

July 10, 2007

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

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

STAFF PRESENT: Mrs. Shade

ALSO PRESENT: Mr. Kimball, Mr. Szymanski, Mr. Sears

REGULAR MEETING

Mrs. Roberts called the meeting to order at 7:30PM and seated members Charles, Frank, Gager, Rimsky and Roberts. She noted that all the alternates were present.

Consideration of the Minutes

MOTION: To accept the 6/5/07 Regular Meeting minutes as written. By Mr. Carey, seconded by Ms. Gager and passed 5-0.

MOTION: To accept the 6/9/07 Site Inspection minutes as written. By Mr. Rimsky, seconded by Mrs. Roberts and passed 5-0.

MOTION: To add subsequent business not already included on the agenda. By Mr. Charles, seconded by Ms. Gager and passed 5-0.

New Application

Abella /44 Scofield Hill Road /3 Lot Resubdivision

Mr. Paul Szymanski, Engineer, represented the applicant. Mr. Szymanski stated that since he was last before the Commission, he withdrew the application so they would not have any time constraints. Recently he received comments from the Conservation Commission and would be going before them tomorrow night for further discussion. Also, he received comments from Land-Tech who reviewed the application on behalf of Inland-Wetlands. He said Land-Tech requested minimal revisions which could be easily made.

Mr. Szymanski requested a Public Hearing for the next meeting. Mrs. Roberts noted that would be on August 7 and asked the members if that would be satisfactory. All agreed. A Public Hearing was set for August 7, 2007.

Ms. Gager asked Mr. Szymanski if there were any changes that would require another public walk. Mr. Szymanski replied everything was exactly the same.

Mr. Eben Kimball was present and asked if he could make some comments regarding this application. Mrs. Roberts suggested his comments be saved for the Public Hearing.

Other Business

Revision of the Subdivision Regulations: Ms. Gager said she has gone through Section 4.4 and is hoping to have more by September. One change, so far, that Mr. McGuinness agrees with is that on

subdivision maps the percentage of wetlands (to be added as open space) should be included so the members don't have to ask every time.

Brown-Carroll Subdivision /41 Buffum Road /Modification of Approved Plan: Mr. Paul Szymanski, Engineer, represented the applicant. Mr. Szymanski stated there were two conditions which have been met: 1)that a Zoning permit be issued for a lot line revision, and 2)file the Mylar on the Land Records by days end today.

Mr. Szymanski explained that Mr. Mack's family has decided it would be difficult for them to 'give' the land to him. Instead, he will be receiving the subdivision 'for consideration'(for estate tax planning purposes). So, they are requesting a modification of the subdivision to allow for open space to be proposed along the Buffum Road corridor. The proposed open space area would be 200 to 400 feet in and include the majority of the white pine grove.

Mrs. Roberts commented that she is very sensitive to someone applying through a family member to do something and then making a change after it has been approved. It may be ok in this instance, but there may be cases where it would not be fine.

Mr. Frank observed that he is not so sure it is fine in this case. He said this is a resubdivision, there has been a Public Hearing and one thing considered in a Public Hearing is where open space is going to be and the public has not had an opportunity to comment on this change.

Mrs. Roberts said she is concerned about the Commission setting a precedent.

Mr. Frank agreed, but said he is more concerned that there has already been a Public Hearing and does not know if the members have a right to make what is a substantial change.

The members continued their discussion about modifying an approved application. Mr. Szymanski asked if they could have another Public Hearing. He said it is allowed in the State Statutes, but is not sure about the Town Subdivision Regs. Mr. Rimsky thought they should review the State Statutes. Mr. Charles said they need to find out what the proper protocol should be. Mrs. Roberts agreed and suggested they ask David Miles.

The Commission agreed that they should tentatively set a Public Hearing for the August meeting and at the same time ask for advice from David Miles. Mr. Frank said it is important that the public have an opportunity to be heard. Mrs. Roberts added that open space is enormously important to people in this community.

MOTION: To tentatively set a Public Hearing for the next regularly scheduled meeting on August 7, 2007, for the proposed modification of the Brown-Carroll Subdivision, 41 Buffum Road, subject to advice of counsel. By Mr. Frank, seconded by Mr. Rimsky and passed 5-0.

Other Business

6/20/07 e-mail from Mr. Boling re: Discontinuance of Old River Road: In his e-mail, Mr. Boling stated, if the Planning Commission ends up supporting the discontinuance of Old River Road to motor vehicles, he hopes it will be with the proviso that the public's right to passive recreation is retained.

Mr. Charles commented that it is necessary to allow vehicular access by the Town and the Land Use Commissions so they can monitor activities and the health of the open space.

Mr. Fowlkes noted that this ordinance was passed when Elaine Luckey was First Selectperson and

suggested the Commission could look it over and perhaps improve upon it. Mrs. Roberts said they need to think about measures that could be taken to make the ordinance much clearer.

The Commission concluded that this discontinuance is too vague to comment on at present. They agreed they would like to see a map and need more information.

Other Business

Referral from Board of Selectmen/8-24:

MOTION: To go into executive session at 8:10PM to discuss Municipal Improvement. By Mrs. Roberts, seconded by Mr. Charles and passed 5-0.

MOTION: To end the executive session at 8:51PM. By Mrs. Roberts, seconded by Mr. Charles and passed 5-0.

MOTION: To adjourn the meeting. By Mr. Rimsky.

Mrs. Roberts adjourned the meeting at 8:53PM.

FILED SUBJECT TO APPROVAL

Respectfully Submitted,

Martha T. Shade

Land Use Secretary