

# March 2, 2010

7:30 p.m., Land Use Meeting Room

**Members Present:** Ms. Roberts, Mr. Frank, Mr. Rimsky, Ms. Jahnke, Ms. Gager

**Members Absent:**

**Alternates Present:** Mr. Carey, Ms. Braverman

**Alternates Absent:** Mr. Fowlkes

**Staff Present:** Shelley White, Janet Hill

**Also Present:** Brian Neff, Engineer, Mark Riefenhauser, P.E., Shaun Nettleton

## **Regular Business**

Call to Order

Ms. Roberts called the meeting to order at 7:32 pm.

Seated: Frank, Roberts, Jahnke, Gager, Rimsky

## **Consideration of the Minutes**

The minutes of February 2, 2010 were considered.

### Corrections:

- 1st page, date under title should read: February 2, 2010

- Last page, last paragraph, 9th sentence under Discussion: Setting Priorities For Beginning Work on The Plan of Conservation and Development should read: He stated that 'Statute requires that the plan shall be a statement of the policies, goals and standards for the physical and economic development of the municipality.'

Motion:

to accept the February 2, 2010 Regular Meeting Minutes of the Planning Commission as amended, by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

Motion:

to accept the February 19, 2010, Special Meeting Minutes of the Planning Commission as submitted, by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

## **Pending Applications**

### Rowe/44 Keilwasser Road/ 2 Lot Resubdivision:

Brian Neff, Engineer, was present to represent Susan Rowe. Mr. Neff gave a brief history of the property. He explained that this lot was an interior lot, 5.3 acres, has some wetlands and the access way will be a shared driveway with Ms. Rowe's 11.3 acre lot. Mr. Neff stated that the Health Department and the Inland Wetlands Commission have approved this resubdivision. Mr. Neff stated that it would be possible to divide Ms. Rowe's property further but it would be very difficult. Mr. Neff stated that he would submit the original signed statement from the property owner that the proposed lot will be conveyed to a close relative for no consideration, as soon as he receives it. The Commission scheduled a site visit for March 29th, 2010 at 12 noon. Ms. Roberts stated that a Public Hearing could be scheduled at the April 6, 2010 meeting when the issues with the application are resolved.

Motion:

to approve the waiver of the requirements of section 4.2.1, regarding the application for Rowe, 44 Kielwasser Road, 2 Lot Resubdivision, to allow 1"=100' so the map of the entire property will fit on one sheet,

by Mr. Rimsky, seconded by Ms. Gager, passed by 5-0 vote.

Nettleton/81 Painter Ridge Road/2 Lot Resubdivision:

Mr. Mark Riefenhauser, P.E. and Mr. Shaun Nettleton were present. Mr. Riefenhauser discussed the revised 2 Lot Subdivision Map, and Site Development Plan, prepared for Shaun Nettleton, 81 Painter Ridge Road, by Smith & Co., dated 12/16/09, revision date 2/22/10. Mr. Riefenhauser explained that the 1:50 scale map allowed the entire property to fit on one sheet and the nearest Connecticut general grid system for the state plane coordinate requirement is over a mile away from the property.

Motion:

to approve the waiver of the requirements of section 4.2, 4.4.11 and 4.7.2, regarding the application for Nettleton, 81 Painter Ridge Road, 2 Lot Subdivision, for the map,

by Ms. Roberts, seconded by Ms. Gager, passed by 5-0 vote.

There was a discussion regarding storm water management. Mr. Riefenhauser stated that after the first 300 feet of driveway, the grade is steep and a stone shoulder, made of heavy stone would be necessary. He stated that the rest of the driveway and the house site are on a gentle grade. The Inland Wetlands Commission has approved the plan. There was a brief discussion regarding fire protection. It was the consensus of the Commission that this issue would be addressed as part of the application process when building a house on the lot. There was a brief discussion regarding specimen trees. Mr. Riefenhauser stated that there were a limited amount of specimen trees and that most of the trees are of smaller caliber.

Motion:

resolved, that the Application of Shaun Nettleton, dated January 4, 2010, for a two lot subdivision of the property at 81 Painter Ridge Road, as shown on the map titled Nettleton Subdivision, 4 sheets, prepared by Smith and Company, dated 12/16/09 and revised 2/22/10, and as modified by letter dated 2/24/10 from Mark Riefenhauser, P.E., to this Commission, is approved, subject to the condition that Lot #2 requires an engineered septic system in accordance with the 2/12/10 approval of the subdivision by the Washington Health Department,

by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

**Other Business**

Consideration of Using POCD Funds for Depot Studies:

It was the consensus of the Commission that they would like to discuss this with Mr. Solley, Selectman, at the next regular meeting of the Planning Commission on April 6, 2010.

Motion:

to include subsequent business not already posted on the Agenda under V. Other Business: D. Referral from the Zoning Commission Re: Review of Proposed Revision of the Washington Zoning Regulations: Section: 2.2.3, 12.6.1.10, 15.2 and 21.1.24 Eating and Drinking Establishments,

by Mr. Frank, seconded by Mr. Rimsky, by 5-0 vote.

Revision of the Subdivision Regulations

Ms. Hill distributed a 6 page response from Marty Connor that answered the questions that the Planning Commission had relating to the Revision of the Subdivision Regulations, a legal response from Atty.

Zizka regarding Section 5.8.4 Exceptions to Open Space Requirements, a response from Mr. Connors explaining the importance of State Plane Coordinates and a memo from Ms. Hill to the Planning Commission regarding Revision of the Subdivision Regulations, Section 11.1 Public Sewer Systems. Ms. Hill stated that she made the grammatical corrections requested at the last meeting. Mr. Carey questioned Atty. Zizka's email to Janet Hill, dated 1/6/10 stating "since the legislature did not actually say that the lots had to be retained in "family" hands for any particular length of time, the courts may not be willing to create such a requirement by judicial interpretation." Mr. Carey asked if there was some way the Planning Commission could improve their controls? Ms. Hill stated that Atty. Zizka suggested that the Planning Commission could require an affidavit from the property owner. The Commission agreed that this issue should be included in the revision of the Subdivision Regulations. Ms. Roberts stated that bringing this issue to the attention of the Northwest Corner Planning Commission would be an informal way to see how other municipalities are dealing with this issue.

#### Plan of Conservation and Development

Ms. Roberts stated that the Commission should consider setting up a meeting with the Business Association to hear what its needs and concerns are regarding the POCD. Mr. Rimsky volunteered to draw up a questionnaire for the business owners of the Town and talk with them on an individual basis. He stated that he would bring a draft of the questionnaire to the Commission for their input. The Commission discussed that all the villages must be included and that if this questionnaire works for the Depot it could be used in the other villages as well. There was a brief discussion regarding how economic development would be addressed in the POCD.

#### Zoning Referral Re: Proposed Revision of the Washington Zoning Regulations:

Sections: 2.3.2, 12.6.1.10, 15.2 and 21.1.24

The Commissioners reviewed and discussed the proposed revisions.

Motion:

resolved, that the Planning Commission finds that the proposed amendments to Sections 2.3.2, 12.6.1.10, 15.2 and 21.1.24 relating to Eating and Drinking Establishments are consistent with the Plan of Conservation and Development because they further the goal of preserving rural character, by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

#### **Communications**

##### **Public Comment**

There was not anyone from the public present.

#### **Adjournment**

Motion:

to adjourn at 8:55 by Ms. Gager, seconded by Mr. Frank Roberts.

Ms. Roberts adjourned the meeting.

Filed subject to approval.

Respectfully Submitted,

Shelley White  
Land Use Clerk