

Anthony Filiato, Chair  
Eva Bermudez, Secretary  
Mary Ann Jacobs



3 Primrose Lane  
Newtown, CT. 06470  
Tel. (203) 270-4210  
www.newtown-ct.gov

## TOWN OF NEWTOWN

Draft Minutes of the Legislative Council Ad Hoc Committee for Policy and Planning of Roads Meeting

The Roads Committee met on Wednesday, October 7, 2015 in the Municipal Center, 3 Primrose Lane, Newtown Room 1. Committee Chairman Anthony Filiato called the meeting to order at 6:05pm.

Present: Anthony Filiato, Eva Bermudez, Mary Ann Jacobs

Also in attendance: Anthony Klabonski & Director of Public Works Fred Hurley

Absent: Deputy Director of Planning Rob Sibley.

**PUBLIC COMMENT:** The attached list of questions was presented by John Hensel of Shady Rest. Other Shady Rest residents: Gary Gilmore, Adam Zuckerman, Carey Schierloh, and Peter Cloudas participated in a general discussion involving the Town's plans for private roads. The Committee is only to make recommendations, but did not foresee any circumstances that would adversely impact homeowners in any serious manner. Mr. Cloudas is the President of the Shady Rest Association, which has a newly constituted Board, which is considering the question of whether to turn the Association's roads over to the Town. Ms. Jacob commented that the process of the Town acting on any recommendations coming out of the Committee would take at least a year so there would be plenty of time for homeowners to assess their status and comment.

**APPROVAL OF MINUTES:** Motioned made by Mr. Filiato Seconded by Ms. Jacobs, unanimous approval.

**NEW BUSINESS:** Discussion on site visits done by group. Gave examples of roads that are currently extremely narrow, Mr. Hurley reviewed width requirements again and gave examples of different scenarios. Mr. Filiato reviewed proposed legal language; the rest of the group did not have any additional examples.

Discussion on policy statement and guidelines, still a work in progress.

**OLD BUSINESS:**

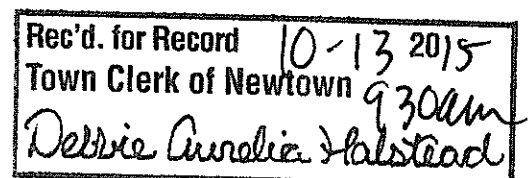
Discussion of flow charts of road development process, waiting on new templates to be distributed to group.

Mary Ann reviews the charge of the group and what we can and can't do; again the goal of the group is to present a recommendation in regards to private and unpaved roads.

Discussion on next steps: prepare a new revamped draft of flow charts and possible language.

**PUBLIC COMMENT:** Question by Mr. Hansel in regards to next steps for the Shady Rest area, also present the Gallagher's from 58 Hilldale.

Mr. Filiato motioned to adjourn at 7:12pm Ms. Bermudez seconded, unanimously passed.



Action items:

All: Revision of ordinances that might conflict, revision of draft formats sent by Fred and Rob.

Respectfully Submitted,

Eva Bermudez

Ad Hoc Committee on Roads Secretary

Attachments: Supporting documents on roads passed out during meeting.

*These minutes are subject to approval by the Legislative Council at the next regular ad hoc Roads Committee meeting. All corrections will be determined in minutes of the meeting at which they were corrected.*

## Roads meeting questions

- What are the legal requirements for selling the roads to the town? Do we need to have every owner agree to turn over the roads?
  - We do not know but are being told that the deeds for some of the properties in Shady Rest state that the properties extend to the center of the road and that there is a deeded right of way that allows others to use the roads.
    - How do we determine if this is the case? Has the town already look into this?
    - Does the town need to take ownership of the land under the roads or can the town own and maintain a road without owning the land the road is on?
    - If the town needs to take ownership of the land, can the town do so if the particular owner does not agree to relinquish ownership? Will the town use a doctrine of eminent domain?
- Can the Shady Rest Association have the roads go public and keep the beach, boat ramp, public access areas to water, etc. private?
  - Would the right of the neighborhood association to set rules for the neighborhood be affected by the town ownership of the roads?
  - Will the fact that the town owns the roads mean that the Association has no right to restrict citizens not living in the neighborhood from entering the neighborhood?
- If the town takes ownership of the roads,
  - What will be the roadway design standards that will be used for repair and maintenance of the roads? Specifically, how wide will the travel-way of the roads be required to be? Will there be a shoulder or adjacent land to either side of the travel way that would be subject to the Municipalities authority regarding "Clearing the Right of Way." Will fences, mailboxes, detached structures, etc. need to be relocated if such are encroaching on the "right of way".
  - How would the establishment of municipal right of way effect current and future setback requirements for private owners developing, expanding, or modifying their private dwelling and detached structures on their private property?
  - Can current property setbacks and rights be grandfathered?
  - Has the town reviewed the specific impact these changes would have on the properties?
  - What would the designation of a road as a carriage road do? What are the requirements? What are the benefits and draw backs?
- Will the town ownership of the road improve the police coverage of the neighborhood? Currently some residents have indicated that police officers are reluctant to come into the neighborhood to enforce laws because it is private property. Are these police officers incorrectly interpreting their current duty?
- Are there any tax ramifications for the residents if the town takes ownership of the roads (plus or minus)? Currently are residents of Shady Rest effectively paying twice (once via taxes, and second via association dues) for road maintenance?
- How would the proceeds from a sale of the roads be distributed?
- What would happen to the Shady Rest Association funds currently held by the town for road repair in Shady Rest?
- Should the Shady Rest Association elect to keep the roads private are there any changes being contemplated by the town that would impact the resident of Shady Rest or the agreements they have with the town?
- What is the timing on this? When would decisions Need to be made by?