

June 5, 2007

MEMBERS PRESENT: Mr. Charles, Ms. Gager, Mr. Rimsky, Mrs. Roberts

MEMBER ABSENT: Mr. Frank

ALTERNATES PRESENT: Mrs. Braverman, Mr. Carey, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr./Mrs. Mills, Mr./Mrs. Boyer, Mrs. Dyer, Mr. Sears, Mr. Shapiro, Mr. Shaw, Mr. Neff, Mrs. Johnson, Mr./Mrs. Smith, Ms. Canning, Mr. Malkin, Ms. Phillips, Mr. Shayne, Mr. DiBenedetto, Mr./Mrs. Condon, Residents

PUBLIC HEARINGS

Abella/44 Scofield Hill Road/3 Lot Resubdivision

Mrs. Roberts called the public hearing to order at 7:35 p.m. and seated Members Charles, Gager, Rimsky, and Roberts and Alternate Braverman for Mr. Frank.

Mrs. Roberts read the 6/5/07 letter of withdrawal from Mr. Szymanski. Mrs. Hill noted that the application could not be immediately resubmitted as Mr. Szymanski requested because the application to the Inland Wetlands Commission had to be resubmitted first.

MOTION: To accept the 6/5/07 letter of withdrawal for the application submitted by Mr. and Mrs. Abella for a 3 lot resubdivision at 44 Scofield Hill Road. By Ms. Gager, seconded by Mr. Rimsky, and passed 5-0.

Mrs. Roberts closed the hearing at 7:37 p.m.

Young Elliot's Farm, LLC./110 Calhoun Street/2 Lot Subdivision/ Con't.

Mrs. Roberts reconvened the public hearing at 7:37 p.m. Mr. Charles recused himself. Members Gager, Rimsky, and Roberts and Alternates Braverman and Carey were seated.

Mrs. Roberts read the list of documents submitted to the file since the May 1st session of the hearing. She then read the two unsigned documents submitted this evening; an email from Ms. Shepard dated 6/5/07 in support of the application and an email from Mr. Connolly stating he agreed to the southern boundary line location in the middle of the existing stone wall and parts of Mrs. Hill's final review of the application dated 6/5/07.

Mr. Shapiro said he had held positive meetings with neighborhood property owners since the last meeting and noted Ms. Shepard's letter was in response to attacks about his credibility.

Mr. DiBenedetto stated the neighbors had met with Mr. Shapiro regarding the long and short term objective of preserving the property and would be financially supportive in helping to reach that goal.

Mr. Shaw asked who had raised the concern about the possibility of planting an orchard in the conservation easement area. Mrs. Hill said the Conservation Commission had noted its concern in the memo it had sent to Planning. Mr. Shaw said the previous owner had pointed out to him where her

father's orchard had been and that he wanted the right to clear the hill so he could put in an orchard. He said he wanted to keep the property as a farm. He added that he had met with representatives of the Historic District Commission and told them that he planned to restore the house and bring back the flavor of the farm, but not change anything.

Mr. Carey referred to the "Site Analysis Plan," by Mr. Alex, revised to 5/16/07, noted it listed Young Elliot's Farm, LLC. as the property owner, and asked wasn't it true that Lawrence Arthur, LLC. was now an owner. Mr. Shaw said the plan was that if the subdivision were approved, Lot #C would be transferred to Lawrence Arthur, LLC, Mr. Shapiro being the sole member. Mr. Carey advised the applicant that the legend should be correct and Mr. Shapiro agreed.

Mr. Carey noted that Mr. Neff had submitted a formal request for a waiver of Section 4.5.4, the requirement for 2 ft. contours, and that although the Commission had agreed to do so, a formal motion was required.

Mr. Carey noted that at a previous session of the hearing Mr. Shaw had stated that he would preserve the historical condition of the property, not enlarge or add on to the house, and that the Historic District Commission had asked the Planning Commission to consider requiring the applicant to establish building envelopes so there would be more control over future changes. He asked Mr. Shaw if he would consider adding building envelopes to the plan. Mr. Shapiro explained this would not be possible because once Mr. Shaw promised not to build outside the envelopes, it would make that land "worthless" and he would lose the benefit of intended development rights

There were no other questions or comments from the public or from the commissioners.

MOTION: To close the public hearing to consider the application submitted by Young Elliot's Farm, LLC. for a two lot subdivision at 110 Calhoun Street. By Mr. Rimsky, seconded by Ms. Gager, and passed 5-0.

Mrs. Roberts closed the public hearing at 7:56 p.m.

These public hearings were recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

REGULAR MEETING

Mrs. Roberts called the meeting to order at 8:00 p.m. and seated Members Charles, Gager, Rimsky, and Roberts and Alternate Braverman for Mr. Frank.

Consideration of the Minutes

MOTION: To accept the 5/1/07 Public Hearing - Regular Meeting minutes as presented. By Ms. Gager, seconded by Mrs. Braverman, and passed 5-0.

MOTION: To include subsequent business not already posted on the agenda. By Mr. Charles, seconded by Mr. Rimsky, and passed 5-0.

Pending Application

Young Elliot's Farm, LLC./110 Calhoun Street/2 Lot Subdivision: Mr. Charles recused himself. Mrs. Roberts noted there were several issues listed in Mrs. Hill's final review, which the Commission might want to make conditions of approval. The concerns of the Conservation Commission were briefly

discussed. Mr. Rimsky noted the application met the Subdivision Regulations although it might not meet the Conservation Commission's criteria and stated there should be no work in the wetlands swale other than what would be necessary to keep it functioning as a swale. He asked if there was any language in the proposed easement that would prevent the planting of an orchard and said he did not understand the Conservation Commission's concern that an orchard might be planted. Mrs. Roberts thought perhaps there was a concern that chemical sprays would be used. Mrs. Hill said agricultural uses were permitted in the proposed easement. The 5/16/07 site development plan was reviewed and it was noted the only change to the configuration of the originally proposed conservation easement area was the addition of the buffer area along the northern most part of the property along Calhoun Street. Mrs. Roberts noted the Commission had hoped for a different open space proposal, but asked if what was proposed was acceptable to the Commission. She also asked if monuments, posts, or pins should be required on site at the corners and angles of the open space so its boundary would be clearly visible when on the property. She noted the Commission made this a requirement for other applications in the past. Mr. Rimsky thought this was a good idea so that future owners would be aware of the boundary and added that the Commission should be consistent. Mr. Shapiro was concerned that the installation of monuments or pins could endanger animals should the open fields ever be used as pasture. Mrs. Roberts suggested, then, that they be installed where the open space and property boundaries intersect. Mrs. Roberts asked if the Commission would waive the requirement that the site development plan provide 2 ft. contours for the entire property. Mr. Carey noted that at the last meeting Mr. Neff had advised the Commission that 2 ft. contours had been provided for all of the disturbed areas and it had been decided then that they were not necessary for the entire site.

MOTION: To waive Section 4.5.4, the requirement for 2 ft. contours for the Site Development Map for the application submitted by Young Elliot's Farm, LLC. for a 2 lot subdivision at 110 Calhoun Street. By Mr. Carey, seconded by Mr. Rimsky, and passed 5-0.

Mr. Carey noted this waiver did not set a precedent. Mrs. Roberts asked if the Commission would require any buffering or screening. It was the consensus that the openness of the landscape was beautiful and that the applicant should strive to maintain the current look of the property. Regarding the configuration of the proposed open space, Mr. Rimsky said the Commission should have been more specific describing what it wanted in the initial stages of the application process and that perhaps it should revise the Regulations to clarify the authority it has regarding open space. The commissioners agreed they were prepared to vote this evening rather than wait until the July meeting.

MOTION: To approve the application submitted by Young Elliot's Farm, LLC. for a 2 lot subdivision at 110 Calhoun Street subject to the following conditions: 1. the wording of #B7 in the grant of conservation restriction shall be revised to: The right to selectively cut and remove trees and other forest vegetation, 2. the information required per sections 4.4.3, 4.4.4, and 4.4.11 now shown on the "Site Analysis Plan" shall be included on the "Record Subdivision Map" mylar before it is signed by the Commission chairman and filed on the Town Land Records, 3. the only clean up of the wetlands swale permitted shall be in order to preserve the wetlands rather than to disrupt them, and 4. monuments or pins shall be placed on site at all corners of the conservation easement area boundaries where they connect a) with adjoining properties, b) with the shared boundary line between Lots #A and #C, and c) along Calhoun Street. By Mr. Rimsky, seconded by Mrs. Roberts, and passed 5-0.

Mr. Rimsky said this application had raised several issues that the Commission should consider and suggested a joint meeting with the Conservation Commission at some point to discuss open space objectives. Mrs. Hill noted the Inland Wetlands and Historic District Commissions also have viewpoints regarding open space preservation.

Other Business

Town of Washington/16 Titus Road/Clean Up and Installation of Walking Path: Mr. Sears presented the map, "Existing Conditions Map," by Mr. Szymanski, dated 2/1/07 and the landscaping plan, "Preliminary Concept," by Mr. Sabin, dated 5/18/07 for the 4.4 acre property. He said the immediate plan for the property was to make a meadow that would be mowed once a year and to install the walking path to open it up for passive recreation by the public. He stressed that this plan would not impact any future use of the property. Mrs. Roberts and Mr. Rimsky thought the path was located too far from the river; that the point of the trail was for walking along the streambank. Mr. Carey asked if he had a conflict of interest because he was Planning's representative on the committee set up to consider the future use of the property. Mr. Sears said he did not because the presentation was to get feedback only; approval from the Commission was not being sought. A site inspection was scheduled for Saturday, June 9, 2007 at 10:00 a.m. Mr. Sears noted the Inland Wetlands Commission has scheduled a public hearing to consider the proposal on June 13th. He then briefly reviewed the progress on implementing plans for this site, which began several years ago during Mr. Chapin's term.

Revision of the Subdivision Regulations: Ms. Gager reported that she had been reviewing subdivision regulations from other towns and hoped to have comments to Mr. McGuinness and Mrs. Hill by next week.

Correspondence

It was noted the hearing for the Verizon cell tower application would be held in the main hall on Thursday, June 21, 2007 at 3:00 p.m. and 7:00 p.m. It was noted a cell tower had recently been approved on Rt. 202 in Northville near the Volkswagen dealer, but it was not known whether this would eliminate the need for the proposed tower in Marbledale.

MOTION: To adjourn the meeting. By Ms. Gager.

Mrs. Roberts adjourned the meeting at 8:56 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator