

**The Second Taxing District
Appeals Committee
Meeting Notes-October 11, 2011**

Present:	Mary E. Burgess Maria A. Borges-Lopez Al Ayme	Chairperson
Also Present:	John M. Hiscock Gwendolyn Gonzalez Scott Whittier Peter DeLeo	General Manager Assistant Clerk Director of Technical Services Appellant

Call to Order

Commissioner Mary E. Burgess called the meeting to order at 5:15 p.m. on Tuesday October 11, 2011. The hearing took place at South Norwalk Electric and Water, One State Street, Norwalk, Connecticut.

Commissioner Burgess: "I will call the meeting of the Second Taxing District Appeals Committee to order, October 11, 2011 at 5:15 p.m."

Commissioner Burgess: I assume someone is going to present the appeal.

Mr. Hiscock: Yes, (to appellant you might as well come up to the table instead of seating all the way back there just bring your chair up)

Mr. Deleo: Bring the chair up?

Mr. Hiscock: Yes, please.

Inaudible

Mr. Hiscock: Okay, this is Peter DeLeo he the owner of the property at 4 and 6 Arbor Drive, through a KRPX Holding, LLC. District Clerk is Gwendolyn Gonzalez; she's here for the record. Commissioner Al Ayme, Commissioner Maria Borges-Lopez, and Chairman of the Commission Mimi Burgess.

Mr. Hiscock: Procedurally what happens after you make your presentation and the Commission has had opportunities y to make inquiries and discuss with Staff and yourself, a decision will be rendered by this group and it will be a draft decision. The draft decision is then put into a document, a written document, and it goes to full Commission at their next regular meeting, which is next Tuesday evening at 7:00 p.m. It goes on the Consent Agenda, any Commissioner out of the seven member board may request that an item be pulled from the consent agenda and discussed in detail, that's a possibility, usually the Commission full Commission relies on the record of this meeting and the decision of the

appeals committee and generally whatever draft decision is created as a result of this meeting is generally upheld, generally upheld by the seven member body.

Mr. Hiscock: I'm going to, Scott you want to bring over the big map, it's just a bigger version of what you have in front of you and I'm going to give you a quick overview of the property. This is Arbor Drive. There are two lots in question. Property line is here, and here on it Mr. DeLeo is building two, are they duplexes (to Mr. DeLeo)

Mr. DeLeo: One Duplex here and one duplex here, a duplex on each lot.

Mr. Hiscock : You can see on your smaller map but there is a drainage ditch rock line that goes along the edge of Arbor Drive its very deep, its I don't know obviously when it was first install, but it's very old and there is storm drainage that was placed on the street I believe in the 80's .

Mr. Deleo: Late 80's or 89.

Mr. Hiscock: Which is capable of handling the flow from the drainage ditch, and the majority of the storm water now run through the storm water system out in Arbor Drive, but due to wetland regulations they were not permitted to abandon the drainage ditch and place it in the storm drain culvert. When we first looked at the property we indicated to the City that we would be capable of supplying the property with water and there was an initial letter a significant time period ago and as we started to look at the map we ran into an issue with respect to serving the parcel because of the configuration of the parcel with a central culvert here and two driveways coming in there's not enough clearance over top the culvert to get a water service in without it freezing during period of low flow, which is the winter time late at night and it started to become a construction nightmare so alternatives went back and forth and as a result of attempting to come to a resolution as indicated in my memorandum we met with DPW and representatives from wetlands and ourselves and tried to figure the best way to serve this parcel to suit everybody's needs, purposes. So what came out of it was an agreement to serve the parcel this way where both would be tapped in front of number 6. Two services would run in there would be meter pits placed just off the edge of the roadway. Our responsibility ends at the meter pit. From there one service would run through the culvert area on the property of number 6 and the second service would be tapped in front of number 6 would run off of the roadway through a meter pit and then to a service that runs over to the number 4 property and serves number 4 with neither service being on the other parcel of property so that met out regulations. The only problem is we have a practice and policy that basically says the service must be tapped along the frontage of the lot. Which would be here to here for this particular lot. Which means it would had to come straight out here and tie in. That was impractical based on all of the sight conditions. So Mr. DeLeo is here to make an appeal and I've probably laid all the ground work to explain the situation to you but we do need to hear from the applicant to make the formal appeal. So you can explain you've heard what I have said (directed to Mr. DeLeo).

Mr. DeLeo: Yeah let me jump in and wrap it all up, the reason we couldn't put in front this is number 4 as you are look at it, this is number 4 and this is number 6 so we would be putting the see right here the two meter pits right in front of this one, I couldn't put them here because there is no land there it just the road goes like this it straight down in the ditch so it's all rift raft big rocks, holding the side of the road up. So I could not put it there. So that's when we met with the DPW and they said ok they would let me use their land over here which they do and you could put both of them here and we run the lines.

Commissioner Ayme: What is holding the rock? Through the chair.

Mr. DeLeo: What's holding rock? The roads right here and the rift raft goes straight down into the drainage ditch, so that the rocks are almost like a retaining wall holding the street up.

Commissioner Ayme: That's what I was wondering. So you do have a retaining wall?

Mr. DeLeo: Then it acts like a funnel cause it comes down and it comes then it comes the side that goes into my property comes down the rocks and that what the water that acts like a channel like a V that's what the water flows through, for multiple reasons if I tried put a pipe stalk a pipe out there it would be inside rocks, and we know that rocks don't give me the 42 inches of cover because I ever get a wash out any type of wash out the pipe would be sticking out like a skeleton and it would just freeze right, there's that there is also a guardrail that goes across there and you know a lot of times when it in the winter time the plows trucks are out and the guys hit curbing the first thing they are going to do is rip that thing right out of there, cause that is curbing right there so everything is so tight there, there is no place to put it to make sense it's a disaster. So that's the only thing that makes sense. You get like 8-10 feet of nice flat land to put it right there and then the pipe is safe. You know we don't have the trucks and if they have to do any road maintenance against the curbs they can do it DPW can handle it so we are not jamming them if someone has to work in the culvert they can work in the culvert, cause its very steep you can't walk on it.

Commissioner Ayme: How deep can you go on that strip of land you are talking about how deep can you go?

Mr. DeLeo: The nice piece of land?

Commissioner Ayme: Yes

Mr. DeLeo: I can give you around ten feet, if you want to, I can give you the 42 inches there no problem.

Commissioner Ayme: Really? No problem.

Mr. DeLeo: In fact you can go out ten feet if you want to. I can give you the 42 inches go inside the culvert and go three feet down underneath the culvert hand dug and then maintain the 42 inches that you want all the way out to the properties no problem, the way we are doing it now.

Mr. Hiscock: The only correction is that it's actually 48 inches.

Mr. DeLeo: Okay 48 inches.

Commissioner Ayme: 48 inches, so from the main it will come down 48 inches?

Mr. Hiscock: And the main is buried about that deep.

Commissioner Ayme: Ok, that's all I wanted to know. Thank you.

Commissioner Borges-Lopez: No questions.

Commissioner Burgess: I don't have any questions either.

Mr. Hiscock: As I indicated in the last paragraph the last sentence in the memorandum staff has no objection to granting the appeal and staff will put DPW and wetlands and Mr. DeLeo to come to this solution and we believe it to be the only acceptable way to serve the parcel, and if it were not for the practice and policy of tapping all services across the frontage we wouldn't be here this evening.

Commissioner Ayme: And the owner is paying all of the....

Mr. Hiscock: Yes, it's all be paid for by the owner in accordance with our standard service policy.

Commissioner Ayme: Ok, thank you.

Commissioner Burgess: No other questions?

Commissioner Borges-Lopez: No.

Commissioner Ayme: No.

Commissioner Burgess: Well, thank you very much.

Mr. DeLeo: Thanks a lot for your time.

Commissioner Borges-Lopez: Thank you, it was nice meeting you.

Mr. Hiscock: To Mr. DeLeo Scott will let you know in the morning.

Mr. DeLeo: Ok, thanks a lot John.

Mr. Hiscock: The hearing portion is closed.

Commissioner Ayme: I don't have a problem.

Commissioner Burgess: I don't either.

Commissioner Borges-Lopez: You need to have a recorded vote here? Ok, so I make a motion that we approve the project.

Commissioner Ayme: So moved, second.

Commissioner Burgess: All in favor Aye.

Mr. Hiscock: Tomorrow we introduce it as a decision and it will be in your board package. Thank you for coming and wasting part of your day here.

Commissioner Borges-Lopez: Should we adjourn first?

Mr. Hiscock: Yes, some one has....

Commissioner Borges-Lopez: Motion to adjourn.

Commission Burgess: Second.

Adjournment

The meeting was adjourned at 5:25 p.m.

Attest:

Gwendolyn Gonzalez
Assistant District Clerk