

April 6, 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, Heather Rowe, 1st Selectman Mark Lyon, Selectman Nick Solley, Chris Charles

Ms. Roberts called the Public Hearing to order at 7:35 pm.

Seated: Frank, Roberts, Jahnke, Gager, Rimsky

Public Hearing

Rowe/44 Kielwasser Road/2 Lot Resubdivision:

Ms. Hill read the legal notice published in Voices on Wednesday, March 24 and Wednesday March 31, 2010. Ms. Hill read a list of contents in the file. Mr. Brian Neff, Engineer, was present and he reviewed the details of the Resubdivision. He stated that a waiver was requested for the Conservation Easement and Open Space area requirement because Ms. Susan Rowe, the owner, would be conveying the 5.33-acre lot to daughter, Heather Rowe, at no consideration. He stated that the remaining 11.8 acres that Ms. Susan Rowe owns could be resubdivided again but it would be difficult and not likely. Mr. Carey asked how the configuration of the driveway would affect the neighboring property. Mr. Neff explained that the driveway does not encroach on the neighbor's driveway. Mr. Carey asked if the configuration of this driveway would prevent the neighbor, in the future, from being able to subdivide their property. Mr. Neff explained that the regulations would allow that neighbor to have a shared driveway with the neighboring lot if needed.

Motion:

to close the Public Hearing for Susan Rowe for a two lot Resubdivision at 44 Kielwasser Road, by Ms. Roberts, seconded by Mr. Frank, by 5-0 vote.

Regular Business

Call to Order

Ms. Roberts called the meeting to order at 7:50 pm.

Seated: Frank, Roberts, Jahnke, Gager, Rimsky

Consideration of the Minutes

The minutes of March 2, 2010 were considered.

Motion:

to accept the March 2, 2010, Regular Meeting Minutes of the Planning Commission as submitted, by Ms. Gager, seconded by Ms. Jahnke, passed by 5-0 vote.

The minutes of the March 29, 2010 Special Meeting were considered.

Motion:

to accept the March 29, 2010, Special Meeting Minutes of the Planning Commission as submitted, by Ms. Gager, seconded by Ms. Jahnke, passed by 5-0 vote.

Pending Applications

There were no further questions from the Commission.

Rowe/44 Kielwasser Road/ 2 Lot Resubdivision:

Motion:

to approve the application of Susan Rowe for a two lot re subdivision of the property at 44 Kielwasser Road as shown on the "Property/Boundary Survey", by Mr. T. Michael Alex, revised to 1/10/10, and the "Proposed Site Development Plan", 3 sheets, by Mr. Brian Neff, revised to 2/22/10 subject to the following condition: that a note be placed on the mylar to be filed on the Land Records that Lot # 2 requires an engineered septic system, by Mr. Frank, seconded by Ms. Rimsky, passed by 5-0 vote.

New Application

Laus/22 Nichols Hill Road/2 Lot Resubdivision:

The Commission looked at the Cover Sheet, titled "2 Lot Re-Subdivision, 22 Nichols Hill Road", by Arthur H. Howland and Associates, dated January 13, 2009. There was a brief discussion of the property. The Commission scheduled a site visit for Monday, April 26, 2010 at noon.

Other Business

Request by Board of Selectmen to Use POCD Funds for Floodplain Studies

First Selectman Lyon and Selectman Solley were present to discuss available Planning Commission funds for the Floodplain Study. Ms. Roberts stated that she thinks it would be a good idea for the Planning Commission and the Selectman to work together on the flood plain issue. She stated that Ms. Gager has an engineering background and Mr. Carey has been involved with the 16 Titus Road property for years and she would like them to act as liaisons for the Planning Commission. She stated that the Planning Commission has the following concerns: 1. How much of the Shepaug area will be included in the study? 2. Will the Flood Way as well as the Flood Plain be in the study? 3. Is Lenard Engineering the most appropriate firm to use? and 4. Does Lenard Engineering have a hydrologist involved? She stated that this money is earmarked for phase II of the Depot Study and so the Planning Commission needs to be involved. Selectman Lyon agreed that the funds were earmarked for the Depot Study and that Peter Talbot had requested this proposal from Lenard Engineering and it is specific to 16 Titus Road and the Mill Race Road Concept. He stated that this is an issue that affects the whole Depot area from Apple Tree Design Depot down to Washington Primary School. Selectman Lyon stated that he believes Mr. Talbot selected Lenard Engineering because they had done work for the Town of Washington before and if this study were to move forward it would have to go out to bid. Mr. Rimsky stated that it would be important that the Town finds out what more of the Depot area can be included in the study and at what cost. Ms. Gager suggested that the Town get a proposal for the whole area and then a separate specific proposal for the Titus Road area. Selectman Solley stated that increasing the area would increase the cost. He stated that it is the goal of the Town to get the most area for the money. He stated that the 4.5-acre parcel at Titus Road would have to be in the study no matter what, that the Engineering and

Surveying would have to go out to bid, and that the RFP (Request for Proposal) must be specific and the Planning Commission involvement would be needed.

Mr. Carey stated that he has been involved with this issue since 2005. He stated he researched what it would cost to get an A-2 Survey for the Depot area starting at the Washington Supply and ending at Canoe Brook. He stated that there is not an A-2 Survey for the Depot area east of the Route 47 and 109 intersection. He discussed the history of what was discussed with the surveyors and engineers at the time and stated that they estimated the cost of the study would be approximately \$60,000 to \$65,000, including time and materials, and to consult with FEMA. Mr. Carey stated that he recently examined the numbers of the old Depot Study done three years after the Master Plan of Development done in 2003. He stated that there was a significant amount of money earmarked for the Planning Commission's study of the Depot with the presumption that there will be a phase I, II and III. He stated that only phase I has been done. He stated he was told that there is \$34,500 remaining. He stated that Lenard Engineering's proposal is specific to Peter Talbot's Mill Race Road concept. He stated that he would like The Planning Commission to hang on to the \$17,000 unless the Town can find a firm that could accumulate "most specific engineering, both in flood, maybe 'FEMA-familiaration', and an A-2 Survey surveying of the rest of the business district." He stated that this might include the area from the bridge just beyond G.W. Tavern to the top of the W.P.S. property. He stated that he feels strongly that this project be put out to competitive bidding.

Mr. Rimsky stated that how the RFP is structured would define the parameters of what could be explored within the budget and he feels this would be the Town's opportunity to include in the RFP all that they would like to have done and then extract what could actually be done with the budget that is available. Ms. Gager stated that she feels the RFP should be generic and not specific to Mr. Talbot's concept.

First Selectman Lyon stated that there are funds that the Planning Commission has and they are listed under the Depot Study. He asked if the Planning Commission thinks that this would be a worthwhile use of the funds and stated that the Selectmen wants the Planning Commission to define what they think these funds should be spent on. Ms. Gager stated that she feels the concept is great but it depends on how much it costs and what will be done for that amount of money. Mr. Rimsky stated that he feels that it makes sense to consider 3 things: 1. What can be done with the small amount of money that is being requested? 2. What would be the cost of doing more? 3. What would be the cost of doing everything? Mr. Solley stated that Lenard Engineering, Inc.'s proposal includes the initial study that 'would verify or not' FEMA's maps.

Mr. Chris Charles stated that when you are dealing with this type of specific engineering and dealing with FEMA, the Town could come up with a variety of concepts and FEMA could still say 'No'. He stated that having Ms. Gager, who has an engineering background, help the Town with this is a good idea. He stated that she would probably direct the Town to get input from experts in hydrology. He stated that he thinks it makes more sense to get the estimate for the whole project and then execute it in phases. He stated the Town would receive solid proposals if the RFP states exactly what the firms are bidding for.

Ms. Roberts stated that it is important that the Planning Commission is constantly in the loop if they decide to use the funds for this study. Ms. Gager stated that the Planning Commission would have to see the results of the RFP before they could decide what to spend. Mr. Solley stated that \$17,000 would pay for the work included in the two proposals already received, but it is not known if this is all that needs to be done. First Selectman Lyon stated that he would like to work with the Planning Commission to put an RFP together, get the bids, and then decide how much money the Planning Commission would contribute. The Commission and the Selectmen briefly discussed dividing RFP into zones of the Depot. Selectman Solley stated that he feels that the RFP should be specific because the Town needs "specific

costs to a specific job.” Ms. Gager stated that she thinks there should be a base bid, and then additional areas that would be separate proposals. Mr. Solley suggested that proposals for specific properties would be another option.

Mr. Charles stated that one of the goals would be to know what the Town can and can’t do and there are people in the Depot that must pay flood insurance and these people will be motivated to see something happen. He stated it would be good for the Town to know what needs to be done.

Revision of the Subdivision Regulations

The Commission agreed to discuss this at the next regular Planning Commission Meeting on May 4, 2010.

Plan of Conservation and Development

Mr. Rimsky submitted a draft of a questionnaire for the business owners in the commercial districts. The Commission discussed how the process would work.

Zoning Referral Re: Proposed Revision of the Washington Zoning Regulations: Sections: 13.21

There was a brief discussion regarding the history of this proposed revision.

Motion:

resolved, that the Planning Commission finds that the proposed addition to the Washington Zoning Regulations of Section 13.21(“Eating and Drinking Establishments”), relating to the transfer of Special Permits for such establishments where no significant operational or appearance changes are proposed by the new owner or lessee, is consistent with the Plan of Conservation and Development because it furthers the goal of preserving community character,
by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

Communications

Ms. Hill stated that the Planning Commission received information from both Land Tech and Kings Mark regarding the services they offer.

Public Comment

There was not anyone from the public present at this time.

Executive Session to Discuss Potential Real Estate Purchase by the Town of Washington per 8-24

Motion:

go in to Executive Session at 8:55 pm to discuss potential real estate purchase by the Town of Washington per 8-24,
by Ms. Gager, seconded by Mr. Frank, passed by 5-0 vote.

Motion:

to come out of Executive Session at 9:18,
by Ms. Gager, seconded by Ms. Roberts, passed by 5-0 vote

Adjournment

Motion:

to adjourn at 9:18

by Ms. Gager, seconded by Ms. Roberts.

Ms. Roberts adjourned the meeting.

Filed subject to approval.

Respectfully Submitted,

Shelley White

Land Use Clerk