

MINUTES OF THE REGULAR MEETING OF THE CITY PLAN AND ZONING
COMMISSION HELD ON THURSDAY, DECEMBER 7, 1961

PRESENT: I. Robert Traverse, Chairman
Arthur Dillon
John Higgins
William Warshauer

ABSENT : Seb J. Passanesi
Paul Hoover

ALSO

PRESENT: Mayor John S. Roth, B. Ralph Gustafsson, and approximately
30 members of the public.

The meeting was called to order at 7:30 p.m. by Chairman Traverse.

MR. HIGGINS: This Commission is sitting as the Planning Commission
tonight and I'll read the notice of the Public Hearing:

"Notice is hereby given that the Commission on the City
Plan acting as the Planning Commission will hold a Public
Hearing in Conference Room 205-206, City Hall, Middletown,
Conn. on Thursday, December 7, 1961 at 7:30 P.M. to consider
the proposed subdivision of William Lardi. Said 3-lot sub-
division is to be known as "Win-Mar Heights" and is to be
developed on land owned by said petitioner of Middletown,
Conn. The land area in question is situated on the west
side of Margarite Road between Livingston Rd. and the
Middletown-Durham Town line in Middletown, Conn."

This is the first portion of the hearing.

MR. TRAVERSE: We will now hear from the proponents of the petition.

ATTNY MITTELMAN: Mr. Chairman and members of the Commission. I repre-
sent Mr. William Lardi -

MR. WARSHAUER: Excuse me. Anyone who wishes to speak, please mention
your name and address for the record.

ATTNY MITTELMAN: Irwin Mittelman. I'm an attorney at 164 Court St.,
Middletown, Connecticut. I represent the petitioner William H. Lardi
who has an area of land approximately 7 acres in toto, known as "Win-
Mar Heights". This portion of land is on the west side of Margarite
Road between Livingston Rd. on the Middletown-Durham line. I believe
the Commission has had an opportunity to examine the map. We've gone
over this with our surveyors and a representative from the City Plan
Commission, Mr. Gustafsson, has reviewed this with us. We've broken
up the proposed area into the most adaptable way we can to provide
for a proposed subdivision of 3 lots, designated on the survey as B
and C. There has already, prior to this hearing, been a sale of one
portion. That's the portion designated as land owned by Clifford and
Mary L. Curkin. There appears to be no problems as far as acreage is
concerned. I believe the Commission has a report from Dr. Palmieri's

office indicating that the area is certainly large enough and that sewage disposal system is adequate. There is one requirement insofar as lot C before any building can be constructed on it, which must meet with the requirement of the Health Department.

MR. TRAVERSE: Are you going to build houses, or just sell the lots?

ATTNY MITTELMAN: This was necessitated because there is an anticipated sale of what is known as lot B. This is an area containing approximately 4.5 acres and that is going to be one building lot.

MR. TRAVERSE: And what do you have in mind for Lot B.

ATTNY MITTELMAN: Mr. Lardi, do you have anything in mind now?

MR. LARDI: Not right now. No. This is just what was left over. It's a piece of land left over for the time being.

ATTNY MITTELMAN: There's nothing diversionary here, I may add. This is not an attempt to go ahead and get around the regulations so that at a future date we can subdivide something which you're giving us permission to divide. We hope!

MR. BALDWIN: May I say something? I'M Edward Baldwin, Arbutus Street. I don't know what the required frontage is up there, but this is a private road. Margarite Road stops here. This lot here, there's no question about, all this area has the square footage, but I don't know just exactly what the frontage is here, but there isn't much frontage on the town road. This lot here - the third lot has no frontage, because the road stops right at this point right here. Now, I mean, you can sell lots of any size, if they have to have a 10 ft. frontage on the street, or 100 ft. frontage. I mean that's what we're here to find out, because we're property owners on two sides of it. This lot here is facing the road down here. They are all building lots here. This lot faces the road, but the road stops right here. From here on up there's a private road. Now it goes up around here to this house up here, now they're going to put a right of way in here, but this is all right of way. Now, can you come to a little corner like that on a town road and sell this area of land? If you can, that's what we're here tonight to find out. This lot here has 100 ft. frontage on a town road, this one only a little frontage, and this one has no frontage.

ATTNY MITTELMAN: The proposed subdivision - you're referring to the lower part of B - right? This has been set up so that it has a proposed frontage of 100 ft. on that road. See, this has been moved 200 ft.

MR. BALDWIN: Including the 100 ft. from this point to that point?

ATTNY MITTELMAN: No. 100 ft. to the edge of Lot C.

MR. BALDWIN: Margarite stops right at this point where it meets the bend. Old Margarite Road goes right to the woods here, but it stops right here and this is the private road that goes to the Shrine Club. Now I have a lot of land in Middletown that I can sell with a 10 ft. frontage and give them all the square footage they want.

MR. GUSTAFSSON: Please speak one at a time and announce your name each time so we'll know who is speaking. This is being recorded.

ATTNY MITTELMAN: Mr. Gustafsson, the question has come up by Mr. Baldwin - -

MR. GUSTAFSSON: Well there was a slight change on the drawing - there was something like 90 ft. before and they added whatever footage it would be to be 100 ft. front on Margarite Road. Now, Livingston Road actually is an accepted city street that extends all the way to Livingston road even though the road isn't there and that's why the proposed frontage is 400 ft. more or less on Margarite Road, but it is still an accepted city street, whether its constructed or not. Does that answer your question?

ATTNY MITTELMAN: It answers mine, yes, but I wonder if it answers Mr. Baldwins' -

MR. BALDWIN: No, it doesn't answer mine, because according to this map there's a 100 ft. building lot on Margarite Road. Now, this is a building lot that has the square footage that is required, but it hasn't got anywhere near 100 ft., and this has got the square footage for a building lot but here's your frontage right here - this little point right here, and I don't think that's the way you should break up building lots.

(Discussion - 3 or four people talking at one time.)

ATTNY MITTELMAN: Well may I ask one question to clarify this? Is this or is it not a city road, Mr. Gustafsson?

MR. GUSTAFSSON: It is a city road.

MR. BALDWIN: There's trees in there 18 inches thick in the middle of the road, and there's no circle to turn around. My grandfather owned this property. The way it looks on here, you've got about 18 ft. frontage for a lot with that square footage, and I don't think that's the way to subdivide myself.

MR. GUSTAFSSON: No - not 18 ft.

ATTNY MITTELMAN: It's 100 feet is it not?

MR. BALDWIN: It's no 100 ft. because the road stops right here.

MR. GUSTAFSSON: I would like to add that the drawing has been presented to the Corporation Counsel of the City of Middletown and it has his approval.

MR. BALDWIN: In my estimation, that isn't the way to subdivide. I'll go for this lot here, 100 ft. on the road -

(More discussion with 3 or 4 people speaking at one time)

MR. BALDWIN: If you have the square footage, you want more than 12 or 15 feet on a town road.

MR. HIGGINS: It's an accepted road by the City of Middletown, it's an abundant road, and still accepted by the City of Middletown unfortunately. That's the condition that makes this a legal lot.

MR. BALDWIN: A legal lot! Alright, we've got $\frac{1}{2}$ mile beyond that, so we'll make the city open that road, from this point down.

MR. HIGGINS: Well, that's a problem - -

MR. BALDWIN: It's a problem, but this isn't right in my estimation. You take a triangle piece of land and put it right down to a little point like that, that's the only frontage you're going to have on the street - is that the way we're going to subdivide this south end of Middletown?

MR. HIGGINS: This is from the Dept. of Works, City of Middletown, Engineering Division:

Commission on City Plan
Municipal Building
Middletown, Conn.

Re: Winmar Heights

Dear Sirs:

Approval is herewith granted for development of Win-Mar Heights for all utilities, installations as per plans.

Very truly yours,

Samuel C. Cannon
Supt., Public Works

Evidently Mr. Cannon has examined the area and he believes that legally that is a city road, and that there is 100 ft. frontage on an accepted city street.

MR. BALDWIN: There is no 100 ft. frontage.

MR. TRAVERSE: O.K. Do you want to argue any further on that?

ATTNY MITTELMAN: No, we have nothing further to comment on it.

MR. TRAVERSE: Does anyone else wish to be heard on this petition?

MRS. BODEN: I'd like to say something. I'm Mrs. John Boden, and I also have land - -

MR. TRAVERSE: Please give us your address.

MRS. BODEN: Foot Hills Road, Durham. What I want to do is clarify a little bit - now, this accepted 100 ft. frontage is on Margarite Road - the abandoned part of Margarite Road - is this correct? Therefore, any lot, anywhere on the abandoned section would be acceptable, as long as it met the 100 ft. frontage.

MR. TRAVERSE: The policy is that if it's an accepted street, you can build there.

MRS. BODEN: In other words, no matter how far it is down the abandoned road.

MR. TRAVERSE: As long as the city has accepted the street.

MRS. BODEN: My property runs quite a long way on that abandoned road. Does this mean that the city is going to make that part in front of the 100 ft. frontage passable?

MR. TRAVERSE: That is up to Mr. Cannon I believe. You see, these plans are submitted to Public Works, and we wait for his O.K.

MRS. BODEN: Yes, I see that, but it seems to me that there is a question still left. Now if I were subdividing land, before it could be accepted, I would have to meet standards set up by the City. Is that correct? And yet, the City has a road which you can't even drive into.

MR. GUSTAFSSON: I think what you are trying to get at is that this - - there is one lot that is facing Margarite Road that - - where the road isn't constructed - - does the subdivider have to pay for the construction of the road or does the city have to pay for it.

MRS. BODEN: No - No, I'm not.

MR. GUSTAFSSON: If the City has to pay for the road, does it have to pay for the construction of the road to such a point where it reaches your property too so that you can subdivide your land to that street.

MRS. BODEN: Well, it seems to me that there is a question hanging in the air. If an individual makes a new road that he's going to sell lots on, he has to meet certain standards before the city will let him sell

any lots. But if the city has a road, whether you can drive on it or not, that's all right?

MR. GUSTAFSSON: Well there's a question whether the city has to construct the road to the end of that lot, or whether the subdivider has to, but it's still an accepted street, and it will have to be constructed one way or the other.

MRS. BODEN: In other words, this street is going to be open along that 100 ft.

MR. GUSTAFSSON: It's just a matter of payment as to who will provide the financing to construct that part of the road.

MR. BALDWIN: Mr. Chairman, this is Mr. Baldwin again. That's my sister and there is another one of my sisters here. We have practically $\frac{1}{2}$ a mile on this road. This gentleman here, Mr. Lardi has approximately a 100 ft. lot and a 20 ft. strip coming to a point, now if he's going to face a road, cut trees, and open a road, we'd like it to go $\frac{1}{2}$ a mile in front of our land. That's what we're trying to get across to your Board here. If we can take triangular pieces of property and just make them come to a point on an old road, and give you square footage, I don't think that's the way the Planning Commission works. I think you's better think it over.

ATTNY MITTELMAN: Mr. Chairman, for the record I want it to be shown that this plan provides for 100 feet on Margarite Road. This is not a point.

MR. LARDI: May I say something please. I'm Bill Lardi, the one who is involved in this. On Lot A here, the gentleman who is buying this lot here has no intention of using Margarite Road to drive down at all. I made that clear to him because I don't want to become involved in either I building it or the city building it. He's coming in on this corner here which I have allotted 100 ft. frontage which is still on - that's the end of Margarite Road which is being taken care of by the City now. He has plenty of room to get up here - so that no part of Margarite Road has to be open for Lot A.

MR. DILLON: What sort of an agreement is this? Verbal?

MR. LARDI: It will be written in the deed.

MR. TRAVERSE: Can we have a copy of that?

MR. LARDI: The deed?

MR. TRAVERSE: No, the written agreement.

MR. LARDI: Yes, certainly.

MR. TRAVERSE: Who owns the right of way now.

MR. LARDI: I do. It's mine. That right of way is being used by others, and that may be the bone of contention too, because the buyer might cut that off.

MR. TRAVERSE: What will happen to the right of way for Curkin if the buyer tries to stop it?

ATTNY MITTELMEN: His deed gives him protection Mr. Chairman. There is provision for relocation of that right of way in case of any other use of this land. It's in the deed on record.

MR. TRAVERSE: Is there anyone else who wishes to talk on this petition?

MRS. HART: I'm Helen Hart, Randolph Rd., Middletown. I understand that this discussion is concerning Lot A.

MR. TRAVERSE: Including Lot B. Is that right?

MRS. HELEN HART: Well, what happens to Lot B?

Attny MITTELMAN: Well, Lot B is already fronting on what we are informed is a cleared portion of Margarite Road.

MR. TRAVERSE: Does anyone else wish to talk on the petition? If not the portion of the hearing on "Win-Mar Heights" is closed.

MR. TRAVERSE: We will now have the hearing on the "McDowell Road" petition. We are again sitting as the City Planning Commission. Will you read the call?

MR. HIGGINS: M & N Building Corporation - to be known as McDowell Road, on land owned by said petitioners of Middletown, Connecticut. The land in question is situated south of Randolph Road between Margarite Road and Murray St. in the City of Middletown. Please, for the record, whoever speaks as an opponent or proponent will state their name and address so that it will be recorded here.

ATTNY PICKETT: Mr. Chairman, members of the Commission. My name is Attorney Pickett - John Pickett of Middletown and I represent the petitioners M & N Building Corporation, tonight represented also by the President of the Corporation, Mr. Benjamin Nester. Our proposal is to build 11 homes on the south side of Murray Street between Murray Street and Prout Hill in Middletown. I see a good number of the neighbors here this evening and for their benefit let me point out that this proposed development would run from the somewhat unimproved Murray Street the south side of it - to Prout Hill Road. The proposal is to cut open McDowell Road which, incidentally, is an accepted city street running northerly from Prout Hill Road to Murray Street, and as a matter of fact beyond Murray Street, but the immediate proposal is to cut open McDowell Road, which was accepted as a city street some years ago during the time that Mayor Daddario was Mayor of Middletown. These homes which

roughly will be comparable to the homes erected by the Corporation along its present area of Milardo Lane and Bielefield St. off Newtown Street in Middletown, these homes will be serviced by city water and City sewer. Inspection of the area will show that this is quite a nice neighborhood, that it is a neighborhood that certainly demands, if I may use the term, a higher type of residence to be in keeping with the general area. I think it is important for your consideration as well as the consideration of the Public Works Dept. that there is available for these homes, city water as well as city sewers. I might add at this point that in order to feed the sewage from these homes, into the existing mains north of this property, it will be necessary for the developer to invest in and build a pumping station to pump this sewage into the existing city main -

As to the architecture of the homes, while I realize it is irrelevant I think possibly you might be interested that the general type of home, again I say, will be comparable to the homes along Milardo Lane, a higher type - a higher priced type of home. Without going into a detailed history of the property, I very briefly would point out that this has been - there have been attempts - or there have been predecessors of title who have intended to build in there and this is something not new, that is the existence of a subdivision would some day go in there, in that area. I think probably that this subdivision is a very simple one, there doesn't seem to be too many problems connected with it, except for the possible problem of pumping sewage into the city mains and this has been overcome already, and still with that may I conclude my remarks and ask if there are any questions.

MR. MOLANDER: My name is Molander of Margarite Road. The way I have understood it, all I know is what I hear - that the bank on the east side is to be cut down, and dirt transferred from the east side to the west side of the proposed McDowell Road. Is that right?

MR. NESTER: Not necessarily. I haven't decided yet what we are going to do. We intend to build up the lower side of the street, but whether we'll move the dirt from one side of the street to the other, we haven't decided yet.

MR. MOLANDER: Then I would like to ask where the water that comes from Margarite Road and Victoria Road - the water runs all the way down Victoria Road down and underneath Margarite Road - runs down in back and then into this lot. Where is that water going to go? How is it going to be taken care of?

MR. NESTER: Perhaps Mr. Germaine can answer that?

MR. GERMAINE: It's going to be taken care of by means of a paved ditch which will extend from Murray Street southerly to the culvert on Prout Hill.

MR. MOLANDER: How far from the west line?

MR. GERMAINE: There will be a total right of way of 20 ft. and the ditch will be maybe - - one edge of it will probably be within 3 or 4 feet of the west line of the property.

MR. MOLANDER: Well, then I would like to ask, when the development is finished, and houses are up, who is going to take care of the 20 feet of land, including the ditch? Is the city going to take care of the ditch, or when the houses are sold, will the individual owners take care of the ditch, and who is going to take care of the 15 feet or so from the $\frac{1}{2}$ ditch to the west line?

ATTNY PICKETT: Perhaps Mr. Molander, I can try to answer that one. The maintenance of the ditch? What type of maintenance do you refer to?

MR. MOLANDER: Why, the dirt that will get in there, when it starts to grow up, gets filled in, the water is going to go to the lowest point - If the east side is built up, it will force the water on the west side up against the property owners line on the west side. If you want a case of the same kind that happened, all you have to do is go into Mr. Cannon's office and find out what happened on Warren Street. I'm not opposed to this thing, because we need nice houses out there, and we'd rather get good houses than cheap houses, but we want to be sure that the 15 feet is going to be taken care of. They're not going to go across that ditch and go on the other side and cut that lawn, fix the thing up. What's going to be between there, a wilderness?

ATTNY. PICKETT: Let me point this out, Mr. Molander. I know you happen to live to the west of the west line. If you are concerned with the fact that there will be storm water going on to your property and possibly into your cellars, or that there will be some sort of a wilderness in back there, while there may be a ditch or some means of disposal of the storm water from the land in question, there will be no reason in my mind to believe that this will become a wilderness. First of all there wouldn't be enough room, and secondly the cleaning, the mowing of grass, etc., would be the responsibility of the person owning the land.

MR. MOLANDER: But how are they going to get across the ditch?

ATTNY PICKETT: Well, they're not talking about a gully - -

MR. MOLANDER: Well, how deep is the gully?

ATTNY PICKETT: 21 inches, I believe.

MR. MOLANDER: Well, a lot of water goes down Victoria Road. The city did that. They put the water under the street there.

ATTNY. PICKETT: Well, let me point this out. First of all we cannot

divert water so that it will ruin your land. As far as this ditch, we are talking about, this is not a huge culvert of some sort. We're talking about 21 inches which is about this big, and this would not be the type of thing that would involve some sort of a wilderness, anymore than it is now.

MR. MOLANDER: Well, it will grow up 15 feet. I mean they won't go across and cut the lawns on the other side. So if the trench gets grown up with weeds, and dirt and so forth, and the water runs over it, the city will not take care of cleaning it.

ATTNY PICKETT: Well its a very good question there. If you're disposing of water from city streets onto private property - -

MR. MOLANDER: That's what they are doing now.

MR. GUSTAFSSON: I talked to the Corporation Counsel on this matter today, and he's going to come out with a word sometime in the near future.

(DISCUSSION - Again 5 or 6 people talking at one time)

ATTNY PICKETT: Mr. Germaine and Mr. Nester pointed out to me that in answer to Mr. Molander's question, this will be a paved ditch which would certainly impede the growing of weeds, etc., and certainly, the contour of the land between the westerly side of the ditch and your property (I say "your" in the plural) will be slanted into the ditch to forbid the water from pulling up hill into your property. I agree its a major consideration.

MR. MOLANDER: You know where the water settled now in the road, that unimproved road -

ATTANY PICKETT: Murray Street you mean?

MR. MOLANDER: That's way over towards the east, it isn't towards the west, you've got to pick it up somewhere.

ATTNY PICKETT: That's closer to Cliff Hamlin's house. It will have to be picked up and carried off to Prout Hill Road - southerly.

MR. GERMAINE: We haven't concerned ourselves with that problem because that is definitely a city problem, and the water that now stands on Murray Street - to dispose of that is a city responsibility not the developers.

MR. MOLANDER: Wait a minute.. A lot of that is on the developers land.

MR. GERMAINE: The water may be on there, -----

MR. MOLANDER: You can go half way up to your knees -----

MR. GERMAINE: The city has a major problem up there on Murray Street, to take care of the water that stands now and will continue to stand under the present grades the city has established, and its up to the city to find a way to dispose of that water.

MR. WRUBEL: Mr. Chairman. I'm William Wrubel of 148 Margarite Road. I certainly have no objections to houses being built there. I also am concerned with the drainage problem. I'm also not a builder or engineer, but wouldn't it be possible to - rather than to have a ditch, to have pipes there to carry the water off that way so that we wouldn't have any chance of water backing up on that property.

ATTNY PICKETT: Willie, I'm not sure that it would be just as good because with a ditch, you'd have to have more area than you would with a pipe. You would have to put in a huge pipe in there.

MR. WRUBEL: Well, as I said I'm not an engineer.

ATTNY PICKETT: You are in the same position as Mr. Molander, and the thing is that this would have to be graded into the ditch from your property, as well as a future buyer along McDowell Road into the ditch. Remember this now, any water coming from your land would not be carried off by a pipe, but would be by a culvert.

MR. WRUBEL: We have no problem in our particular piece of property because its always dry. Now whether or not the water runs off into Mr. Nester's land, I don't know. I was told that ours is high enough so that it doesn't. I want to make sure that we are not going to have any backing up of water to give us wet property that we don't have now.

MR. DESHEFY: Mr. Pickett. My name is Wilfred Deshefy of 164 Margarite Road. I live south of Mr. Molander and Mr. Wrubel, and my land is wet, definitely, in the east side of my land adjacent to the developers land, and I think that this ditch not only would be detrimental to the neighborhood, not only in respect to drainage problems, but as a safety hazard. This ditch of 21 inches east, golly, with little children playing around, and if its made of concrete construction, or whatever way he would have of constructing this culvert, I think that having something open like that, children would be susceptable of falling into it. From past experience, I know that land is always wet, and there is always wet, and there is always going to be water running in this ditch. Maybe in the middle of July or August, perhaps, it will not, but in the spring and fall, definitely there would be a good size stream running. I think personally it would bea safety hazard.

ATTNY PICKETT: Well, Mr. Deshefy, I don't want to argue but I think it would also help you drain your own land, because a pipe wouldn't.

MR. DESHEFY: Well, that I agree, but I'm thinking of an open ditch--

ATTNY PICKETT: A pipe would by-pass your property, and whatever you have would just flow as it does now.

MR. GUSTAFSSON: May I -----

MR. DESHEFY: What type of construction would this be, may I ask?

ATTNY PICKETT: Bituminous or concrete.

(DISCUSSION - again 5 Or 6 people speaking at one time)

MR. TRAVERSE: Does anyone else wish to speak on this subdivision?

MRS. DIMAURO: Yes, I would like to say something. I'm Violet DiMauro 192 Margarite Road. Going back to the ditch problem, we live at the corner of Prout Hill and Margarite Road, and I understand you to say that the ditch would go right into the Brock property?

MR. NESTER: No. The city has a culvert running across Margarite Road - I'm sorry - Prout Hill Road.

MRS. DIMAURO: As it is now, its terrible there.

MR. NESTER: Well, that's going to be all changed. The city knows they will have to change that.

MR. WRUBEL: Mr. Chairman, may I as Mr. Nester a question?

MR. NESTER: Certainly, if I can answer it, I'll be glad to.

MR. WRUBEL: Let's assume we have that ditch there. Who is going to be responsible for it? What if the ditch fills up, who is responsible for taking care of it? Will each individual lot owner on that side of the street be responsible for the maintenance of the ditch, and the cleaning of it?

MR. NESTER: Well, that's something I'll have to ask Mr. Germaine.

ATTNY PICKETT: This is a seven ft. wide ditch, what maintenance would there be?

MR. WRUBEL: Well, what if it fills up?

ATTNY PICKETT: How could a seven foot wide 21 inch deep fill up?

MRS. MOLANDER: -----you can't go over there in the spring. You can't walk across there.

MR. GERMAINE: I think that the maintenance problem is one that will

have to be negotiated with the city because the city itself is making such a large contribution to the amount of water that flows down through that area, an amount that far exceeds anything that you people discharge into it. I'm speaking now of the residents of Margarite Road, and far in excess of anything that the property owners on Ridge Road discharge down into that. The city's contribution to the flow of water going down into that is greatly more than any and all of you put together, and for that reason, and the city knows it, I've had long conversations with them on it, and they acknowledge it. For that reason, the City of Middletown, I contemplate that they are going to have to participate in this thing. Drainage is the common problem of the adjoining owners and the developer, and the city.

MR. MOLANDER: But the city is not going on private property. The ditch is going to be private property, that's the only thing we're interested in.

ATTNY PICKETT: Well, Mr. Molander, quite possible, this again, as both Mr. Germaine and Mr. Nester pointed out, this is a legal problem, and it is quite possible that the Corporation Counsel require an easement for that, and if they do, certainly we are willing to give it. While we are responsible for the water from our property, my understanding ----- and you can correct me if I am wrong, there is quite a bit of water passing into there from Murray St. and Victoria Drive, which are city streets, and if the city is discharging onto private property, the city is responsible.

MR. BROCK: I'm Roy Brock. I think I understand that problem out there as well as anybody. The city brought about a lot of this trouble on their own, as Mr. Molander said when they turned the water from Victoria Heights onto that property. I know, because I've found it for the last twenty years. I think they had no right to do that, but I didn't make a complaint because it didn't go onto my property in the beginning. They also put a ditch there to drain onto my property on the more southerly part of Randolph Road, and if they had put the ditch where it belonged, I think a lot of this trouble would have been taken care of. They had no right to put all that water on to private property.

MR. WRUBEL: I think you should all realize that we as adjoining property owners have no objection whatsoever to this development, and our only concern is that the drain is taken care of, and we want to be assured that either the city or the individuals are bound to take care of, and we want to be assured that either the city or the individuals are bound to take care of it. We would be very happy to see a good development there, but we want to be protected as far as the drainage is concerned.

ATTNY PICKETT: Fair enough with us, Willie.

MR. GUSTAFSSON: May I add that the Dept. of Public Works will not approve this subdivision until it is taken care of one way or another. It's always that way, otherwise we don't give approval.

MR. MOLANDER: Well up there on Warren Street is a beautiful mess. You check with the Department.

MR. GUSTAFSSON: Well if there's a mess after, there must have been one before too, because if you have a drainage problem out in any terrain, I don't care where it is, if you have it there before, it's pretty hard to handle it after. The same amount of Water is going to be there, whether you have a drain there or not. The best possible way it can be taken care of, will be----- That's the only thing we can do.

MR. TRAVERSE: Is there anything further you want to add to it?

MR. COUGHLIN: Just for the record, John Coughlin on Murray Street, I'd like to have it clarified, the direction of the rate of sewage that will be pumped from this proposed pumping station and where it will run.

MR. NESTER: The pumping Station will be located on McDowell road and will pump the sewage into the manhole on Murray Street. The existing manhold there now.

MR. COUGHLIN: Will it be pumped northerly on proposed McDowell Drive and easterly on Murray Street?

MR. NESTER: That is correct - yes.

MR. TRAVERSE: Does anyone else wish to speak on this subject? If not, I'll conclude this hearing on the McDowell Road subdivision.

PUBLIC HEARING ADJOURNED AT 8:25 P.M.

Respectfully submitted:

Mildred F. Thompson

Mildred F. Thompson, Secretary