations where left hand is prohibited is not allowed. One way to do that is mountable curbs. You know mountable curbs so that it is difficult for passenger cars to drive over, but it's practical for fire trucks to do so.

And the other way to do that is I see a lot of State roads in Connecticut is a flush concrete island. Essentially you know everyone can drive on it, but visually it is a very clear reminder to people you know you cannot make a left turn and plus we have the left turn sign. So that is two ways to do it.

Obviously the third way is just pavement striping you know to provide a striped island to remind drivers that a left turn is not allowed here.

About the fire trucks, Mr. O'Rourke the rationale he used of using the bus as a standing for the fire truck is that he said the Astro doesn't provide a template for the fire truck. But the problem with that, especially the problem with his conclusion, is the bus he uses is a totally different vehicle as far as its performance, characteristics, when you compare to the actual fire truck we are proposing here, we are using here, which is the Pierce Fire Truck.

I believe Mr. Branse at the last hearing he did hand up a page of this catalog from Pierce Company titled turning performance analysis, dated April 21st, 2014. It essentially shows all of the parameters of performance of this fire truck.

Now Mr. O'Rourke in his two letters, especially in his second letter dated September 25th, he did provide a copy of the page of the template for the bus 45 that he used in the analysis. Of course another thing to remember is he used a 9.1 percent. His rationale is because I think the lens difference and the axle distance difference between bus 45 and the fire truck that we are talking about.

My main problem is that when you look at the performance of the fire truck, it is not the only -- the outside dimensions are not the only determining factor as far as you know how tight a turn a firetruck can make as compared how tight a turn a bus can make.

Again, referencing to these two pages; one is the turning performance analysis from Pierce Company and the other is copy included in September 25th letter from Adler Consulting. I summarize the performance of the two vehicles even before you consider the 9.1 percent expansion of those dimensions of the buses. Just compare apples to apples. Compare --

The first thing I compared is the inside wheel radius. In other words, when you make a turn, what is the minimal radius you can maneuver as far as the inside radius, if you you know draw a line on the pavement to see what the radius of the inside wheel is. For the bus 45, again before the 9.1 percent increase, the inside radius is 24.7 feet. That is front that Astro page included in the second letter -- included in the September 25th letter from Adler. When you compare that 24.7 feet inside radius, the Pierce Trucks inside radius, turning radius, is 19 feet 11 inches. So that is 19.92 -- 19.92 feet. So 24.7 versus 19.92.

The second parameter that I consider is the centerline radius. The bus 45 centerline radius is 40.2 feet. The centerline radius for the firetruck that we are using is, I calculated from that information from the Pierce catalog is 30.92 feet. So you have 40.2 feet versus 30.92 feet centerline radius difference.

And also the outside radius, so the radius of the outside wheel, for the bus is -- for the bus is 44.0 feet. The same parameter for the firetruck is 35.17 feet. Again, it is much smaller than a bus.

The last parameter is the overhang radius, in other words the overhang of the corner of the cap of the bus or of the firetruck -- or the firetruck. The overhang radius for bus 45 is 47.0 feet. The overhang radius for the firetruck is 39.58 feet.

So if you look at all of these four parameters, they are different. Not only different, but they are not even close. The firetruck can make much tighter turns compared to the bus 45, Adler Consulting quoted in their letters, even before the additional 9.1 percent they applied. So when you apply the 9.1 percent, the actual footprint of that bus 45 make a turn would be much, much larger than the actual footprint the Pierce Firetruck make in the field.

So I don't know how you try to use this data, and plus 9.1 percent, to justify that a Pierce Firetruck doesn't work on this site.

And there are other differences between the two. For example, if you just look at those two figures, the bus 42 template shows three axels. It is for an intercity bus; think Greyhound Bus. If you look at Mr. Branse's figure handed the last -- during the last hearing, we have only two axels. So you know the firetruck manufactures they -- although you know the two sort of have similar outside dimensions, they are much more agile as far as making turns and they make much smaller turns.

So you know from what I understand after reading the two letters from Adler Consulting, it is definitely wrong to use the bus 45 to justify anything regarding the firetruck performance on the site. And I also have some other issues with the figures contained in the first letter dated September 10th, 2015 from Adler Consulting.

At the end of the letter we have eight figures, figures one through figure eight. What I was scratching my head is these figures are all hand drawn figures. I have had to figure out you know how they relate to the actual template that is contained in the actual manual. I couldn't. I mean you can put a car here. You can draw the radius this way or you can draw the radius that way. There is really no way for me to verify these bus paths for bus 45 are valid or not in one way or the other. I just cannot verify it. You know again, this is not a computer-generated drawing. These are hand-drawn figures. You know if you draw a radius this way, I can draw that way. I mean that makes a big difference. If you try to use this kind of material, again I am referring to figure one through figure eight in the September 10th, 2015 letter; I don't think it can convince anyone really from sort of an engineering material to make a valid argument.

The second problem I have with these figures, specifically referring to figures one, three, four, five, seven and eight, Adler Consulting describe the turning of the bus they essentially make it move just like a bus do. In other words, they hug the right side of the roadways. That is not actual firetruck move, make turns, during an emergency. When there is a fire emergency, you know police essentially close down all roads nearby. You have the whole width of both roads you know for the firetruck's use. What they usually do is you make a tight turn, they swing to the opposing side and they swing to the opposing side; whatever they need to do. They essentially use the whole width of both roads as opposed to what is shown here essentially just using half of the roadway to make the turn. So that is not realistic.

So I have a lot of problem with you know as far as you know essentially -- just to summarize three problems. One is that this is a wrong vehicle to use to represent a fire truck. The second is I have a problem with hand-drawn figures. They are not accurate. They don't tell you anything, essentially. The third is the way these vehicles maneuver they are hugging the right side of the road. That is not how firetruck actually operate in the field. That is all I have at this time.

MS. CARVER: I have -- just so -- I need to make sure --

MS. HUA: Sure.

MS. CARVER: -- understand what you said. First of all, you are making a comment that a raised -- any island -- because what you said is any island on Emily Road the regular vehicles it is going to obstruct them from going on the island. Meaning if there is an island and if there's a vehicle, a regular vehicle coming through, they are not going to be able to maneuver that island. You said that as a new comment.

MR. HUA: Well it would be more difficult --

MS. CARVER: It would be more difficult.

MR. HUA: -- to mount compared to a larger firetruck.

MS. CARVER: Okay. So vehicles will be difficult to mount.

MR. HUA: Correct.

MS. CARVER: And then what you are saying here in regards to a firetruck when they come in, you were making a statement that the firetruck they are going to block. You just said that when the firetruck comes in they are going to block both sides of it --

MR. HUA: No. No. That's not what I am saying. What I am saying is during a fire emergency, usually the police they place there, you know police cars, on all approaches of the road so it gives free movement of the approaching firetruck. So essentially they are blocking everyone else.

MS. CARVER: They are blocking - - they will block - - any entrance that they are coming in they are going to block that entrance. You are just making that statement that they would block that entrance?

MR. HUA: No, I'm not saying block entrance. I am saying blocking roadway approaching the entrance to other vehicles, except the firetrucks or emergency vehicles.

MS. CARVER: Thank you. I just want to make sure of that. Anybody else?

MR. COSGROVE: If I may? Sir, you have obtained a license of a PE.

MR. HUA: Right.

MR. COSGROVE: How long have you been a specialty in traffic?

MR. HUA: Eighteen years.

MR. COSGROVE: Eighteen years. So are you certified as a PTO, whatever?

MR. HUA: Yes.

MR. COSGROVE: So you are also a PTO something?

MR. HUA: PTOE.

MR. COSGROVE: PTOE?

MR. HUA: Right. Yes.

MR. COSGROVE: Thank you.

MS. CARVER: Anyone else? John Kerwin?

ATTY. KERWIN: Just a brief question. And who are you employed by?

MR. HUA: I am self-employed. My practice is called KWH Enterprise, LLC.

ATTY. KERWIN: Okay. And in your capacity here as giving evidence to this Board, how did you come to that role?

MR. HUA: I was approached by the applicant.

ATTY. KERWIN: Okay. And so they are paying you? What direction did they give for your traffic study?

MR. HUA: Just review the traffic issues you for this project.

ATTY. KERWIN: Okay. And they are developing that project and they asked you to review it?

MR. HUA: Well actually there were some other traffic engineer that were previously you know during the process of this appeal. I was recently brought on board on this project.

MS. CARVER: Yes, Brian?

MR. MILLER: Does Mr. Hua have a written report?

MR. HUA: No, not this time.

ATTY. BRANSE: I'm sorry. What was the question? Oh, I'm sorry.

MS. CARVER: Does he have a written report to submit?

ATTY. BRANSE: I didn't hear. I'm sorry.

MS. CARVER: Does he have a written report to submit?

MR. HUA: Not this time. I submitted a letter I believe last time.

MR. MILLER: Does it address the same issues that you have discussed?

MR. HUA: I think sort of an outline the gist is the same. I sort of you know spelled in more details - -

MR. MILLER: Okay.

MR. HUA: - - in response to especially the second letter from Adler Consulting dating September 24th, 2015.

MR. MILLER: Thank you.

ATTY. BRANSE: One more question, Mr. Hua. I think I know the answer to this. But fire trucks when they are going to a fire you said sometimes they cross the incoming lane - - oncoming lane? Firetrucks usually have lights and sirens?

MR. HUA: Absolutely. You know that's - - you know as an average driver when a firetruck approaches, I know to pull to the right side of the road and you know leave whatever road space to the firetruck to use.

ATTY. BRANSE: Thank you, Madam Chairman.

MS. CARVER: It's for your traffic - -

ATTY. BRANSE: No, that's all right.

MS. CARVER: Todd?

MR. ROMAGNA: You said that the turn radius for the firetrucks it is practical you think on a daily basis that they would use both lanes to make the turns. Am I understanding that correct?

MR. HUA: During an emergency.

MR. ROMAGNA: During an emergency. So would it be realistic to think that there is a limited 25-foot wide roadway with cars parked illegally that would even take that possibility away, wouldn't it?

MR. HUA: Well I think we - - Attorney Branse addressed the car-parking issue. We do have some arrangements as far as fine schedule for the residents.

MR. ROMAGNA: I'm asking you if the cars were parked there, would it take that possibility away?

MR. HUA: That is not an issue because we already addressed that.

MS. CARVER: He is asking the question. You have - -

MR. HUA: I don't think that question is valid because that won't be the case because we won't have the cars parked - -

MS. CARVER: You have to understand he is asking you a question. You have a car is parked here and a car is parked here. What is happening to the truck?

MR. HUA: Well they are going to push the car away. It's just the best thing for you.

MS. CARVER: You are just going to push the car away?

MR. HUA: Right, because emergency anything happens. You know if you - - the firetruck is the first priority.

MR. ROMAGNA: So they're going to be forced - - that's the answer. So they'll be forced to push cars down the road, okay.

MS. CARVER: Okay. John Kerwin?

ATTY. KERWIN: So you are saying that in that situation where a car is parked illegally that the only resort is to have the firetruck ram into that car to push it out of the way?

MR. HUA: I'm not a police officer, so I don't know - -

ATTY. KERWIN: I know you're not a police officer.

MR. HUA: Right.

ATTY. KERWIN: You just told me. Don't evade the question.

ATTY. BRANSE: Excuse me. Mr. Hua can answer the question without being badgered, I do believe.

ATTY. KERWIN: I'm not badgering.

MS. CARVER: We're just asking the question.

ATTY. BRANSE: I mean when I asked questions of Mr. O'Rourke, I allowed him to finish every question. Is that not correct, Madam Chairman?

ATTY. KERWIN: It's quite obvious that he is not a police officer so don't badger the questioner, okay.

ATTY. BRANSE: I let him finish every sentence without interruption.

MS. CARVER: He is asking the question. He's got the floor. He's got the floor.

ATTY. KERWIN: So you're saying in the situation where there is a car that is in the way that you need that twenty-six feet, if there is a car parked there, then the only response is that the firetruck ram into that car to push it --

MR. HUA: Again, that is not a valid question because the car won't be parked there. We have procedures that will prohibit that.

ATTY. KERWIN: What if the car was parked there; that is the question, okay. So why don't you answer that question? If there was the car parked there -- I don't care what your point is about --

MR. HUA: Okay. So --

ATTY. KERWIN: No. No. No. Don't cut me off, all right. I am asking the question. Thank you.

MR. HUA: Are you done?

ATTY. KERWIN: No, I'm not.

MR. HUA: Okay. Go ahead.

ATTY. KERWIN: Okay. Thank you. If the car is there -- I am not asking you about the parking; that is a different issue.

MR. HUA: Okay.

ATTY. KERWIN: So if there is a car parked where it is not supposed to be --

MR. HUA: Okay.

ATTY. KERWIN: -- okay, the only response then is that the firetruck has to slam into that car to push it out of the way?

MR. HUA: Not necessarily.

ATTY. KERWIN: Well, what's the other then --

MR. HUA: Well think about it. The roadway that we are proposing are twenty-four feet, right. What is the width of a parked car?

ATTY. KERWIN: I'm asking you the question.

MR. HUA: Seven feet. So twenty-four minus seven is what; seventeen.

ATTY. KERWIN: No. I am following up on your question here where you said that you would --

MR. HUA: Right. I am answering your question.

ATTY. KERWIN: Don't cut me off, please.

ATTY. BRANSE: No, excuse me.

MR. HUA: I --

ATTY. BRANSE: Mr. Hua, stop.

He is trying to answer this question. If he cannot complete a sentence, I will tell him to sit down.

MS. CARVER: He needs to allow the Commissioner to finish his question and not stop --

MR. HUA: So Commissioner, please --

MS. CARVER: -- so the Commission has -- the Commission has the right to --

ATTY. KERWIN: I would prefer not to be -- I am asking the questions and they are specific with the point that was raised by Commissioner Romagna where your --

ATTY. BRANSE: Just let him answer.

ATTY. KERWIN: -- where your expert said that he would -- that the fire engine would have to knock into the other car --

ATTY. BRANSE: I don't think that's what he said.

ATTY. KERWIN: -- I would like to explore --

MR. HUA: Go ahead. Go ahead.

ATTY. KERWIN: -- I would like to explore that.

MR. HUA: Please. Please, go ahead.

ATTY. BRANSE: Ask the question.

MR. HUA: Are you done?

ATTY. KERWIN: Yeah. So is that correct? Your answer is that the fire engine would have to slam into the other car?

MR. HUA: Can I speak now?

ATTY. KERWIN: Stop asking me questions and just answer the question.

MR. HUA: Again, let me finish my previous thought. With the twenty-four foot road, seven feet of parked vehicle, so you have seventeen feet leftover. What is the width of a firetruck, an average of eight and a half feet? Can an eight and a half foot vehicle travel on a seventeen foot wide roadway? Of course they can, right?

MS. CARVER: Thank you. That was -- Hold on. Hold on. Thank you. You have answered the question. You are saying that you feel that seventeen foot is big enough for the firetruck to go through, correct?

MR. HUA: Well seventeen feet is larger than --

MS. CARVER: Seventeen.

MR. HUA: Seventeen feet is larger than eight and a half feet width of the firetruck width average.

MS. CARVER: All right. So out of twenty-four -- just to make sure we understand --

MR. HUA: Right.

MS. CARVER: So we have twenty-four feet and seven feet you have one car parked. So you find that the other seventeen feet is enough -- you feel is enough for the firetruck --

MR. HUA: Absolutely.

MS. CARVER: -- to go through safely?

MR. HUA: Absolutely.

MS. CARVER: Does that answer your question, Mr. Kerwin?

ATTY. KERWIN: It doesn't answer my question with regard to why he stated before that the firetruck would have to ram into the other car, but he doesn't want to answer that.

MR. HUA: Well I think you know if you have two illegal parked vehicles probably you have to do something you know. I don't know maybe even three illegal parked vehicles or the whole road is blocked and then you have to do something. I mean you are talking

about contingencies. Every scenario is possible. But again, my point is it is not likely to be the case because we have measures to prohibit those occurrences.

MS. CARVER: We understand that the application does have provisions. But in the event of that we just wanted to know what was your expert opinion or what needs to be done if that was the situation.

MR. HUA: By the way, I am not a fire expert. I am only a traffic expert.

MS. CARVER: Traffic, but you know the dimensions and you know - -

MR. HUA: Right. Right.

MS. CARVER: - - what two cars so you can figure out how much is safely for a firetruck to go through.

MR. HUA: Right. Thank you.

MS. CARVER: That was the only thing we were asking. Thank you. Greg, do you have any - - if you could please come up - - any comments? And I think at that point then we'll - -

MR. O'ROURKE: Yes. First of all, regarding the design vehicle, the design vehicle - - the information provided to us is a plan which is prepared by Pierce. It is titled Oxford Volunteer Fire Department, 105 foot Ladder Quint Arrow XT. It is a three axel vehicle, one axel in the front and two in the back. This I believe was submitted to this Commission on April 15th, 2014, because I have a - - as submitted by Fire Marshal Scott P. The wheelbase, which is the determining factor on this particular vehicle, is just under twenty-nine feet, and that is the basis for the calculations that we made and the adjustments that we made to the bus turning template.

The methodology that we used to prepare the turning templates and then to prepare the figures that were included in part of our September 10th report is a technique that we have used for very many years. We do not use the Auto CAD computer generated. We use the - - we take the template from the Astro Handbook. We then enlarge or contract, in this case enlarge, as needed. We check that measurement and then use the new vehicle template, in this case the adjusted bus 45 template, which was used as a substitute for this vehicle to prepare the turning templates, which were then put on the figures that were submitted as part of our original report. The engineer who did that particular piece of work is an engineer with over ten years of experience and this is not the first time that she has prepared those vehicle turning templates. There was one other question and unfortunately I don't remember what it was. You cited three, Ms. Carver.

MS. CARVER: In regards to his comments, the curb, the raised curb. There was the maneuverability of the - -

MR. O'ROURKE: We've talked about that already.

MS. CARVER: Oh, okay. Oh, one vehicle maneuverability. One vehicle - -

MR. O'ROURKE: Oh. The other - - Mr. Hua also mentioned the - - he cited some specific figures as part of what was submitted on September 10th and said that, his word I think was hugged the curb radius. I do refer you, though, to figure six which shows a series of left turns. And even taking the entire available roadway width, as you will see the vehicles do exhibit some maneuvering difficulties. So there will be difficulties with this vehicle with these roads the way they are.

MS. CARVER: And just for clarification, the - - from the application he's got one - - I'm sorry. I don't know much. So this one has a single axel but our truck has two like the picture, like the bus, is that where you're - -

MR. O'ROURKE: That's correct.

MS. CARVER: Okay.

MR. O'ROURKE: Yes.

MS. CARVER: Thank you.

MR. O'ROURKE: And again, I am using something that is labeled Oxford Volunteer Fire Department Ladder Quint Arrow XT and it's - - I assume it's prepared by Pierce. It has Pierce's name on it.

MS. CARVER: Okay. So your bus is more in comparison to what our actual is then the one that has been presented by the applicant?

MR. O'ROURKE: That's correct. We have three axels and that's the turning template that we used. The vehicle before me, the vehicle that was - - the information that was provided to us and was provided to you I believe a year ago was a three axel vehicle.

MS. CARVER: Okay. Thank you. John Kerwin?

ATTY. KERWIN: I was confused on this and I apologize. So this was --

MS. CARVER: And what are we referring to for the record, Counsel?

ATTY. KERWIN: Page 1 of 2, and that was the document that you had just questioned the witness about. It was the -- 17 Pierce turning performance analysis dated 4/21/2014 which was supplied to the Commission by I believe Mr. Hua. Maybe we can share that with Mr. -- I believe that's the document that was submitted. That is not the same -- that is not the same document that you reviewed to establish the turning radius?

MR. O'ROURKE: That's correct.

ATTY. KERWIN: And can you look at the wheelbase there on that document? I think it's up on the right side --

MR. O'ROURKE: Yes.

ATTY. KERWIN: -- its 247 --

MR. O'ROURKE: 247 and a half inches.

ATTY. KERWIN: Which I believe is twenty feet, if I did my math correctly?

MR. O'ROURKE: Just over.

ATTY. KERWIN: And the actual radius of the -- that's what I was confused about. That's an older mold. We -- our firetruck has a twenty-eight foot radius, is that correct?

MR. O'ROURKE: Almost twenty-nine. 28.91.

ATTY. KERWIN: With dual axis?

MR. O'ROURKE: That's correct.

ATTY. KERWIN: Okay. That's where the confusion is. Thank you.

MS. CARVER: Thank you. Any other --

ATTY. BRANSE: Just a --

MS. CARVER: Yes. Come on up.

ATTY. BRANSE: -- clarification. The document that we have submitted in the record, as I mentioned, -- I am repeating myself from last time, but I just want to restate it, is the one that was in the record. It was provided to us when this application first came in by your fire department. That is why it was used for analysis. That is why it's -- the plans that were submitted to you in this application one of the requests of Mr. Galligan that we show turning radii at every intersection and we did. And what is on this plan is what your fire department gave us. So if they have some other piece of equipment now or something new, I don't know. But we are using what we used when we applied and what you gave us when we applied and we were asked to use.

MS. CARVER: Okay. All right. At this point I will go to the Commission to see if they have any questions, since we have the applicant and their experts. I will start with Todd Romagna. Do you have any questions in retaining -- questions to be related to -- go over what the questions -- sorry, just to make sure we don't -- all right. So we have the no left turn out of -- I am forgetting my own -- out of Emily Road; the stop bars and stop signs to address the -- curb issue; the no parking ban; and the curb -- I think that was the fourth. Todd, do you have any questions?

MR. ROMAGNA: Yes. I think it has been asked, but I want to ask it again.

MS. CARVER: Okay.

MR. ROMAGNA: We could present some options to the applicant with how to handle these turns and how to handle some of these roadwork issues. Quite honestly, a lot of them seem to be very soft fixes. In other words, we are trying to make sure people are safe rather than trying to say we're trying to make them safe. In other words, if you want to you know tell a kid that we don't watch him TV, we don't tell him not watch TV and walk out of the room. We'll take the TV away so that there is no possibility of that happening. We want to do that on the safety of everything.

So other than lines in the roadway and possibly soft curbing, is there anything -- which I recognize Belgium Blocks as more decorative, but nonetheless is there something that the applicant can recommend, other than what we've already talked about, that could be a true fix to eliminate turns. Not persuading people not to do it, but to eliminate those turns from happening.

MS. CARVER: Would one of your staff like to take that answer, Attorney Branse?

ATTY. BRANSE: I'll take a stab at it and I'll ask Mr. Hua if he could add anything. For the record, Mark Branse. I've seen -- I'm not a traffic engineer, so he could correct me. I have seen those Belgian Blocks used like on median islands. I have seen them used a lot, and I think Mr. Miller will confirm this also. You see median strips on roads where they use the Belgian Block. Because when you drive over it, it makes your tires rattle. You know it chatters. There's also the pavement texture which is called the chatter strip.

I think most of you know on an interstate highway if you're falling asleep, that's where they do it, and you start to drift off of the road, you know how your tire makes that chatter noise --

MR. ROMAGNA: If I could, sir? I understand that. I have Belgian Block in my driveway.

ATTY. BRANSE: Okay.

MR. ROMAGNA: I drive on my island all of the time. I understand what they do.

ATTY. BRANSE: Well we can --

MR. ROMAGNA: But I am wondering if there is something that can prevent that.

ATTY. BRANSE: I'm sorry. What?

MR. ROMAGNA: I'm looking for something that could prevent that. I have Belgian Block in my driveway. I drive into my island all of the time and ruin my wife's plants. What can I do to prevent this? What can you do to prevent that?

ATTY. BRANSE: If you use something that absolutely prevents a vehicle, then, as Mr. O'Rourke has said, then you are also restricting the throat of the access. So that is why -- that is why we're not suggesting guarded rails, or things of that kind, and I have never seen that used. I mean I have seen a lot of these situations. Where I live in Glastonbury we have a lot of these right turn only exits for the same exact reason. And I have never seen a guardrail or barrier used because you don't want people running into it and that damages the vehicle. So I have usually seen them raised a little with, like I said, a Belgian Block with a few inches up or a mountable curbs, or things like that, that discourage you. So if you drive up -- if it's grass, if you drive up on the grass you know you're going to have to drive back off of the grass. And maybe Mr. Miller has some suggestions of things that he's seen.

MS. CARVER: Thank you.

ATTY. BRANSE: He seems to.

MR. MILLER: No, I have a response.

MS. CARVER: Thank you, Attorney Branse.

MR. MILLER: May I?

ATTY. BRANSE: Mr. Hua, do you have anything to add to what I said?

MR. HUA: I'm all set.

ATTY. BRANSE: Okay.

MR. MILLER: Okay. I raise this issue because, and I'm not the traffic safety expert, so you know I thought a no left turn sign is totally inadequate because, and I'll refer to my personal experiences here. Because as a professional I drive around and I see what works and what doesn't work. There is a no left turn sign out of the Cheshire Post Office which was built in 1962 or something and it is a horrible entrance. But if people want to turn left, they turn left, okay. It is right next to a major intersection and it's very dangerous, okay, so that doesn't work.

The Belgian Block it works to a little bit of an extent. But if people want to turn left and you can drive over it, and you're right you get a little rumble. But if you stop at the street and you want to turn left, you are still going to turn left. The one that works is the one in front of Nardelli's, which is actually a curbed entrance that prevents you from turning left. And that was what my original through would be, Mark. But then I was told by the safety experts that that would hinder the introduction of the emergency access because if there is an actual curb of, I don't know of four inches or six inches or whatever it is. So you know I actually kind of --

You know I was looking at narrowly how do you prevent a left turn. But when you prevent the left turn you also, effectively, you hinder the access of the fire or the emergency vehicles into the second entrance.

ATTY. BRANSE: What about a mounted curb, a so-called Cape Cod curve? You know I have seen those used in those situations, too.

MR. MILLER: Again, I'll defer. I am not an expert on that, okay, and I'll admit to that. I have not seen -- well first of all, I can't think of any that I have seen that would work. And you would still have -- you know, I don't know. That is up to I think the decision of or the opinion of either the traffic experts or more importantly the fire marshal and the State Police.

MS. CARVER: Thanks, Brian.

MR. MILLER: I defer to that.

MS. CARVER: Thanks. Pat?

MR. COCCHIARELLA: Off of this the particular one that you mentioned down at Nardelli's, I am up and down 67 a couple or three times a day, and believe me I have been cut off by people making left turns that are driving right over that, okay. And especially here, and again this is just --

MR. MILLER: And we just have higher vehicles than them.

MR. COCCHIARELLA: -- an observation. Many, many of the residents of Oxford drive SUVs and crossovers. They will climb over the barriers.

MR. MILLER: I appreciate the clarification.

MR. COCCHIARELLA: And getting to the specifics of this roadway. When myself and a couple of the other Commissioners were out there looking at we marked where the entrances were going to be, it's not a lot of traffic on the road, but what traffic is there is dangerous. We came within inches of being taken out by a tractor trailer coming up over that blind spot. Let me tell you, it's not a lot of traffic but what is there is not good traffic, if you know what I am saying. You know my concern with, again, any of that left turn lane stuff is just --

MS. CARVER: Is that a question? Do you have a question or is it --

MR. COCCHIARELLA: Well I'll let it go because they --

MS. CARVER: The question --

MR. COCCHIARELLA: -- talked about this --

MS. CARVER: If you have a question --

MR. COCCHIARELLA: You know I am just looking for you know safety issues that have been brought up and stuff that I have to consider.

MS. CARVER: All right. Let's do that during -- I don't have any questions. Do you have any questions?

MR. JENSEN: I have one question. What was the date of your original application?

MS. CARVER: Who is that question referred to? Oh, to the applicant?

MR. JENSEN: To the applicant, yes.

MS. CARVER: I'm sorry. What --

ATTY. BRANSE: Which original application? The one in 2006 or the one in -- that was remanded by Judge Pickard or the one that was -- I have to check and see myself. It was -- what was it two years ago now?

MR. JENSEN: Why don't you give us all?

ATTY. BRANSE: And there is February of 2014.

MS. CARVER: Is your question the original or is the question the second time from Judge Pickard?

MR. JENSEN: Well the statement was he used the information provided at the time of the original application.

ATTY. BRANSE: Oh, 2014.

MR. JENSEN: I want to know when that was.

ATTY. BRANSE: Because it was in this record. This is not from the 2006 record. This is from the record that was remanded from Judge Frazzini. So this is the last time that I was here myself.

MS. CARVER: So you were saying February of 2014?

ATTY. BRANSE: Well that was when we applied. I don't know when that exhibit came in. Because the hearing was held, it was held like during the summer I think.

MS. CARVER: Any other questions? Glen, do you have any questions?

MR. PERSSON: Yes, I do.

MS. CARVER: Sure.

MR. PERSSON: To the engineers here.

MS. CARVER: This is to the -- okay.

MR. PERSSON: Yeah. What is the line of sight on Emily approaching the main street there?

MS. CARVER: I think that is on the record, but I'm sure --

MR. O'ROURKE: It is I believe on the plans. As I recall it is something in the neighborhood of 250 feet. This would have been something that the applicant's engineers would have measured and calculated and made the decision --

MR. PERSSON: So that's on the -- in other words, if you were pulling out of Emily, you could see to the left 200 feet?

MR. O'ROURKE: No. There is two different sight distances. There is a sight distance to the left and a sight distance to the right. The concern is the sight distance as you look to the right because that is the critical sight distance as you make the left turn. And that is the sight distance that was considered a low standard or deficient and that's why the applicant I believe then made, after review by this Commission, made the original recommendations for a turn prohibition. The sight distances they are, I believe, depicted on the plan that they were -- that was prepared by the applicant and because of that the no left turn prohibition was originally discussed.

MS. CARVER: Thank you. Do you have any other questions?

MR. COCCHIARELLA: No.

MS. CARVER: No. Harold, do you have a question?

MR. COSGROVE: You know I do.

MS. CARVER: A question to the four --

MR. COSGROVE: The question is this map made up by Trinkaus, or whatever --

MS. CARVER: And if we can just specify the map --

MR. COSGROVE: Yeah. This is dated --

MS. CARVER: -- where there is a date.

MR. COSGROVE: -- August 16th.

MS. CARVER: August 16th, 2015?

MR. COSGROVE: '15, yeah. I fail to see dimensions on this map. I have never seen a map that didn't have dimensions.

But Madam Chair, does the applicant know what the length of the overall roads are and --

MS. CARVER: I --

MR. COSGROVE: -- what are the widths of the pods that are going to be there?

MS. CARVER: Harold, I'm not sure what map you are looking at. I am looking at a map that has been received on August 19th, 2015 from Oxford Commons. And I have -- there are dimensions written lightly on the side. So I don't know what -- there is a map with dimensions on it, unless I have the wrong map.

ATTY. BRANSE: Madam Chairman, I might be able to help with this.

MS. CARVER: August 16th --

MR. COSGROVE: Well this is the big map and I can read that one better because of my eyes and my age.

MS. CARVER: Okay. So I have two --

ATTY. BRANSE: Just --

MS. CARVER: Yes.

ATTY. BRANSE: There's no microphone, so that's why -- But there is an original set of plans, a very detailed set. Mr. Trinkaus when he provided this -- as part of this remand, he provided the sheets that have been revised. So I don't know what sheet Commissioner Cosgrove is looking at, but you have to look at it as things like that. I think that is correct, isn't it, Mr. Galligan?

MR. GALLIGAN: Oh, I'm sorry.

ATTY. BRANSE: No, that's all right. So I don't know that what the Commission has in front of them is the full set. It's what was changed from what -- because it was a remand. So only certain things are being remanded to the Commission. There are only certain things that are supposed to be reflected on those plans, if that helps.

MS. CARVER: That is --

ATTY. BRANSE: So there are -- there may be dimensions on other sheets.

MR. COSGROVE: Somebody had one someplace on the table. And then the other part that I got -- this is a question for Mr. Hua. The length of the road and twelve inches of snow where would they put it? Where would they put the snow if it is twelve inches? I said twelve inches so that it would be an easier calculation. I'm sure you've got some map that shows you the overall length of the road, you know. What would be the volume of snow that would be there?

ATTY. BRANSE: That is a question for me. And the answer is it is outside of the remand. We are just not going there. We are just not answering that question.

MS. CARVER: Okay. Do you have any other questions?

MR. COSGROVE: The playground with the curb --

MS. CARVER: Harry, that -- we've got to stay --

MR. COSGROVE: It's just a safety question.

ATTY. BRANSE: No, it is. It is.

MS. CARVER: Oh, that is. He's right.

ATTY. BRANSE: He's right.

MS. CARVER: Oh, thank you. You gave him that. Okay. Okay. Harold, you --

ATTY. BRANSE: Part of the remand was where that second playground should go. And what we said is we would defer to the Commission. And by the way, the other thing that was not mentioned, Madam Chairman, in your sort of listing was the location of the bus shelter. We did provide you know a visual of the bus shelter that we said -- and in the remand we are supposed to say where it is going. We are saying we will put it wherever you'd like to have it. And the same is true for the second playground site. Wherever the Commission would like to put it, just pick a location.

MR. COSGROVE: It's a gazebo; that wasn't a bus shelter.

ATTY. BRANSE: Yes.

MR. COSGROVE: A bus shelter has glass all of the way around. A gazebo has railings that children climb on and could fall or be pushed over, but that is another story.

MS. CARVER: That was the question?

MR. COSGROVE: Well I assume they are going to put in a bus shelter and not a gazebo.

ATTY. BRANSE: This is actually much larger than a bus shelter. A bus shelters are generally 4x10 and this is like - -

ATTY. COSGROVE: They have all sizes on the - -

ATTY. BRANSE: But if you would like to have glass sides or Plexiglas sides, I wouldn't want glass, you may certainly so specify.

MS. CARVER: Thank you.

MR. MILLER: Okay. Thank you.

ATTY. BRANSE: And it will only have three sides, otherwise the kids won't be able to get inside.

MR. MILLER: Yes. Thank you. Thank you for that clarification.

MS. CARVER: Thank you.

MR. COSGROVE: In the area of safety, are they going to have concrete pads? And are these trailers going to be bolted down?

MS. CARVER: That is not part of this. It's already - -

MR. COSGROVE: That's a safety question.

MS. CARVER: Actually it is - - that detailed was on the very original plan which one it is and it's actually been answered. There is an answer for that.

MR. COSGROVE: Are they going to have parking for the playground?

MS. CARVER: It is not in here. It is not part of these four things that we need to discuss.

MR. COSGROVE: The lack of visitors' parking?

MS. CARVER: It is not part of this at all. He already has visitors' area and he's got space designated. It is not - -

MR. COSGROVE: How about storage for snow?

MS. CARVER: It's not - -

MR. COSGROVE: It's not part - -

MS. CARVER: Harold, it's not - - and it's actually showing on the plan that there is snow storage rows three, four and five, but it is not part of the remand.

MR. COSGROVE: No parking for picking up children?

MS. CARVER: Harold, that's not - -

MR. COSGROVE: That's a safety question.

MS. CARVER: It is not part of this remand.

MR. COSGROVE: That's crazy. It's crazy. Absolutely crazy.

MS. CARVER: It's not part of the remand.

MR. COSGROVE: And what about sidewalks?

MS. CARVER: It's not part of this remand.

MR. COSGROVE: I don't know whose side you are on. Thank you.

MS. CARVER: I have to follow the rules.

MR. MACARY: Harold --

MS. CARVER: Steve, it's okay. Pete, all set? All right. John?

ATTY. KERWIN: Attorney Branse, I just had a couple of questions about getting back to the wheelbase radius.

ATTY. BRANSE: Yes.

ATTY. KERWIN: Now that was information that was supplied to you during the first application stage?

ATTY. BRANSE: Not 2006.

ATTY. KERWIN: But sometime during that --

ATTY. BRANSE: 2013.

ATTY. KERWIN: Okay. When did you specifically request from the fire marshal the information? And do you have that documentation to show us?

ATTY. BRANSE: I don't remember. I don't remember because I don't have the entire record with me. It is just too thick.

ATTY. KERWIN: You don't remember. So there was a request made sometime in 2014. You are saying that you received the incorrect --

ATTY. BRANSE: No, I am not saying that at all. I think we received the correct information. I think Mr. O'Rourke was given the wrong information.

ATTY. KERWIN: So you're saying that Oxford doesn't have a twenty-eight foot --

ATTY. BRANSE: I have no idea what you've got. And I have no idea if that piece of equipment is needed for fires on this site. All I know is that we were asked to design to that spec and we did.

ATTY. KERWIN: So the traffic study has never been done with regard to a fire truck with a twenty-eight foot wheelbase, that's correct, right?

ATTY. BRANSE: No.

ATTY. KERWIN: Is that correct, yes or no?

ATTY. BRANSE: No.

ATTY. KERWIN: It's not correct?

ATTY. BRANSE: It's not correct.

ATTY. KERWIN: So the traffic study that Mr. Hua prepared was done with a reference to a twenty-eight foot wheelbase fire engine?

ATTY. BRANSE: Traffic studies don't evaluate that at all. That's a civil engineer.

ATTY. KERWIN: Okay. Well there was in here --

ATTY. BRANSE: And that's Mr. Trinkaus.

ATTY. KERWIN: In Mr. Hua's traffic study he talked about the radius.

ATTY. BRANSE: Correct.

ATTY. KERWIN: And he gave considerable discussion to the wheelbase being twenty feet. So in Mr. Hua's -- Mr. Hua did prepare a traffic study, am I correct on that?

ATTY. BRANSE: Correct.

ATTY. KERWIN: And did he not discuss the radius issue --

ATTY. BRANSE: Yes.

ATTY. KERWIN: -- in that traffic study?

ATTY. BRANSE: Yes.

ATTY. KERWIN: But in that discussion of the radius issue, did he not use the radius issue of a radius dimension of twenty feet or two hundred and forty-seven inches?

ATTY. BRANSE: Whatever was in that exhibit.

ATTY. KERWIN: Can -- is this the exhibit?

ATTY. BRANSE: It's the one I handed out last time.

ATTY. KERWIN: Okay. The one that Mr. Hua used, right?

ATTY. BRANSE: In his report?

ATTY. KERWIN: Yes. Yes.

ATTY. BRANSE: Yes.

MS. CARVER: So for the record, this is the ROR17 turning performance analysis --

ATTY. BRANSE: There we go. In the record 17.

MS. CARVER: -- dated 4/21/2014. Is that -- just for the record so we know that is the ROR17 dated --

ATTY. BRANSE: That's the document I am referencing.

MS. CARVER: Okay.

ATTY. BRANSE: It was from the original public hearing on the 2014 application.

MS. CARVER: Thank you.

ATTY. KERWIN: And Mr. Hua's conclusions were based on his understanding that the fire engine had a twenty-foot radius?

ATTY. BRANSE: In these reports, yes.

ATTY. KERWIN: Okay.

MS. CARVER: Thank you. And -- is it for the applicant?

ATTY. KERWIN: Yes, for the applicant.

MS. CARVER: Okay.

ATTY. KERWIN: By way of his -- we're not getting into the parking yet?

MS. CARVER: That is not part of -- the remand is the no parking ban.

ATTY. KERWIN: Yes.

MS. CARVER: You can get --

ATTY. KERWIN: The issue --

MS. CARVER: The applicant gave us what they think is the enforcement, so you can ask questions regarding --

ATTY. KERWIN: Yes. I just wanted to --

MS. CARVER: -- the parking ban.

ATTY. BRANSE: And I just wanted to add to that, too. And we did suggest that your fire marshal does have the authority, the enforceable authority, on private property to impose fire lanes.

MS. CARVER: That's a suggestion.

ATTY. BRANSE: Exactly. We can't do that on our own. The fire marshal would have to do that. But it is something we certainly commonly see and that would make it enforceable by the Town.

ATTY. KERWIN: And how --

MS. CARVER: Do you have question?

ATTY. KERWIN: Just referring to page 13 of the record, I think you prepared it for us. Did you not submit the transcript of the last hearing?

ATTY. BRANSE: No.

ATTY. KERWIN: Oh, then the Commission did.

ATTY. BRANSE: I haven't seen it.

MS. CARVER: The transcript, are you referring to what we -- the September 15th --

ATTY. KERWIN: The September one, yes.

MS. CARVER: Okay. So he is referring to the September 15th transcript from the meeting.

ATTY. BRANSE: Which I don't have.

MS. CARVER: Yes. It's just a transcript.

ATTY. KERWIN: You just brought it up. You were discussing it at some great detail and I appreciate that, the sections of the National Fire Prevention Code which gives the authority of the fire marshal to enforce fire zones. Can you tell the Commission how in what statutory authority the fire marshal has to issue infractions or to have vehicles towed?

ATTY. BRANSE: I'm not familiar with what the fire marshal's specific powers are.

ATTY. KERWIN: Right.

ATTY. BRANSE: I know that they -- I know they have enforcement powers for fire lanes. Whether it includes towing or fines, I'm not sure.

ATTY. KERWIN: Well would you concede that in the documents, and we have reviewed them and I took a look at them, too, that they have the authority to designate fire lanes. I don't recall, and I don't recall you ever mentioning and I looked and I didn't see anything that shows that the fire marshal has any authority to enforce fire lanes. If you mean by enforcing that they have the right to police them as a police department would to enforce no parking zones. And in fact, the fire marshal is not a peace officer or designated law enforcement officer for that purpose. So I was just wondering how you -- I guess my question is when you say they have the authority to enforce parking bans, don't you really mean they have the authority to designate an area a parking ban on the --

ATTY. BRANSE: No, that's not what I mean. That is not what I mean.

ATTY. KERWIN: Well then --

ATTY. BRANSE: Can I answer?

ATTY. KERWIN: I'm sorry to interrupt you.

ATTY. BRANSE: Thank you.

ATTY. KERWIN: I thought you did answer.

ATTY. BRANSE: Thank you. I know fire marshals can designate fire lanes. I did not research what authority they have to enforce them. It seems logical that if they can designate fire lanes, that they can enforce them. If they can't enforce them, then every fire lane in Connecticut has a problem and not just Oxford and not just in affordable housing application in your town.

ATTY. KERWIN: Well it's not so much my question would be they designate it, but I think that they are enforced by the police departments.

ATTY. BRANSE: You may be right.

ATTY. KERWIN: Much the same as a parking ban is enforced.

ATTY. BRANSE: That sounds logical.

ATTY. KERWIN: Yes. So it basically gives them the authority to put up no parking signs.

ATTY. BRANSE: No. The police can have enforcement powers on private property. You walk into a bank to hold up a bank, the police can go on there even though it is private property, right?

ATTY. KERWIN: Yeah. I don't see the point. That's not what I am getting at.

ATTY. BRANSE: Police can enforce law on private property. And if the fire lane is the law of the land, then the police can enforce it on private property.

ATTY. KERWIN: But my point gets back to they enforce it by way of they go and they issue an infraction.

ATTY. BRANSE: Right.

ATTY. KERWIN: Do you know what infraction they issue?

ATTY. BRANSE: I have no idea.

ATTY. KERWIN: Would it surprise you that it is Section 14-251 of the General Statutes, which designates parking violations, parking lanes, and infractions?

ATTY. BRANSE: I have no idea.

ATTY. KERWIN: Do you know what the process is for an enforcement of an infraction, how it works?

ATTY. BRANSE: Nope.

ATTY. KERWIN: Would it surprise you that the person who is issued an infraction they could then just pay the ticket and go on their merry way and - -

ATTY. BRANSE: If - - you have much more experience in this than I do. And so I would say that whatever is the procedure for fire lanes in Connecticut is probably the same in Oxford and it will probably be the same on this site, whatever it may be. And if that system is inadequate, then we all need to have a chat with the General Assembly about it.

ATTY. KERWIN: I'm not saying it's inadequate in all situations.

ATTY. BRANSE: Only in affordable housing situations, right?

ATTY. KERWIN: No, I didn't say that either. I am just saying that it is basically the same as a no parking ban. Basically what you're proposing is that there is no parking ban, either by virtue of the designation by the fire marshal or by the posting of a sign of no parking. That the police will be able to enforce.

ATTY. BRANSE: The argument that was made at the last hearing before this Commission was we can't put the police on the private property to enforce your private no parking signs. So I suggested something that can enforce and that is something through the fire marshal. Now again, the adequacy of that remedy is the same throughout Connecticut.

ATTY. KERWIN: And I think that was the concern that the Commission had that merely having a provision that says we can issue an infraction to someone if there is a no parking ban, that is not going to address the immediate issue that I see. It's a real public safety problem where people are parked illegally and we need to get emergency vehicles up through a narrow labyrinth of roadways. So that was the issue I - -

ATTY. BRANSE: Just something that I would ponder. Hurley Road, your Industrial Park Road, it serves this development. It is approximately sixteen feet wide and isn't posted for no parking at all. So what do they do on Hurley Road?

ATTY. KERWIN: I don't think Hurley Road is - - and Hurley Road isn't the issue. We could probably get a whole host of different roadways and bring them up.

ATTY. BRANSE: I'm sure we can get lots. I know that every road in Oxford isn't thirty-feet wide. Isn't that correct, Mr. Galligan? Mr. Galligan, are all of the roads in - -

MS. CARVER: Hold on. We don't - - it's okay. You know what; we don't need to go - - you know what; I'll tell you what. We are discussing the application not what the side roads or roads. You are talking about Hurley. It's a town road and it's got no - - hardly any homes in that section. It's got industrial - -

ATTY. BRANSE: Industrial.

MS. CARVER: -- so it's not the same thing. So we're discussing -- as I am pointing everybody else to course, let's stick to what we need to discuss with this application.

ATTY. BRANSE: The question is that parking here is a special problem because of the width of the road.

ATTY. KERWIN: No, that's not --

MS. CARVER: The Judge is asking us to look at the parking.

ATTY. BRANSE: Oh, wait. Mr. Kerwin says it's not. Mr. Kerwin says it's not the road, so the thank you.

MS. CARVER: Okay.

ATTY. KERWIN: No. No. No. I wasn't able to finish. That is not the issue. I was actually -- I was asking the question. I don't know if it is appropriate to answer my questions by asking Mr. Galligan something and coming up with a hypothetical. I wanted to move on to point out that we have concerns about the adequacy of just a no parking to have designated parking signs. Would the applicant be willing to provide some kind of assurance, by way of either posting a bond or having some kind of contractual relationship with a garage to bring up towing, twenty-four hour towing, or some kind of access.

The concern I have is no parking bans really are not prosecuted; you know that. You pointed that out. You did your due diligence. I was very impressed. But I know that the parking is rarely enforced because we have more important things to do. Today I arraigned a gentleman for murder, so I am not going to concern myself when we have to divide our time over a parking ticket that is a \$50 fine and not a moving violation. So is there some other mechanism?

We all know people are going to park, and in a situation like this where you've got a very narrow roadway. You know it is easy to be flippant and say well there are narrow roadways all in town. But we have to be concerned with the public safety not of just the general population of Oxford, but the people that are going to be living in this location.

Is there anything else that the applicant is willing to do to ensure that there is not going to be a problem with parking where it impacts the accessibility of emergency vehicles, such as hiring a garage to have twenty-four coverage or posting some kind of bond or surety with the Commission or with the Town to insure that there is some kind of contractual relationship with a garage. Would you explore something like that?

ATTY. BRANSE: I -- I -- let me break them into areas, okay.

ATTY. KERWIN: Category and question.

ATTY. BRANSE: Bonding of that kind is now prohibited by Statute --

ATTY. KERWIN: Is not or --

ATTY. BRANSE: Is now prohibited, okay. So with any development you can't to perpetual bond and there was a Public Act just a few years ago on that sponsored by the Connecticut Homebuilders Association. However, we would accept as a condition of approval that we provide to the Commission a copy of a contract with a towing agency that would provide twenty-four-hour towing. I know there are companies that do that. I think that is an excellent suggestion. And we would be happy to provide a contract that we have made a contract with some towing company to be available twenty-four hours to tow as required.

MS. CARVER: Staff, does anybody of the staff have any questions? Okay. Attorney Branse, we are going to let you have the last word and we're going to --

ATTY. BRANSE: Madam, there are other questions.

MR. ZBRAS: Yes, I have one question.

MS. CARVER: One question; four items.

MR. ZBRAS: This right hand turn, right?

ATTY. BRANSE: I'm sorry?

MR. ZBRAS: Is this the right hand turn we're talking about? Is that onto Hurley Road?

ATTY. BRANSE: Yes. This is the sketch - -

MS. CARVER: For the record, would you - -

ATTY. BRANSE: And I don't know if this has an exhibit number.

MS. CARVER: Yes.

ATTY. BRANSE: If it's not on it. This is what Trinkaus Engineering submitted last time that shows that, as Mr. O'Rourke suggested, some sort of island or point or something and it sort of steers you off to the right. So that is what he was describing.

MS. CARVER: This is the sketch of the island from 9/15/2015, just for the record so that we know which one you're - - and this was submitted.

MR. ZBRAS: And you have two entrances come out to Hurley Road - -

ATTY. BRANSE: Correct.

MR. ZBRAS: -- just like this, right?

ATTY. BRANSE: Yes. There are two entrances, yes. Go ahead.

MR. ZBRAS: Okay. So now - -

ATTY. BRANSE: But that is only - - the other one has the sight lines in both directions. It doesn't need that.

MR. ZBRAS: All right. If there is an emergency in the back of the development and they all come rushing out of here, they've got to go right hand turn, right? They've got to turn right?

ATTY. BRANSE: Right.

MR. ZBRAS: So now with a fire apparatus on the road it is going to block it.

ATTY. BRANSE: No. Why would a right hand turn block it?

MR. ZBRAS: They're all four - -

ATTY. BRANSE: Why would everyone be leaving the development at one time?

MR. ZBRAS: If there is a fire there, what are you going to do sit around and wait until it dies out? The question is once they come out of here, they are forced to go right, right?

ATTY. BRANSE: Correct.

MR. ZBRAS: If there is an emergency there, they all have to go right, right? All of the cars have to go right?

ATTY. BRANSE: No, they have to go right all of the time, whether there is an emergency or not.

MS. CARVER: That is the answer.

ATTY. BRANSE: I don't understand the question.

MS. CARVER: That is the answer to your question.

ATTY. BRANSE: And by the way, there is only at Emily Drive. The other one is a normal two way because it has the two sightlines.

MR. ZBRAS: Right.

ATTY. BRANSE: So the fire trucks could enter either of these two locations, which ever one worked best for them or both. That is why the Commission wanted two points of access.

MS. CARVER: You have your last word after this. We're going to close and we're going to go take a short break after that and we're going to deliberate. So you have the floor, Attorney.

ATTY. BRANSE: Thank you very much, Madam Chair.

MS. CARVER: You're welcome.

ATTY. BRANSE: I'm really not sure that I have that much to say. We attempted to respond constructively to the remand to address the issues that were in it with specific proposals. Commissioner Kerwin's idea about having -- producing a copy of a contract with a towing company is perfectly fine. If Commissioner Cosgrove feels there should be some sort of Plexiglas or something on three sides of the gazebo, we can certainly do that.

All of these things we can certainly do. My sense, however, is all for naught and there will be another denial and we'll be back at Judge Frazzini and I think that is too bad because I think the Judge was trying to give you the chance to work out some of these fine points and not another bite at the apple, but just denied. But I guess we'll find out when we get there.

MS. CARVER: Thank you. At this point I'll entertain a motion to take a ten minute break.

MR. COSGROVE: Motion to take a ten minute break.

MS. CARVER: Do I have a second?

MR. COCCHIARELLIA: Second.

MS. CARVER: Second. All in favor say I.

THE COMMISSION: I.

MS. CARVER: Motion carries.

WHEREUPON THE COMMISSION TOOK A BRIEF RECESS:

MS. CARVER: It is 8:45. Do I have a second?

ATTY. KERWIN: Second.

MS. CARVER: Second by John Kerwin. All in favor of same say I.

THE COMMISSION: I.

MS. CARVER: Opposed? Sustained. Motion carried. All right. The Commissioners, my suggestion is to take the time to spread out.

All right. My suggestion to the Commissioners is to make sure you take your time and move your stuff around. The way we're going to follow this process is we're going to go through one item at a time. Each Commission member will have the opportunity to discuss what their thought and what they have -- give me one second. I'm sorry. I'm sorry. Let's see; each Commission member you're going to go through your thoughts on the items. And then at the end of this, we'll do a motion for the staff to prepare an approval or denial. And then we will come back on Tuesday and vote, so we are not going to vote tonight. But we are going to discuss one item at a time. All right. Let me just make sure -- why is it that I don't have my stuff?

MR. COCCHIARELLIA: There are copies here, if you want them.

MR. COSGROVE: Pat, are there extra copies of the Judge's ruling?

MS. CARVER: Yes, exactly. Make sure you have that.

MR. COCCHIARELLIA: Anybody else?

MS. CARVER: You know what; that's what I am looking for. Did you want a copy of this or no?

MR. COSGROVE: Yes, please.

MS. CARVER: I take that. I know I have one, but -- okay. All right.

MR. COCCHIARELLA: Anybody else need a copy?

ATTY. KERWIN: Of what?

MR. COCCHIARELLA: The ruling.

ATTY. KERWIN: Oh, no.

MS. CARVER: A couple of what I call -- what I believe as the Planning and Zoning you know I feel that we have a charge as the Planning and Zoning Commission. And we are here; I want to remind all of the Commission members, that we are here to protect the safe, health, and wellbeing of all of the residents of Oxford.

We have an application in front of us to review. The Commission reviews the application. And I want you to make sure that you are looking through the evidence that was presented to you during the initial second application that came in. And also, we really need to focus on the items that the Judge remanded. So I just want to read through and make sure that we all understand what our job is to do today.

All right. So they are -- we have the first issue that I am going to discuss, based on what the ruling here from the Judge, is the adequacy of stop signs and stop bars to address the vertical curve issue. We will do that as the first item. So if you want to put your information together, I'll give you a few minutes. And I guess the question is I would like to hear you know what are your concerns in regards to that. Do you find that the evidence is satisfied as to the health and wellbeing of the residents of Oxford on these particular issues? I am going to start -- I'll try not to put everybody on the first spot.

But this one, Todd? Next time I'll go to the next one. So the first item here is based on what you have heard and read through the stuff, what do you feel is the adequacy of the stop signs and stop bars to address the vertical curve issue?

MR. ROMAGNA: It's my concern on the adequacy is that it's unenforceable on the property and there is no absolute. So I don't know that these stop signs and these stop bars would have the same effect that they would if they were on a public road. And that is concerning to me, as to what would actually be effective. So I do have concern about the safety of that.

MS. CARVER: Okay. Pat?

MR. COCCHIARELLA: I tend to agree with Todd on that. And let's see; the other issue I have --

MS. CARVER: Yes. Let's -- what are you looking at so we can all kind of --

MR. COCCHIARELLA: I was looking at you know the concerns that the resident State Trooper had about the response times and so on. I think they --

MS. CARVER: During the second hearing?

MR. COCCHIARELLA: Yeah. And I think that's a serious concern, I mean given -- we would like our emergency service people to be there instantaneously. And the longer the delays, I mean the more difficult it is and the less likely for a positive outcome. So that is kind of you know my major concern the two -- we are just doing the stop bars?

MS. CARVER: Yes, just dealing with the stop -- yes.

MR. COCCHIARELLA: Okay. Then I'll pass and come back to the other issues that I have.

MS. CARVER: Stop signs and stop bars to address the vertical issue. Okay. So you're -- would be the testimony from State Trooper Sergeant Semosky.

MR. COCCHIARELLA: Yes. And what Commissioner Romagna just said that you know it's kind -- those stop signs and stop bars it is kind of unenforceable and that that's -- you know that's a concern, you know.

MS. CARVER: Okay.

MR. COCCHIARELLA: And we'll go onto the other thing after. I'm sorry. I shouldn't have brought it up now.

MS. CARVER: No, that's fine. Sergeant Semosky brought up some parts that you know someone like myself wouldn't think about. You know when he starts going about okay how quick do I want to get to the end of that? And I got to worry about everybody else. And he mentioned something, too, with the children. I know; I should have had some coffee.

MR. JENSEN: That's all right. Stop signs and stop bars; I have the same concerns as the other Commissioners about the enforceability of these.

MS. CARVER: How many are there, actually? Do we have a number?

MR. JENSEN: I don't see them on here. Are they on yours?

MS. CARVER: So every intersection is going to have a stop sign or a stop bar. And you know as they cited - - as the police are going through and okay stop. He is not going to stop but everybody will stop. Every intersection. There are quite a few of them. What page are we looking at?

MR. JENSEN: 15 of 18, but this is August 16th. There you go.

MS. CARVER: Oh, here we go. It's actually, you guys are right; it is on page 15 of 18. There are your stop signs. You have one as you come in straight from Emily Road you have one. Then you have four of them on the intersection of Emily and there's a four way intersection, Jessica, Jessica Lane there are four there. And then you have the - - then you have one going up to Naomi Lane. There's one, two, three, four, five, six stop signs there. One, two, three, four, five, six, seven, eight, eight stop signs on Naomi Lane. Oxford Commons we have one, two, three, four. Quite a few. Glen?

MR. PERSSON: My concern is the stop bar on the radius here is - - what two cars can't pass each other there or something?

MS. CARVER: Where are you?

MR. PERSSON: At every corner you got a radius that is not near the corner. Are there now radiuses there?

MS. CARVER: There's a stop bar. I think they are trying to stop to make sure that the other - - both - - two people can't go at the same time. You can't take that turn. The purpose of that is when you come around this radius two cars can't go. You've got to stop; you've got to let the other car go and - -

MR. PERSSON: It concerns me very much so because you know it is one thing when you stop at an intersection that you look both ways. But on a radius you don't really. That's all.

MS. CARVER: Harold?

MR. COSGROVE: My attitude would be that at all stop signs that they should have speed bumps. And any straightaway that is longer than 250 feet or some number to be decided by the town engineer that they should have speed bumps to slow the traffic down. I don't know how long these roads are because, as I said earlier, there are no dimensions on the maps that I have seen so far. So I have no idea how long the roads are inside there. But I would suggest every 250 feet that they put a speed bump to slow down the traffic.

MS. CARVER: John?

ATTY. KERWIN: Yeah. I am going to refer to page 23 through 24 of the Court's decision when I talk about first the stop signs, the adequacy of the stop signs, and the stop bar. I think the Court in issuing its remand really didn't want us to look at these in a vacuum each issue, but I think if you look through the decision and how the Court kind of goes over those three issues, from 23 to 24, it shows that those issues are interrelated into the Commissions' decision to balance the public safety impacted by the application against the need for affordable housing. In fact, the Court says that, on page 23 to 24, the new information presented on the public hearing did not consist of acquiescence to requests made by the Commissions' consultants, either before the final day of the public hearing or that night, consistent with the following. It goes through really a summary of those four issues that the Court brought up.

Then it goes on, I think, and it is telling in the Court's analysis where it shows how those issues are all interrelated. Each of these new proposals, and I am quoting from page 24, concerned issues that could legitimately be regarded as matter of public interest. The ability of emergency vehicles to traverse interior roadways unimpeded by parked cars was an obvious and legitimate safety issue constituting a substantial public interest. The other three proposals the Courts have - - and it goes through some more detail with some of the case law that the Court relies on. But then it goes into to talk about the line of sight and the crosswalk in a way that shows that those issues are all interrelated, into that calculus that the Commission has to do in reviewing this application.

And the Court spells it out to us on page 5 of its decision. It shows that the Commissions' - - and I am quoting the Court again. The Commissions' decision was necessary to protect. We have to show with substantial evidence that the Commissions' decision substantially necessary to protect the substantial interest in health, safety, and other matters that the Commission may legally consider, whether the risk of harm to such public interest clearly outweighs the need for affordable housing and whether the public interest can be protected by reasonable changes to their affordable housing development.

The Court could have very easily just sent this back and told us to grant the application. This is the second time through. And Counsel for the developer, Garden Homes, Mr. Branse, was kind enough to show us this decision Garden Homes versus Fairfield Town where the Court had no problem sending back on remand and telling the Commission grant the application.

So I think we will look at what the Court is doing in this case. The Court acknowledges that these are serious concerns. These aren't illegitimate concerns or -- these are legitimate public safety concerns that need to be addressed.

As it relates to the adequacy of the stop signs and the stop bars and the vertical curve issue, I think that implications also the radius, as the Court discusses in page 25 of its decision. That gets into the discussion of the adequacy of the radius, the adequacy of the fire engines to make those corners at the intersections, and also how to break up the traffic flow. And I know Counsel provided some information in the last public hearing about that there's these close two intersections that are prevalent in Stamford. I don't really think the Commission needs to rely on that type of specious argument that well they have them in Stamford, so they must be good enough here. We have to consider this application on to the regulations as it impacts the health and safety.

The stop signs and stop bars by themselves, as the Court points out in its discussion of traffic -- or parking ban, the Commission has to assume that the public is going to obey the laws. The problem in this situation is, and as Trooper Semosky went on at some length and talked about some of the concerns with his ability to enforce traffic laws in a -- on private property, that he would not be able to do that because this is private property. In addition the Court basically explains to the Commission that lay members of the Commission are allowed to rely on their personal knowledge and concerns.

So I think what the Court was getting at was we understand there is a problem here with these very narrow roadways where you have got an issue of a lot of density and you've got situations where people are going to know that there is not a police presence up there enforcing these stop signs. So just the presence of a stop sign alone is not adequate in this dense community, this dense layout, to really protect the public as it relates specifically. And the Court wants us to quantify the risk.

I say there is a significant risk in this type of environment. You're going to have -- there are no sidewalks, so the children are going to be on the street walking where you've got issues where people are going to have to park their cars out in front of the affordable homes. That is going to limit the sightline. So the concerns that I think the Court raised with the stop bars and the adequacy of the stop signs I think is a very important concern.

I also wanted to point out at the first hearing before the remand on the last application the developer, I forget his name, basically came and he gave us a really nice explanation of the process that he's gone through and you know he explained that his application was denied several times. And he basically said, and I would invite the Court to review this if it does come up on remand if we do decide eventually to deny this application, to look at the developer's comments. This application I think he told us was on -- he was going to put the most number of lots that he possibly could and the tenor of his statement was to spite us because of the hard time that Oxford is giving him to make him a development.

So I think that there is considerably on the public safety and our balancing, the decision we have to make in balancing the public safety against the need, that this application was done in a way, and Mr. Branse constantly reiterated it the last -- the hearing before the last that -- and the Court kind of picks up on this language because he calls it the fact that they won't consider giving up any of the lot. And the developer again, I forget his name. I apologize.

MS. CARVER: Mr. Freeman.

ATTY. KERWIN: What was his name?

MS. CARVER: Mr. Freeman.

ATTY. KERWIN: Mr. Freeman. On putting in the most lots that I can. And I think in doing that he is also obligated his responsibility in proving a safe application. My concern is the density as it relates with all of these narrow cross T's it is going to be unenforceable the traffic safety -- the traffic laws are going to be unenforceable. And you've got a serious, serious, health concern with children. There are going to be children in this community walking around on the street with these tight cross intersections. I think that the Court does raise a serious consideration and the applicant has not really addressed that issue by just putting in stop signs. So I don't think the application really satisfies the balancing test on that particular issue.

I will also address, though, I do believe that all of these are interrelated, so that is why I kind of got into some of the other issues. And the Court in going through its analysis does explain in a way that shows that all of these issues are interrelated. But as it relates, just for the purpose of our discussions, as it relates to the first question on remand, I just want to put my comments on and reflect in the record.

MS. CARVER: Thanks. That was --

ATTY. KERWIN: It's been a long day.

MS. CARVER: It's been a long day. And with that, because I know the preference was to do one at a time, I'm okay with changing that and just going through the other part. Because you're right, they all kind of hook one up to the other. Once you deal with one, you're going to go -- the same thing and the same thing. So I am going to actually change that forum. So let's just go through them all and --

ATTY. KERWIN: Yeah. In that regard I did have some comments about the turning radius. I know we have the record in front of us of what's on this hearing. There was a letter that was submitted in 2014.

MS. CARVER: Yes, I have it. Okay. So there is a letter on the record dated April 15th, 2015 from Scott Pelietier and it says the Board of Chiefs has reviewed the plans of Oxford Commons per your request and our concerns are as follows:

One, road width is to be per Town of Oxford specifications. Two, there is minimal parking spaces to provide additional vehicles. All turn radiuses must be sufficient to allow the longest fire apparatus to turn without leaving the paved surfaces. It does also say there is a minimal parking spaces provided for additional vehicles. This would cause these vehicles to be parked on the roads narrowing the access, thereby preventing fire apparatus and ambulance getting through. He also says -- he goes on about the plans for snow removal and the density of buildings is so close that there is insufficient space left to put the snow when plowing. With his submission to the Planning and Zoning Commission he's got pictures of his apparatus. These are, again, submitted and one is submitted by Fire Marshal Scott Pelietier received on 4/16/2014. There is clearly a picture of a fire engine with two -- it's from Pierce and it's got two wheel bases. I will pass this around so that the record does show that our fire chief did provide to this Commission copies of what the fire truck looks like and it's got a two wheel base and I'll pass that around.

ATTY. KERWIN: There was a plan of order -- if I could just interject, Madam Commissioner?

MS. CARVER: Yes.

ATTY. KERWIN: That was also submitted to Attorney Branse --

MS. CARVER: Yes.

ATTY. KERWIN: -- during that hearing --

MS. CARVER: Yes.

ATTY. KERWIN: -- in April of 2014.

MS. CARVER: Yes, everything that we have they did get submission of it. It is part of the record. It is part of the record.

MR. COSGROVE: Are you going to pass that around?

MS. CARVER: Oh, yes. Sorry. And you know with that part, to me the Judge is asking us to look at the information right now. Our Chief is saying he is going to bring the larger fire truck. And if we ever need Southbury or Middlebury, we have to make sure that their trucks are able to make it through.

ATTY. KERWIN: I think the most important thing as it relates to that document that is part of the record, was part of the record that went up to the Court, and did establish what the necessity was for the turning radius, is that we have in front of us two traffic safety reports, one by Mr. Hua. And unfortunately in Mr. Hua's analysis I believe as he relates in his document -- or he submits in document R17, which Mr. Branse during the question and answer period was what he believed to be the largest fire truck that the Town of Oxford had. Fortunately, he relied on the wrong information. I believe that calls into question the expert testimony of Mr. Hua as submitted by the applicant.

I believe that our applicant did in fact indicate that he had seen this information. He is talking about a three-axel or a two-axel fire truck with a specific wheelbase, which is reflected in that document that you passed around which is part of the record.

So that calls into question the conclusions by Mr. Hua -- I say Hua and I misspelled because I have a problem with names -- Mr. Kermit Hua. I think that calls into question some of his conclusions and some of his critique of Mr. Alder's conclusions, which I think explains the discrepancy. Mr. Adler was using the correct dimensions and Mr. Hua was not. So as it relates to that aspect, that is also a consideration that we are going to have. There is going to be density here.

As Trooper Semosky testified and as evidenced, you've got all of this volume which is going to have to exit through these two very narrowly situated entrance and exit ways. If you were to have a situation where it is rush hour, and I had asked Trooper Semosky about this and there was evidence on the record, with the implication of the larger turning radius and having to go up over where you have a lot of cars coming out. If there is every an emergency where the fire department has to get their vehicles to the back of

the development, there is going to be a problem. It is going to take away emergency response time. And I think Trooper Semosky's testimony is replete with the dangers that are presented to the community where we have those significant delays.

Rush hour we can relate as laypeople. We know that in the morning there is traffic on the streets. People have to get to work. This development is going to have working-class people, as Mr. Branse said. They are going to need to get to work. Unfortunately, most people have to get to work at the same time. I would love to see some staggered timing for employment, but that is a completely different issue and that goes nationwide. We should break up, but I digress.

What is going to happen is you're going to have a tremendous amount of volume. You are going to have people all trying to get out at the same time and children trying to get to school. If there is an emergency, as Trooper Semosky indicated, and we have to get the larger fire trucks in, that is going to present a significant risk to the health and safety.

As in respect to the adequacy of the stop bars as they're implicated in the no left turn signs, the adequacy of the entrance and exit, and the cross slope issue. So and again that explains how all of these issues are interrelated.

So again I have concerns again with Mr. Hua's conclusions that the modifications to the plan that's been done by the applicant are sufficient to address the Commissions' concerns. I don't think they are, especially considering that he relied on the incorrect; unfortunately he relied on the incorrect information. I think there is sufficient evidence in Trooper Semosky's testimony, as well as Mr. Adler's testimony, that there is a quantifiable risk to the health and safety of any of the residents, should they be faced with an emergency where people have to -- where emergency vehicles have to enter. And that -- I knew if I kept talking long enough I would remember the other point that I wanted to come up with.

MS. CARVER: You're on a role.

ATTY. KERWIN: Yes. With -- it's a lawyer's trick. With respect to Mr. Branse's concern that oh, well you know the fire department doesn't have to send its biggest truck. Well sometimes in emergency situations, and again this is something that members of the Commission as laypeople -- I know some of the people on the Commission have also served with the fire department. Sometimes the fire department doesn't have the luxury to decide what trucks get -- if there is more than one emergency and their smaller trucks have already been dispatched to another fire, the last truck that they have may be the forty or the three-wheel double axel fire truck. So that's a consideration that -- that's a legitimate consideration that we have to look into when we make this decision that the fire department is not going to have the luxury of being able to dispatch a particular vehicle to a particular emergency. So we may be in a situation where a large fire truck is going to have to navigate this narrow labyrinth of roads and its going to be a problem. I think I have spoken long enough.

MR. COSGROVE: Can I look at those pictures over there on the right?

ATTY. KERWIN: Pardon me?

MR. COSGROVE: If you want to look at those, and then I'll pass them down.

ATTY. KERWIN: Oh, yeah. This is -- I think this is the document to which Mr. Adler was referring, which is the letter April 15th, 2014, which has the two items. And it also has the wheelbases clearly indicated in the diagram of each vehicle.

MS. CARVER: I'll come back to you, Harold. Do you have any -- it's actually better to go to -- like he mentioned, that you have thoughts on. This is your opportunity.

MR. COSGROVE: I'm not nearly as eloquent as my Commission member, so I'll pass.

MS. CARVER: Okay. Glen?

MR. PERSSON: Yeah. I still have concerns about the sightline issue and the cross slopes on Emily Drive here.

MS. CARVER: Have you -- well you live around the area.

MR. PERSSON: Yeah, I live around there.

MS. CARVER: You live around the area.

MR. PERSSON: Yeah, so I know.

MS. CARVER: All right. I know it's a long night.

MR. JENSEN: There's been lots of testimony about these turning radii.

MS. CARVER: Yeah.

MR. JENSEN: And I have been studying these plans fairly closely and the latest set of plans have including turning radii. So they have included both what they call the curb-to-curb and -- I want to get the name right here. That's not the right one. Here it is.

MS. CARVER: We can help you. What are you looking for? I know there is a lot of paper.

MR. JENSEN: There it is.

MS. CARVER: What are you looking at? Oh, the --

MR. JENSEN: So we have the inside turning radius and the curb-to-curb turning radius for the different radius here.

MS. CARVER: Yes.

MR. JENSEN: So there is one particular one that concerns me and that is on the top corner where Emily Drive ends at the far side. So the inside turning radius --

MS. CARVER: This is page 4 of 18 on your file. It says page 4 of 18 on there.

MR. JENSEN: So they have the inside turning radius --

MS. CARVER: And can you for our -- what is it, 89 and 105? Units 89 and 105?

MR. JENSEN: 89 and 105, yeah.

MS. CARVER: Okay. Right there, yes.

MR. JENSEN: All right. So they have the inside turning radius as thirty, but then they have the curb-to-curb turning radius as twenty-five. And by any calculation twenty-five is way insufficient, all right. And then I see a similar situation on the opposite side of the site and this is directly across from unit 46, so it is exactly squared off but it is still the same turning radius --

MS. CARVER: Is that 46 and 40?

MR. JENSEN: Yes --

MS. CARVER: 46, 40 and 10.

MR. JENSEN: Yeah.

MS. CARVER: Okay. So that section?

MR. JENSEN: Yeah. So again, you have an inside radius of 30. Although the outside has been squared off, it is not actually a radius. The actual radius is still very similar to the opposite one which is only twenty-five.

MS. CARVER: Okay.

MR. JENSEN: Which is very insufficient for any calculation.

MS. CARVER: I know that was --

MR. JENSEN: Yeah. That is the one thing from looking at the map that really concerns me.

MS. CARVER: Pat?

MR. COCCHIARELLA: Well my majors are the one, the two entrance/exits just close together coming out on Hurley. I believe it was brought up at one of our other sessions where we pointed out that we have a couple of other high density projects in town. And the Meadowbrook currently has two exits on roads that are far apart. In fact, they are actually in separate towns.

MS. CARVER: That's correct.

MR. COCCHIARELLA: And as they are building out they are almost there now. But the third access, again some distance and I haven't measured it, but quite a distance, but --

MS. CARVER: Well actually one entrance is in one town and the other entrance is in another town.

MR. COCCHIARELLA: Yes, right. And then the third one is going to be far up the road, so it's a different scenario. Oxford Greens currently has its main entrance and two emergency entrances which are out onto the separate road. One comes out onto Autumn Ridge, I believe, and the other one I think its Lake. I'm not sure if that's the name of it.

MS. CARVER: I think there is going to be another one that goes something to Chestnut Tree Hill Road at the end of it.

MR. COCCHIARELLA: Right. The next section or something there is going to be another full entrance around Chestnut Tree Hill, so there will be at least four as the project is planned. And again, they are all well-spaced to access the farther region, if you will, of the project. And the other 830G that we did approve has two main entrances.

MS. CARVER: Glendale. Glendale has two different roads.

MR. COCCHIARELLA: And on two different roads. So again, they are some distance apart.

MS. CARVER: Yes.

MR. COCCHIARELLA: So you know that combined with our resident Troopers concerns about response times and the like I think is a safety issue. And you know tied into the Meadowbrook and Oxford Greens are senior communities and there is no children out on the street and they both all have sidewalks.

MS. CARVER: And they don't work. Most of them don't -- some of them don't work, so you don't have --

MR. COCCHIARELLA: But still you know there is the issue that there are sidewalks. The access, again, is I think really important. Because I mean especially in today's climate, I wouldn't want to be a lone police officer at that distance away from my backup. It's just you know it's not a good thing. And if the officer doesn't feel safe, how can he assure the safety of the people living there, and that's a real concern.

MS. CARVER: And you're talking when Sergeant Semosky --

MR. COCCHIARELLA: So tying it all together, you know, I think there are some serious access problems here, okay. And again, just to -- it just strikes me as being kind of -- how can I put it? I think there are other access alternatives that could have been used that would have been much better. I think this is kind of -- I am trying to think of the word I am looking for. It wasn't the most desirable solution.

ATTY. KERWIN: He was more concerned about putting in the most number of lots as opposed to a safe community I think is what you're trying to get at.

MR. COCCHIARELLA: I think that you know, and again I am not an engineer or traffic specialist or anything like that, it just doesn't -- just two exits like right next to each other it is almost like a divided boulevard. You know the distance between them at any emergency situation I have been to, they spread out the police cars, the ambulances, and the firetrucks, and they take up more than 140 feet, you know. And that to me just it's going to be blocked. You're on a narrow road and it's going to be blocked. And you know then you've got other traffic that has got to be diverted. And you know even Hurley Road itself has the one main access off of Airport Access Road and the other one is that little narrow, what do they call it, scenic road that is actually in Southbury.

MS. CARVER: You're talking about the Bristol --

MR. COCCHIARELLA: Bristol Town Road --

MS. CARVER: -- Town Road is very narrow. Are you talking about that one?

MS. COCCHIARELLA: -- or whatever it's called. You know there's got to be another way out. I don't know; the whole thing just doesn't work for me. That's all for now.

MS. CARVER: Todd?

MR. ROMAGNA: Yeah. I mean I agree with the Commission members that there are a lot of concerns here. I think that we sought answers or remedies and you know some of my questions I just wasn't satisfied. We got things that would actually fix the fire concerns and our problems. You know we're interested in trying to find some type of affordable housing that doesn't come with a cost where the people that move in are going to be at a high risk, not because of the affordable housing. This might put people at risk when you get as many people in an area as we can. I think we have to provide them a safe place to live. I think that we have shown that there are a lot of issues here. And I think we probably all realize that if you provide an opportunity for an issue to happen, it will happen.

And leaning on any side or paining on the road is an excuse as well. It shouldn't have happened because of that isn't always sufficient. We have to make sure these things don't happen. I don't think that the applicant has provided us with enough -- hasn't provided me you know assurance that these things are going to be done so that these things are avoided. They are just going to be an opportunity to still be there. And the problems that we can see you know like we said would be detrimental to the safety and people who live there. So all of the things, the left hand turn, we're posing scenarios that we see at face value that could potentially happen. I am concerned about those and the ones we haven't even figured out yet. But most certainly the ones that we have seen haven't been addressed, so.

MS. CARVER: For me in regards to the two entrances, I feel the same way. And for our -- normal, okay, let people go out -- they go out and they are able to -- you know they are going to wait. They are going to try to get out of the development at the same time, okay. The problem is when an emergency happens.

I agree with all of the Commissioners in regards to this isn't really two egress, two entrances in and two entrances out. This to me is one. You have -- it's -- you have something happen. Let's say we have a fire on Unit 11, right. You have a fire on Unit 11. And all right, let's do a scenario. It's 4:30 in the afternoon, between 4:00 and 5:00. You've got people coming in from both sides, right. You are going to have your residents coming in on Hurley Road because they are coming out of 84. They are going through Oxford Road. They are coming down on Donovan and they are coming down on Hurley. You know they're on their way to making their right -- a right turn into the development going on Emily Road. Then you have the other side that is coming in you know they are coming from the Oxford side, 67. They are not going to go through Donovan and come around there. They are going to use the quickest way; they want to get home. I see that they'll be going on Hawley. I know they are all together. Hawley to Pope and Hurley. They are going to hit some of the traffic that is going Industrial, you know fine; whatever.

Let's say everybody is coming in and you have a fire on Unit 11. At that point you have a fire on Unit 11. At the very beginning you have Unit 21 to one side and you have Unit 1 right next to it. Regardless of it, you have the Oxford Police -- the Oxford Fire and Police will come. They are not going to go Oxford Road and they're not going to go Donovan. Their quickest way from Oxford is the same way coming up Hawley to Pope and to Hurley they are coming in. They are going to block that first entrance the one I see that no one is going to be able to get out. If there is a fire on 11, no one between 1 through 11, all of the way the whole section, they're not going to be able to go down that way. They got to find a way out through Emily.

Right there once you start fire engines, right, you remember everybody comes in and everybody is going. All of the cars are going to pull right. Everybody is going to pull to the right. They are going to let the fire engines take. So right there they are going to start blocking Hurley Road coming in through Oxford Commons.

What I find -- what my fear is this no left turn, whichever way we do that, those people are going to have to go left turn. They have to make a left turn. If they are seeing all of the traffic coming at them going into Oxford Commons to help Unit 11 -- it is 11, right? I'm going to make sure. Unit 11, so right there that one entrance is going to be blocked. All of the emergencies, the fire, the police is going to go. So I am in a panic and I want to get the heck out of there. The quickest way out, wherever I'm at, if I'm at 115 or whatever, I have to take Emily as my only way out. And I can't really take a left turn because I've got all of these emergency vehicles coming my way so I am going to get out.

If for some reason there is a situation where I've got Southbury and Middlebury are actually the closest fire departments that they've got, they're going to get called. Because of the density of the situation here, they are going to be more -- they are going to on the way of getting more help then less help because they are close. In this whole strip they are really tight in together. So you have cars that are just like okay, no problem. Everybody is going to start pushing to the right, because that is what we do push to the right, and now you are going to have these fire engines screaming down. They are going to go fast. They are not going to go 25. They are coming down Hurley Road and they are going to be ready to make -- they are going to go right into Emily.

Now the people that are coming out of Emily their sight is not enough to advise them that hey, I've got a firetruck blocking my lane; they are not going to know that because I don't think there -- I have been there. There is not enough sight. Like you are standing there. You don't see the trucks coming in and they can't see you. So and if you've got cars that are trying to get into the development not knowing what is going on, right. You are driving along. You've got your radio going and they're thinking everything is fine. They hear the fire engines behind them and they pull over. I think that when the firetrucks coming in on that direction, it's not unheard of that there may be an accident. Cars are trying to get out and now you are blocking both entrances and you are trapping everybody there. There is no way for anybody besides the first two that come out -- everybody is just -- there is nowhere to go. You have wetlands on one side and you've got water on each side. They are trapped. And I think that that to me is the concern. It's like a fire trap. They are just trapped.

Like Glen, right, we've had this situation. You have pointed it out. I know I live down the street from this individual. When that went, okay, you were like oh, my God. What happened? The first thing is to get out. To me I just want to get out of there. You're stuck.

If something happens in there, there is just no way for the people to get out safely. And hey, you know what; they all have a right to have a home and they all have a right to be safe in their own home. I just don't see that the safety issue -- for me here the safety issue does outweigh the need for affordable housing. And here in Oxford we actually -- like I said, we did just approve an affordable housing application. So in that situation that we're not open to it, but this is just not the right application.

MR. COSGROVE: Madam Chair, since everybody is mentioning fires, we need to make a separation from the difference between a fire at my house or Pat's house or your house versus a fire in this location. And the difference is that they have a 20 pound propane tank that if there's a fire there, we are injuring or potentially injuring an awful lot of people.

A friend of mine years ago told me the little container that I cook with in the back yard that that is equivalent to X number of sticks of dynamite. So you could imagine the disaster that a 20 pound, or whatever the size is, propane tank that is on the trailers, which I used to own one, what that could do to somebody responding to a fire and the people in the immediate area what is going to happen to them. So it is a very serious situation fire hazard wise because of the propane tank.

MR. JENSEN: So can I just add a little bit to your statement?

MS. CARVER: Yeah. Yeah.

MR. JENSEN: So you talk about an emergency down here around Unit 1 or Unit 11. And Sergeant Semosky talked about something very similar.

MS. CARVER: Yes.

MR. JENSEN: When I look at this plan, what I see is it's not just Unit 1 and 11 and 21. It is actually units 1 all of the way up to about 27. If any of the units on these main entrances here would have a serious fire, safety equipment would block both of these roads.

MS. CARVER: They will.

MR. JENSEN: So that would stop two things. It would stop further access to the site. So if there were another emergency further back in the site, health emergency or another fire emergency, no equipment could get through, all right. Now you say the probability of that is low, but that is not necessarily true because often one emergency will induce another one, right. People smoke inhalation, asthma --

MS. CARVER: They get confused. They get confused.

MR. JENSEN: Yes. Then the second issue related to the same thing is that this area is blocked and I think this is the one that you were referring to is egress from the site. And that is if the fire would start to spread, the entire site would be trapped up in there and that could potentially be a disaster because emergency equipment couldn't get in there.

MR. PERSSON: Once a couple of firetrucks are there it's blocked and sealed off. Nothing else could get in.

MR. JENSEN: But even if a truck would get in, the people are trapped up in there. There I no way out.

MS. CARVER: There's no way out. The first section there is no way out.

ATTY. KERWIN: I think just generally in amplifying on what those Commissioners have just said, I think a lot of the problem comes from, and as the Court relied or noted in page 33 of its decision, the no loss of lots condition. The way that they have laid out this particular site plan it just raises a lot of concerns for the health and safety of the residents there and the residents of the Town of Oxford.

In order to have the two entrances they are still forcing in one, two, three layers of lots, rather than opening up the roadway and maybe doing away with one of the layers of lots of a couple of numbers of lots. The developer is sticking to his guns in his opening comments on the application that he is going to give us the most number of lots that he can. As Madam Chair had said, it is not an issue anymore in Oxford or it is not an issue that we have approved an affordable housing 830G application.

I can read between the lines. I know what the Judge is telling us and I think all of the Commission can and we have had this discussion. The Judge has shown us what the law is and I think everyone knows that eventually there is going to be a development there. That might not be a popular statement, but it is kind of a statement of fact. The Court could have very well have granted this

application and sent it back to us to grant it. But it reiterated the safety concerns that it had in the original application and sent it back on the remand.

So I think that Garden Homes intransigent on the no loss of lot that they are kind of stubbing us with maintaining after the Court had indicated there were concerns with the layout. Looking at this it looks more like I am reminded of one of those Japanese internment camps, the maps from World War - it just does not look like the type of development that considers the health and safety of its renters or the people that reside there.

And as the Commission I think we are all voicing those concerns for the layout now that overweigh the need for affordable housing that the Court has told us we have to consider. But the Court also did voice the concerns that the Commission is voicing right now that the layout that is there, there are some serious concerns that we have heard evidence from from our Troopers, from our traffic safety officers, and also from Counsel's experts. So think there are some serious concerns that we're going to have to kick around when we make our - -

MR. COSGROVE: The fire department.

ATTY. KERWIN: And the fire department - - in our final decision.

MS. CARVER: Okay. So at this time what we need to do as a Commission is we need to decide on each - - the motion out there to give to the staff, that is Attorney Olson and Attorney Micci and Brian Miller prepare a document for us, prepare a resolution for us.

MR. COSGROVE: I didn't want to - - I wanted you to finish. I'm sorry.

MS. CARVER: Oh. To prepare a resolution. And at this point our concern is - - I'm going to read between the lines. The concern is to prepare a resolution for a denial of the application, from what I am hearing from everyone, traffic safety and the expert.

And I will say in regards to - - I would agree with John Kerwin that the traffic report from the applicant we can't use at this point because they have their own information. Clearly, we have a record that our fire marshal did provide with the right drawings and our traffic expert did provide that, the expert report, and that is the report that this Commission has to rely on because the other information is not correct.

MR. COSGROVE: A point of interest that John just brought out is that they don't want any loss of lots and they are putting a burden on the Commission to find another play area and then they have used up all of the useable land. I don't know - - I mean do we find a couple of - - it should be on them. It should not be on us.

MS. CARVER: The purview is the applicant said it would be up to us to put it wherever we tell them to put it. But they want no loss of lots, so I don't see where you can put it.

MR. COSGROVE: So it's an impossible dream.

MS. CARVER: I'm sorry?

MR. COSGROVE: It's an impossible dream. You can't do both.

MS. CARVER: They want no loss of lots where you are going to put it.

MR. COSGROVE: Right. So my attitude would be that they should - - or they should have decided where the balance is. And not having any dimensions on the play area for play area one, how do we know what we have left for the 7,000 square feet? I'm sorry, no dimensions? My hands are tied. I can't decide.

MS. CARVER: And it's correct. So I just want to make sure the motion on the floor needs to - - the motion is to allow the staff and Attorney Olson and Attorney Micci and Brian Miller to do a resolution for the remand to the Judge in regards to the four items. I believe that one item, just to make sure, the one item the cross slopes from Jim Galligan that was a nonissue. That was corrected. Out of the four items that issue was corrected for Jim Galligan. I just want to make sure -

MR. JENSEN: I don't think so.

MS. CARVER: I thought so.

MR. JENSEN: No. If you look at - -

ATTY. MICCI: He said it was correct.

MS. CARVER: He said it was corrected?

ATTY. MICCI: Yeah, he said it was corrected.

MS. CARVER: The September 14th, 2015. That portion he said was correct.

MR. JENSEN: Yeah. But CWH Enterprises has said that current design includes only one intersection with a grade of between 5 percent and 50 percent cross slope - - it still - -

MS. CARVER: I think there may have been - - yeah. This was on August 25th.

MR. JENSEN: Okay.

MS. CARVER: Jim Galligan September 14th - -

MR. JENSEN: September 14th, okay.

MS. CARVER: - - he's saying we have no further comment. He says that the roadway radii the plans have been revised to provide the minimum centerline rate of 42 feet required by the version. And the roadway grade at the intersection at - - have been revised to include a 50 intersections. So Jim Galligan's issues have been addressed. So that is not - - so I just want to make sure that the staff understands that is not an issue for the - - the resolution has been - - so that is the motion on the floor. Hopefully - -

ATTY. KERWIN: Our expert did discuss the sightline issues as it applies to Emily Drive, though.

MS. CARVER: The sightline?

ATTY. KERWIN: So I think when they do the resolution, they might look at that decision. There was some evidence in there about the sightline issue that I think was already brought up with the Emily Drive intersection.

MS. CARVER: All right. So the motion is to the staff to have a resolution for the - - a resolution for denial for the Commission for the next meeting, which is going to be on Tuesday, October 6th. To please have that so that we could make a decision because we will be running out of time there and to make sure that the sightline has been addressed and it has been listed on that resolution,

MR. COSGROVE: Will you accept that as a motion?

MS. CARVER: I accept it. I accept that motion from Harold. Do I have a second?

MR. PERSSON: Second.

MS. CARVER: Second by Glen. All in favor signify by saying I.

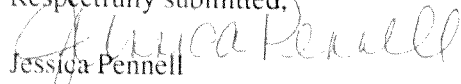
THE COMMISSION: I.


MS. CARVER: Opposed. Sustained. Motion carried. Okay. At this point I would like to entertain a motion to adjourn - -

ADJOURNMENT

**MOTION BY Commissioner Cosgrove to *ADJOURN* the meeting at 9:45 PM.
Second by Commissioner Jensen.
VOTE: All Ayes.**

Respectfully submitted,


Jessica Pennell
Administrative Secretary
Planning & Zoning Commission

15 OCT -6 AM 4:26
TOWN CLERK

TOWN CLERK