

Approved:

**For Introduction**

\_\_\_\_\_  
Town Attorney  
Date:

Public Hearing: 12-21-2015  
Board Action:  
Effective Date:  
Moved By:  
Seconded By:

## **RESOLUTION DEDICATING CERTAIN LAND FOR HIGHWAY PURPOSES**

WHEREAS, the Town of Wethersfield has long planned to extend Old Reservoir Road in a northerly direction beyond its terminus at or near the intersection with Whippoorwill Way; and

WHEREAS, in 2010, the Town acquired property known as the Wilkus Farm Property on the west side of Thornbush Road, including land needed to extend said Old Reservoir Road; and

WHEREAS, in connection with the Wilkus Farm Property acquisition, the Town acquired by separate deed, a small triangular piece of property, measuring approximately 3,029 square feet and described on the attached Schedule "A" (the "Wilkus Triangle Parcel"), and the Town excluded the Wilkus Triangle Parcel from the conservation easement that was placed upon the balance of the Wilkus Farm Property in order to facilitate the road extension; and

WHEREAS, the proposal to dedicate the said Wilkus Triangle Parcel for highway purposes has been favorably reviewed by the Wethersfield Planning and Zoning Commission in accordance with Section 8-24 of the General Statutes.

NOW, THEREFORE, the Town of Wethersfield, acting by its Town Council, hereby resolves to dedicate the land owned by it and referred to as the Wilkus Triangle Parcel, described on Schedule "A" and shown on the attached schematic drawing Schedule "B," for highway purposes.

PURPOSE: To dedicate land for highway purposes

PREPARED BY: John W. Bradley, Jr., Town Attorney

PROPOSED BY:

DATE: December 2, 2015

**TOWN COUNCIL AGENDA ITEM**

**DATE:** December 1, 2015

**DEPARTMENT:** Administration

**REQUESTED BY:** Jeff Bridges, Town Manager

**ITEM:** Resolution Dedicating Certain Lands for Highway Purposes

**COST:** N/A

**BUDGET SOURCE/AMOUNT:** N/A

**JUSTIFICATION:** The extension of Old Reservoir Road has been anticipated since the 1980 approval of the Ireland Estate Subdivision (Now Uccello subdivision).

**IMPACT IF NOT APPROVED:** N/A for hearing only.

**TOWN MANAGER COMMENTS:** The dedication of the triangle portion of property located adjacent to Old Reservoir Road has been anticipated for decades following the approval of the Ireland Estates Subdivision (now the Uccello Subdivision). When the Town acquired the Wilkus Farm, this triangular portion of the parcel was not included in the land dedicated to open space. Rather, according to Attorney Bradley, this triangle portion of land was held out of the open space dedication for dedication as road right of way.

The Town Council sent the dedication of this parcel for highway purposes to the Planning and Zoning Commission for a referral under C.G.S. 8-24 on December 24, 2014. The Planning and Zoning Commission, during their deliberations on the matter, asked the Town Attorney for a legal opinion regarding the status of the approved subdivisions adjacent to the proposed right of way. The opinion from John Bradley, Town Attorney dated January 21, 2015, which provides the history of the land use in the area and the history of this “triangle”, is included with this proposed resolution.

The owners of the undeveloped land adjacent to Old Reservoir Road are now going through various land use approvals and design measures to develop the subdivisions approved in the 1980’s. There is also a new subdivision proposal on the property formerly known as the “Harris” property and is now known as the DiBacco Subdivision.

There is other information in the packet on the road network from Fire Marshal Anthony Dignoti, Lt. Donald Crabtree of the Wethersfield Police Department, and Peter Gillespie, Director of Planning and Economic Development.

**ATTACHMENTS:**

- a. Resolution Dedicating Certain Land for Highway Purposes

**TOWN COUNCIL AGENDA ITEM**

- b. Schedule A: legal description of land to be dedicated for highway purposes
- c. Schedule B: Map of land to be dedicated for highway purposes
- d. Legal opinion from Town Attorney, John Bradley.
- e. Letter to Richard Roberts, Chairman of the Planning and Zoning Commission requesting a review of the proposed dedication under C.G.S. 8-24.
- f. Letter from Peter Gillespie, Director of Planning and Economic Development, providing the positive referral from the Planning and Zoning Commission under C.G.S. 8-24.
- g. Memo from Fire Marshal Anthony Dignoti – Plan Review Comments on the DiBacco Subdivision.
- h. Memo from Lt. Donald Crabtree regarding the proposed Old Reservoir Road Subdivision
- i. Memo from Director of Planning Peter Gillespie of the Wilkus Triangle – Old Reservoir Road and Back Lane Subdivision

**ACTION REQUIRED:** None: for hearing only.

Legal Description  
Future Right of Way to Extend Old Reservoir Road

A certain piece or parcel of land, together with any improvements thereon, situated in the Town of Wethersfield, County of Hartford and State of Connecticut, identified as "PARCEL TO BE RESERVED FOR FUTURE RIGHT-OF-WAY (TO EXTEND OLD RESERVOIR ROAD), AREA = 3,029 SQ. FT.", being shown on a map entitled: "LAND NOW OR FORMERLY OF WILKUS III LLC THORNBUSH ROAD & OLD RESERVOIR ROAD TOWN: WETHERSFIELD DRAWING TITLE : PROPERTY SURVEY PROJECT NO. 29007 SHEET NO. 1/1 GRAPHIC SCALE: 1 inch = 80 ft. PLOTTED 6/23/09 REV. 1 10/29/09 area corrected, open space area added" prepared by LUCHS CONSULTING ENGINEERS, 192 Whitney Avenue, Hamden, Connecticut. Said parcel is more particularly bounded and described as follows:

Commencing at a 5/8" iron pin which marks the southwesterly corner of land now or formerly of David E. Sturgess & Paula J. Sturgess and the northeasterly corner of the herein described reserved parcel (the "Point of Beginning");

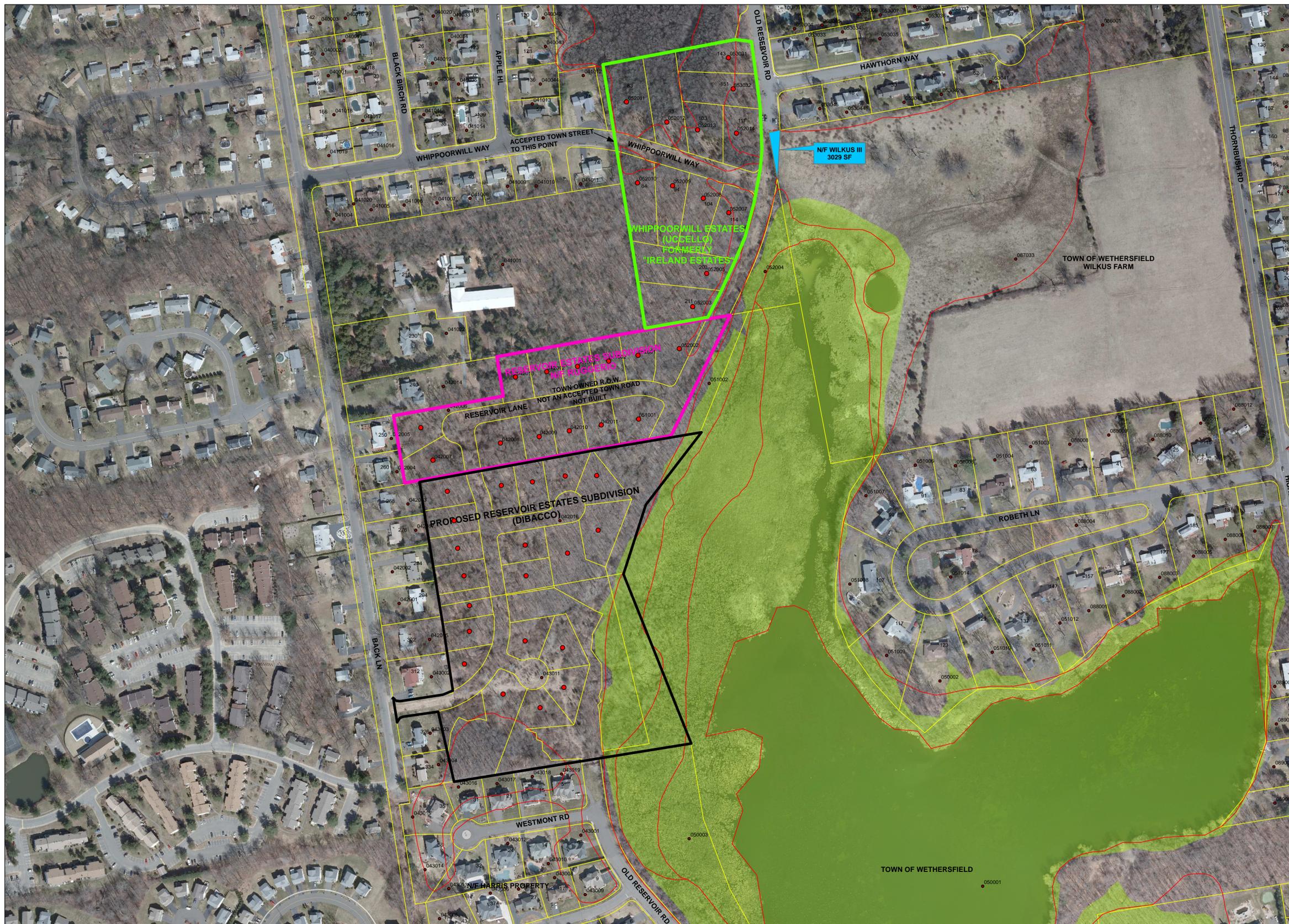
Thence running southwesterly along a curve to the right having a delta of  $08^{\circ} 16' 06''$ , a radius of 1064.96 feet, and an arc length of 153.68 feet along other land now or formerly of Wilkus III LLC, to a 5/8' iron pin;

Thence turning and running  $N 10^{\circ} 27' 27'' W$  a distance of 149.37 feet along land now or formerly of the Town of Wethersfield, sometimes referred to as Old Reservoir Road (Paper Street), to a 3/4" iron pin; and

Thence turning and running  $N 79^{\circ} 38' 41'' E$  a distance of 36.75 feet along Old Reservoir Road to a 5/8" iron pin and the Point of Beginning.

Said premises are subject to a 20 foot Sanitary Sewer Easement in favor of the Metropolitan District as shown on said map.

# OLD RESERVOIR ROAD VICINITY PROPOSED SUBDIVISION ADDED



Document Path: M:\Dept\Engineering\Projects\ArcMap\Old Reservoir Road Vicinity with Reservoir Estates Added.mxd

### Legend

#### FEMA 100 Year Flood Zone

- A
- AE
- ParcelLine
- Wetlands
- Undeveloped Lots
- Land to be Dedicated for Roadway Purposes



1 in = 150 ft

John W. Bradley, Jr.  
Direct Dial: (860)493-3548  
E-Mail: [jbradley@rms-law.com](mailto:jbradley@rms-law.com)

One State Street Hartford, CT 06103  
phone 860.549.1000 fax 860.724.3921  
[www.romemcguigan.com](http://www.romemcguigan.com)

January 21, 2015

Peter Gillespie  
Director of Planning and Economic Development  
Town of Wethersfield  
Wethersfield, CT 06109

**RE: Ireland Estates: Validity of Subdivision & Wetlands Permits**

Dear Mr. Gillespie:

In connection with the 8-24 review of the acceptance and dedication of land needed to extend Old Reservoir Road, the Commission has requested my opinion as to whether the 1980 subdivision approval of Ireland Estates is still valid.

As you know, this property has a long history and many factors need to be considered in making this determination.

**The Approvals**

Ireland Estates was approved by the Commission as a 12 lot subdivision at its meeting on April 15, 1980. (see attached approval letter dated April 18, 1980.) The subdivision map was properly and timely filed and is on record. The applicant received approval of the Inland Wetlands and Watercourses Commission on January 16, 1980 (see attached letter dated January 24, 1980.) The Ireland Estates subdivision required the extension of two roads, Whippoorwill Way and Old Reservoir Road. The developer owned or controlled most but not all of the land required for the extensions of the roads. A piece of land required for the proposed extension of Old Reservoir Road was outside of the control of the owner/developer of Ireland Estates. That piece of land was owned by the Wilkus Family and was targeted by the Town for acquisition, ultimately being acquired by the Town in 2010. Issuance of building permits for lots eleven and twelve in the Ireland Estates subdivision was conditioned upon the extension of Old Reservoir Road.

**The Roads and Commencement of Work**

By two deeds dated June 24, 1980, Ireland Estates Inc. and Philip Ireland conveyed land shown as Old Reservoir Road and Whippoorwill Way on the subdivision map to the Town of Wethersfield in accordance with the terms of the subdivision approval. The Town

Mr. Peter Gillespie  
January 21, 2015  
Page 2

accepted the deeds to the roads. Within the twelve month period following the issuance of the Wetlands permit, the developer commenced construction of certain public improvements including storm drainage and sanitary sewers within the proposed road areas. I am informed that the roads were "boxed out" and ready to be paved. For reasons that are not clear at this time, work on the subdivision was stopped in 1982. As noted above, the piece of land owned by the Wilkus family that was required for the extension of Old Reservoir Road was not under the developer's control and was not acquired by the Town until 2010.

**The Town Refused to Terminate the Subdivision Approval when Requested by the Developer/Owner**

In 1988, the developer requested that the Town terminate the subdivision approval and return the land that he had conveyed for the roads to him. The Town refused to do so. (see attached affidavit.)

**The Town Taxed the Individual Lots and Refused in 1990 to Issue a Building Permit to Complete the Construction of Project Improvements**

The Town Assessor valued the Ireland Estates property as of October 1, 1989 as a residential subdivision consisting of twelve lots. In September of 1990, the developer applied for a building permit to complete the remaining construction work on the Ireland Estates project, but the permit was denied by the Town based upon the Town's assertion that the Wetlands Permit had expired.

**The Developer/Owner Went to Court for Relief**

To clarify the status of the Wetlands permit, the developer/owner brought an action in court for a declaratory judgment. The developer/owner brought a second action to challenge the Town's valuation of the property as a residential subdivision consisting of twelve lots in light of the Town's assertion that the Wetlands permit was no longer valid. In September 1993, the Superior Court, Maloney, J declared that the Wetlands Permit "remains of full force and effect." *Ireland v Town of Wethersfield*, 10 Conn L. Rptr 172 (1993). The court action challenging the Town's valuation, assessment and taxation of the property ultimately was decided by the Connecticut Supreme Court in August 1997 after decisions at both the Superior Court and Appellate Court levels. In the course of the judicial proceedings, the Town unilaterally reduced its property valuation (and consequent assessment and taxation) based upon the Assessor's conclusion during the trial that he

EFFECTIVE

Mr. Peter Gillespie  
January 21, 2015  
Page 3

had been wrong to not apply the same criteria and conditions to two of the lots that he had applied to the other ten. Based upon the Superior Court's 1993 decision that the Wetlands permit remained valid and in full force and effect, the Connecticut Supreme Court determined that the Town's reduced valuation of the property as a residential subdivision consisting of twelve lots was appropriate. Ireland V. Town of Wethersfield, 242 Conn. 550 (1997).

Among the findings by the Connecticut Supreme Court in the tax case was that, "The property was purchased in the 1960s and in 1980 the plaintiff obtained subdivision approval for twelve building lots, with the restriction that he would not convey any lots until all public improvements were made to the satisfaction of the town." *Id.*, dissenting opinion of Justices Berdon and McDonald, at 566, 567.

While the second court case was wending its way through the different levels of the judicial system, the principal of the developer/owner of Ireland Estates, Philip Ireland, died.

**The Town Has Continued to Tax the Property as a Residential Subdivision Consisting of Twelve Lots and the Owner has Paid Those Taxes**

I am told that the Town has continued to issue separate tax bills for the twelve lots and that those taxes have been paid by the property owner.

**The Town Has Never Taken Any Action to Terminate the Subdivision Approval for Ireland Estates**

A zoning permit, once granted, constitutes a valuable property right and may not be taken away except after due process. The statutes provide a process for terminating a subdivision and this is a mandatory obligation of the Commission. See, C.G.S. 8-26c and Fuller, *Land Use Law & Practice*, 3<sup>rd</sup> Ed 50:2. In this case, the Town has never filed a notice of termination or taken other action to terminate the subdivision approval.

**All of the Public Improvements Required for the Ireland Estates Subdivision could not be Completed Until the Final Piece Was Acquired for the Extension of Old Reservoir Road**

Lastly, it must be noted that the developer could not have fulfilled one condition of the subdivision approval i.e., completing the extension of and connecting Old Reservoir Road, until the Town acquired the "triangular piece" that is the subject of the 8-24 review.

Mr. Peter Gillespie  
January 21, 2015  
Page 4

When the Town purchased the Wilkus Farm Property, it specifically excluded that triangular piece from the conservation easement that was being placed on the remainder of the Wilkus Farm Property so that that piece could be used for the construction of Old Reservoir Road. It will only be after the Town completes the dedication of Old Reservoir Road and makes all of the land for the roads available to the developer/owner for the completion of Old Reservoir Road and Whippoorwill Way, that the developer will be able to complete the public improvements and have the right to sell lots in the Ireland Estates subdivision.

**CONCLUSION:**

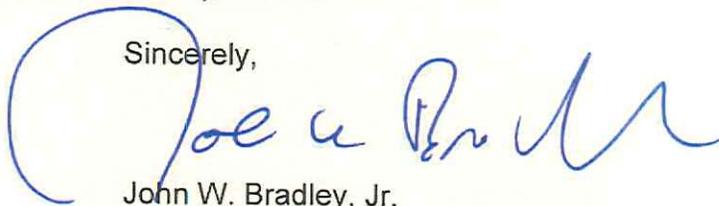
Based upon the entirety of the record in this case, a court would likely find that the Town is estopped from denying the validity of the subdivision approval. Therefore, it is my opinion that the 1980 subdivision approval remains valid. However, the same result does not apply with regard to the wetlands permit. As to the wetlands issue, it is my further opinion that the wetlands permit has expired despite the 1993 court decision. Unlike subdivision terminations where the concern is that the town may have to complete unfinished public improvements, there is no comparable procedure that allows a wetlands agency to terminate a wetlands permit because of failure to perform the regulated activity within a certain period of time. The statutory wetlands termination procedures are geared toward preventing violations of the Wetlands Act and of the wetlands approval. However, there is now an express statutory provision that causes expiration of wetlands permits. This provision was not in effect when Judge Maloney issued his 1993 decision and, in my view, different considerations come into play. The applicable statute, C.G.S. 22a-42a(d)(2), expressly provides that no wetlands permit, pertaining to a subdivision such as the one under review here, is valid for more than ten years. Regardless of how one measures the ten year period, the permit has now expired. I note that in section (2) of the statute, it states that "Any such permit shall be renewed upon request of the permit holder unless the agency finds that there has been a substantial change in circumstances which requires a new permit application...provided no permit may be valid for more than ten years."

I am informed that most of the work covered by the wetlands permit has already been completed and that work is not at issue. I have no knowledge as to what additional work may be planned by the developer/owner. If there is any further work proposed to be done in the wetlands, the Wetlands agency should make a determination as to whether a new permit is required for that work.

Mr. Peter Gillespie  
January 21, 2015  
Page 5

Please let me know if there are further questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "John W. Bradley, Jr.", written in a cursive style.

John W. Bradley, Jr.

Enclosures

7172-019037/L7901907



## Town of Wethersfield

505 SILAS DEANE HIGHWAY  
WETHERSFIELD, CONNECTICUT 06106

TELEPHONE  
(203) 826-8011

April 18, 1980

Mr. Paul Uccello  
Ireland Estates, Inc  
748 Old Main Street  
Rocky Hill, Connecticut 06067

Dear Mr. Uccello:

Re: Application No. 627-80-P

At a public meeting of the Wethersfield Planning and Zoning Commission held on April 15, 1980, it was unanimously voted that the subject application seeking final subdivision approval of 12 lots, as shown on a set of plans entitled "Property of Ireland Estates, Inc., Old Reservoir Road and Whippoorwill Way, Wethersfield, Connecticut; Scale 1"=40'; June 1979; James J. Luzzi, L.S.", BE APPROVED, subject to the following stipulations:

- (1) Lots 11 and 12 shall have a note stating "No building permits shall be issued until Old Reservoir Road is connected from Baneberry Lane to Whippoorwill Way".
- (2) No building permits shall be issued for Lots 1 and 2 until the road is extended southerly, or the developer constructs a temporary cul-de-sac at the south property line of Old Reservoir Road.
- (3) The following information shall be placed on the final plan and the Public Utility and Improvement Plan:
  - (a) C.G.S. coordinant point;
  - (b) Bench mark elevation;
  - (c) All profile grades shall be a minimum of 1.0%;
  - (d) All proposed storm drains shall be extended easterly from Old Reservoir Road to provide a 2:1 slope from the street line to the end of the pipe;
  - (e) Proposed water mains shall be shown and hydrant locations approved by the Wethersfield Fire Department.

April 18, 1980 .  
Mr. Paul Uccello  
Ireland Estates, Inc.

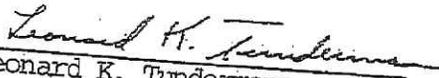
Page 2

- (4) Erosion protection shall be placed at storm inlet at Lot 10 and along the entire easterly side of Old Reservoir Road.

It was further voted by the Commission to waive the requirement for sidewalk installation along the public open space on the easterly side of Old Reservoir Road.

Very truly yours,

TOWN OF WETHERSFIELD  
PLANNING AND ZONING COMMISSION

  
Leonard K. Tundermann  
Duly Authorized for  
Joseph F. Coombs, Clerk

pm

cc: Mr. James Luzzi  
Engineering Division  
Building Division



**Town of Wethersfield**  
505 SILAS DEANE HIGHWAY  
WETHERSFIELD, CONNECTICUT 06109

TELEPHONE  
(203) 529-8611

January 24, 1980

Mr. Philip Ireland  
Ireland Estates, Inc.  
748 Old Main Street  
Rocky Hill, Conn. 06067

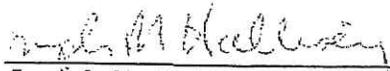
Re: Application No. 75-80 - Property of  
Philip Ireland dba Ireland Estates, Inc.

Dear Mr. Ireland:

At the regular meeting of the Inland Wetlands and Water Courses Commission held on January 16, 1980, it was unanimously voted that your application requesting permission for the deposition of material and development of a subdivision on Old Reservoir Road and Whippoorwill Way as shown on the plans, BE APPROVED, under the summary ruling with the stipulations that siltation and erosion control will be enforced by the Engineering Division as well as the finished floor elevations of the proposed houses will conform to an elevation satisfactory to keep the basement floor above the existing water table.

Very truly yours,

TOWN OF WETHERSFIELD  
INLAND WETLANDS AND WATER COURSES COMMISSION

  
\_\_\_\_\_  
Joseph M. Hallisey, Chairman

JMH/cd

cc: Ralph A. DeSantis, Town Manager  
James J. Luzzi, P.E. & L.S.

Updike, Kelly & Spellacy, P.C.

Counselors at Law

Kerry R. Callahan  
Hartford (203) 548-2639

One State Street, P O Box 231277  
Hartford, Connecticut 06123-1277  
Telephone (203) 548-2600  
Facsimile (203) 548-2680

One Century Tower, 265 Church St.  
New Haven, Connecticut 06510-7002  
Telephone (203) 787-9007  
Facsimile (203) 772-2037

October 5, 1993

James E. Sheehy  
Director of Engineering  
Town of Wethersfield  
505 Silas Deane Highway  
Wethersfield, CT 06109

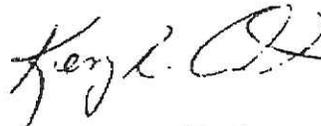
Re: Philip Ireland, Ireland Estates,  
Wethersfield, Connecticut

Dear Jim:

I have enclosed a copy of the court's order holding that Mr. Ireland's 1980 wetlands permit (the "Permit") remains valid because he initiated work on the Ireland Estates subdivision within one year of the Permit's issuance, as required by §96-29(G) of the Wethersfield Regulations. The court specifically cited the regulation and its notable lack of an expiration provision in support of the decision. Therefore, Mr. Ireland has effectively taken Ireland Estates back to 1982. The Town keeps its roads, and Mr. Ireland gets twelve building lots without having to utilize a "flag lot."

I trust that this brings you up to date; however, should you have any questions or concerns regarding the court's opinion or the manner in which it should be implemented, please contact me. I also ask that you let me know immediately if the Town wishes to appeal, as our filing deadline will run on October 14, 1993.

Very truly yours,



Kerry R. Callahan

KRC:kat  
Enclosure  
cc: Lee C. Erdmann  
Fred Valente

RECEIVED

OCT 07 1993

Town of Wethersfield  
Engineering Division

AFFIDAVIT OF FACTS RELATING TO TITLE OR INTEREST  
IN REAL ESTATE IN ACCORDANCE WITH §47-12a

IRELAND ESTATES, Grantor

TOWN OF WETHERSFIELD, Grantee

STATE OF CONNECTICUT: : ss. East Hartford August 18, 1988  
COUNTY OF HARTFORD :

I, PHILIP IRELAND, being duly sworn, do hereby depose and say:

1. I am over eighteen years of age and believe in the obligations of an oath.
2. I am the owner of property located on Old Reservoir Road and Whippoorwill Way, specifically including a 12-lot subdivision approved thereon by the Town of Wethersfield.
3. This 12-lot subdivision was approved by the Planning and Zoning Commission of the Town of Wethersfield on April 15, 1980. A copy of the approved subdivision plan is on file in the Wethersfield Land Records.
4. Ireland Estates, Inc. conveyed to the Town of Wethersfield by Warranty Deed certain property shown as Old Reservoir Road and Whippoorwill Way on said subdivision map, which conveyance may be found in the Wethersfield Land Records in Volume 321 at Page 694, and additionally conveyed certain land for open space under said subdivision approval which is found in Volume 321 at Page 695.
5. I, Philip Ireland, have requested that the Planning and Zoning Commission of the Town of Wethersfield file a notice in accordance with §8-26c that said subdivision approval has expired under the automatic provisions of Connecticut General Statutes §8-26c which provides for the automatic expiration of approved subdivision plans after five years where there has been a failure to complete all the work within the approved subdivision plan.
6. This affidavit is being placed on the Wethersfield Land Records to establish those facts which affect title to the real estate identified in the above-mentioned deeds in that the owner of said subdivision claims the right to have these properties reconveyed to them where the subdivision is declared to be void.
7. Philip Ireland and Ireland Estates, Inc. maintain the right to seek the reconveyance of these properties from the Town of Wethersfield, and the purpose of this affidavit is to place any party who may rely on the conveyance of this land from Ireland Estates, Inc. to the Town of Wethersfield, and the ownership or title of the Town of Wethersfield to these lands, on notice of the claim of Philip Ireland and Ireland Estates, Inc. to the right to demand reconveyance of these properties.

Witnesses:

*Albert J. Marks Jr.*  
 \_\_\_\_\_  
 Albert J. MARKS Jr.

*Robert W. Heagney*  
 \_\_\_\_\_  
 Robert W. Heagney

*Philip Ireland*  
 \_\_\_\_\_  
 PHILIP IRELAND

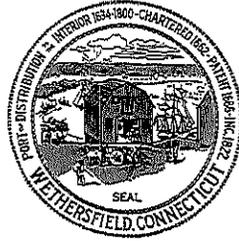
Subscribed and sworn to before me this 18th day of August, 1988.

*Robert W. Heagney*  
 \_\_\_\_\_  
 Robert W. Heagney  
 Comm. of the Superior Court

1426H

LAW OFFICES  
 GILMAN & MARKS  
 ONE PINEVIEW SQUARE  
 EAST HARTFORD, CT 06108-4828  
 (860) 284-4301

**Town of Wethersfield**  
505 SILAS DEANE HIGHWAY  
WETHERSFIELD, CONNECTICUT 06109



December 24, 2014

Richard Roberts, Esq.  
Chairman  
Wethersfield Planning & Zoning Commission  
505 Silas Deane Highway  
Wethersfield, CT 06109

Re 8-24 Report Wilkus Farm Property & Whippoorwill Road/Ireland Estates

Dear Mr. Chairman and Members of the Commission:

This matter is referred to you for a report concerning the dedication of certain lands for highway purposes in accordance with Section 8-24 of the General Statutes.

The Town has issued subdivision approvals dating back many years which contemplate and require the extension of Old Reservoir Road and Whippoorwill Way. Toward that end, over the years the Town has accepted deeds from developers for those road extensions. One parcel of land required to complete the extensions was not owned by the developers of the subdivisions that were approved. That parcel, which was triangular in shape, was part of what was known as the Wilkus Farm. The Town had to separately acquire that parcel in order to complete the road extensions.

As you may know, when the Town of Wethersfield purchased the Wilkus Farm Property, the Town took a separate deed of a small triangular piece of that property lying to the east of Thornbush Road. The separate deed excluded that triangular parcel of land from the conservation easement that would encumber the remainder of the Wilkus Farm property acquired by the Town for open space. The purpose of the acquisition of the triangular parcel of the Wilkus property by separate deed was to allow the Town to be able to effectuate the contemplated extension and completion of Old Reservoir Road and Whippoorwill Way.

At least one developer has recently approached the Town to discuss development, for residential purposes, of the land known as Ireland Estates now that the Town has all of the pieces required for the extension of Old Reservoir Road and Whippoorwill Way. Ireland Estates was approved

as a 12 lot residential subdivision in 1980. The new developer has indicated a willingness to pay for all construction costs associated with these roads.

It remains for the Town to formally dedicate the Wilkus triangle parcel for the extension of Old Reservoir Road and to have the map finalized showing the land for the extension of the two roads.

Attached is a copy of the map of the proposed road extensions of Old Reservoir Road and Whippoorwill Way, as well as copies of the underlying subdivision maps and a copy of the Wilkus Farm property for your review.

Therefore, on behalf of the Council, I hereby request you to consider the extension of Old Reservoir Road and Whippoorwill Way and the dedication of the Wilkus Farm triangular parcel of land together with the other lands previously assembled by the Town for the extension of Old Reservoir Road and Whippoorwill Way for road purposes, and to issue a report in accordance with 8-24 CGS.

Sincerely,



/s/ Jeff Bridges  
Town Manager  
7172-19037/L36487

**Town of Wethersfield**  
505 SILAS DEANE HIGHWAY  
WETHERSFIELD, CONNECTICUT 06109



January 28, 2015

The Honorable Paul Montinieri, Mayor  
And Members of Town Council  
Town of Wethersfield  
505 Silas Deane Highway  
Wethersfield, Connecticut 06109

Dear Mayor Montinieri and Members of Town Council:

Re: C.G.S. 8-24 Referral – Old Reservoir Road – Whippoorwill Way -  
Wilkus Farm Property – Right-of-Way Dedication

At a public meeting of the Wethersfield Planning and Zoning Commission held on January 21, 2015, the Commission reviewed, in accordance with Connecticut General Statutes §8-24, the request regarding the dedication of certain lands to be used for highway purposes. The property in question is a triangular shaped piece of the larger Wilkus Farms Open Space property acquired by the Town in 2010 and is 3,029 s.f. in area. The Commission also reviewed the proposed extension of Old Reservoir Road and Whippoorwill Way as previously assembled by the Town for the extension of Old Reservoir Road and Whippoorwill Way for road purposes.

The Planning and Zoning Commission voted to forward a **Positive Referral** to the Town Council with regards to the above referenced proposal as follows:

The Commission also reported that there are various unresolved matters associated with the Ireland Estates subdivision originally approved by the Town in 1980 that may require further resolution by the Planning and Zoning Commission:

- Performance Bond
- Updated erosion and sediment control plan
- Inspections and approval of work completed to date (Town and MDC)
- Open Space deed
- Timing of building permits
- Temporary cul-de-sac
- Conservation Easements

- Sidewalks
- Mylars

Feel free to contact me if you require additional information.

Very truly yours,

TOWN OF WETHERSFIELD  
PLANNING AND ZONING COMMISSION



Peter Gillespie  
Duly Authorized for  
Tony Margiotta, Clerk

cc: Jeff Bridges, Town Manager  
Dolores Sassano, Town Clerk

# Town of Wethersfield

## Fire Marshal

### Plan Review Comments

Date: December 1, 2015

Project: DiBacco Subdivision

Location: Back Lane

Type of plan: Special permit – 1891-15-Z

Reviewer: Anthony Dignoti

1. Plans shall be submitted showing fire hydrant locations based on email sent to engineer on November 4, 2105.
2. This office will not support any expansion to this development beyond the 22 building lots being proposed. In the future prior to extending this subdivision to the north, this office will require that the north leg of Old Reservoir Road be extended and connected to the DiBacco Subdivision.



---

Anthony Dignoti  
Fire Marshal

**TOWN OF WETHERSFIELD  
DEPARTMENT OF PUBLIC SAFETY  
DIVISION OF POLICE  
SUPPORT SERVICES BUREAU COMMANDER**

**TO:** Town Manager Jeff Bridges  
**FROM:** Lieutenant Donald Crabtree  
**SUBJECT:** Proposed Old Reservoir Subdivision  
**DATE:** December 2, 2015

Police Chief James Cetran and I have reviewed the proposed subdivision off Old Reservoir Road. It is the opinion of the Police Department that the town relinquish the small portion of Wilkus Farm Property that is designated on the proposal map as Land to be Dedicated for Roadway Purposes. This would allow for multiple access points for emergency vehicles. It would also allow for more direct access from points east of the subdivision.

Cc: Police Chief James Cetran



**TOWN OF WETHERSFIELD**  
**DEPT. OF PLANNING AND ECONOMIC DEVELOPMENT**  
**505 SILAS DEANE HIGHWAY**  
**WETHERSFIELD, CONNECTICUT 06109**  
**(860) 721-2837 FAX (860) 721-2843**

---

**TO: Jeff Bridges – Town Manager**  
**FROM: Peter D. Gillespie – Economic Development Manager/Town Planner**  
**RE: Wilkus Triangle - Old Reservoir Road and Back Lane Subdivisions**  
**DATE: December 3, 2015**

---

On December 15, 2015 the Wethersfield Planning and Zoning Commission will be conducting a public hearing on a proposal for a 20 lot subdivision to be known as Reservoir Estates. The proposed subdivision design anticipates the construction of a series of permanent and temporary cul de sacs with only one means of access (Back Lane). The length of the proposed temporary cul de sac is approximately 1100 feet in length. The plans include provisions that would allow for the extension of the proposed streets to the abutting undeveloped property to the north.

The Wethersfield subdivision regulations typically limit the length of cul de sac dead end streets to 600 foot in length and a maximum of 20 dwelling units. The Commission may allow an exception to these requirements in cases where a street may be extended in the future. I anticipate that the Commission will be inquiring as to the future development potential in this immediate area as it relates to the undeveloped properties to the north which were approved subdivisions dating back to the 1980's.

The Commission has been discussing and reviewing the development potential of this area for at least 35 years and understands that this neighborhood is remotely served by emergency services due to a disconnected public street system. The Commission has gone on record to support the need to extend Old Reservoir Road in a southerly direction. The extension of this road has been complicated by the ownership of a small triangular piece of property that lies within the right of way for Old Reservoir Road. At their meeting on January 21, 2015 the Wethersfield Planning and Zoning Commission voted in response to an 8-24 referral to forward a positive referral that this triangular property should be dedicated for highway for the proposed extension of Old Reservoir Road.