

July 6, 2010

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

Members Present: Ms. Roberts, Mr. Frank, Ms. Gager

Members Absent: Mr. Rimsky, Ms. Jahnke

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

Alternates Absent:

Staff Present: Shelley White, Janet Hill

Also Present: Mr. Szymanski, Ms. Friedman

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

Seated: Frank, Roberts, Gager, Carey, Fowlkes

PUBLIC HEARING

Laus/22 Nichols Hill Road/2 Lot Resubdivision:

Mr. Paul Szymanski, Engineer was present to represent Ms. Laus. Mr. Szymanski stated that he met with Ms. Stevens, a concerned neighbor on site and they walked the property but did not find a vernal pool. He stated that another neighbor was concerned with removal of stone walls. Mr. Szymanski added a note to the Record Subdivision Map that indicates that no stone walls will be removed. He stated that there would be two 'minor openings' in the stone wall, each approximately 20 feet wide to allow for a driveway. He stated that if a stone wall is a property line and someone removes it, then they are removing something equivalent to an iron pin, "so by State Statute, you would have the right to be fined." Mr. Carey stated that, in Town, stone walls have been disappearing and a property owner should be getting permission from the Town to remove a stone wall if it is on a Town highway. Mr. Szymanski met with Kevin Smith, Highway Director, to discuss the sight distance with the proposed driveway. Mr. Smith had expressed a concern that the existing stone wall was in the sightline and it was a safety hazard. Mr. Szymanski stated that the owner would move the stone wall (in the area from the existing walkway to the proposed driveway) 8 feet back using the existing stone and rebuilding it in the same style as the existing stone walls. Mr. Smith sent an email, dated 6/17/10, to Ms. Hill stating that he has reviewed and approved Mr. Van Zanten's (of Arthur Howland & Associates) recommendations and drawing PP.1 dated June 11, 2010. Mr. Szymanski requested a waiver to the open space requirement as the property owner has already eased close to half the property to Steep Rock Association. He discussed the measures that have been taken to preserve the natural resources of the property and that these resources were considered when locating the proposed house and driveway. Ms. Hill stated that, at the last meeting it was discussed that there could be a possible archaeological site so she referred the application and maps to the Dr. Bellantoni, State Archaeologist. Dr. Bellantoni stated that while the area lies within a sensitive area, the State of Connecticut Archaeological Site Files and Maps do not indicate any known archaeological site in the project area and that the proposed project would have no effect on the State's cultural resources. Ms. Roberts read Ms. Hill Administrative Review dated 7/6/10. There were no additional comments or questions. Ms. Roberts closed the public hearing.

REGULAR MEETING

Ms. Roberts called the Regular Meeting to order at 7:48 pm.

Seated: Frank, Roberts, Gager, Carey (for Mr. Rimsky), Fowlkes (for Ms. Jahnke)

Consideration of the Minutes

The minutes of June 1, 2010 were considered.

Correction:

Page 1: Under Regular Meeting: should read: Ms. Roberts called the Regular Meeting to order....

Motion:

to accept the June 1, 2010, Regular Meeting Minutes of the Planning Commission as amended, by Ms. Gager, seconded by Mr. Carey, passed by 5-0 vote

The minutes of June 21, 2010 Special Meeting were considered.

Motion:

to accept the June 21, 2010, Special Meeting Minutes of the Planning Commission as submitted, by Ms. Gager, seconded by Mr. Frank, passed by 5-0 vote.

Pending Applications

Laus/22 Nichols Hill Road/2 Lot Resubdivision Site Visit

There was a brief discussion regarding State plane coordinates.

Motion:

to approve the waiver of the requirements of section 4.4.11, for the application for Laus/22 Nichols Hill Road/2 Lot Resubdivision, regarding State plane coordinates because established State plane coordinates are too far away to maintain accuracy, by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

Motion:

to approve the waiver of the requirements of section 4.2.1, regarding the application for Laus/22 Nichols Hill Road/2 Lot Resubdivision, to allow 1"=60' scale so the map of the entire property will fit on one sheet, by Mr. Frank, seconded by Ms. Gager, passed by 5-0 vote.

Motion:

to approve the waiver of the requirements of section 5.8, for Laus/22 Nichols Hill Road/2 Lot Resubdivision, regarding Open Space because the applicant has granted easements for more than required open space set aside and has taken other steps to meet the conservation requirements, by Mr. Frank, seconded by Mr. Gager, passed by 5-0 vote.

Ms. Roberts asked if the Commission would like to discuss the possibility of adding a condition of landscaping/buffering to the motion. The Commission agreed that this was not necessary.

Motion:

to approve the application submitted by Ms. Laus for a 2 lot Resubdivision at 22 Nichols Hill Road per the map, "Record Subdivision Map," revised to 6/8/2010 and the plans, "Site Development Plan," revised to 3/13/10, "Proposed Lot 2 Site Development Plan," revised to 11/10/09, "Plan and Profile," dated 10/1/09, and "Proposed Sedimentation and Erosion Control Plan," revised to 10/28/09, all maps and plans by Arthur H. Howland and Assoc., subject to the following condition: 1. A note shall be added to the Record Subdivision Map that lot #2 requires an engineered septic system, by Mr. Frank, seconded Mr. Carey, passed by 5-0 vote.

New Applications

There were no new applications.

Other Business

Revision of the Subdivision Regulations/Review of Archaeological Map

Mr. Frank stated that he has not completed the review but would like to finish and then meet with Ms. Gager and Ms. Hill and report back to the Planning Commission at its next meeting on August 3, 2010. Ms. Hill stated that the State Archaeologist would like to see applications that not only fall into the Archaeologically sensitive areas indicated in circles on the map but potential areas that are indicated in blue on the map. Ms. Hill stated that this would not be procedure until the regulations are revised.

Plan of Conservation and Development /Economic Development

Ms. Roberts stated that Mr. Rimsky and Ms. Braverman are making progress with the interviews with business owners. Ms. Hill distributed handouts on economic development. There was a brief discussion regarding the issue of economic development across the State and possible resources the Commission might use when it works on updating the POCD.

Administrative Business/Conflict of Interest

Ms. Roberts suggested the Commission discuss the issue of conflict of interest and recusal. She stated that Mr. Owen of the Zoning Commission had said that it was left to each commissioner to decide whether they should recuse themselves. Ms. Gager stated that leaving it up to the individual commissioner is important, but sometimes they may be too close to an issue and not realize it and in that case the Chairperson should possibly have a one on one discussion with that commissioner. She stated that it is important, as commissioners, not to bring their own thoughts and personal opinions into the decision making process. Mr. Frank stated that he believed that Mr. Owen was correct in saying that it is up to individual and that whether they recuse themselves would taken to court if necessary. He stated that if he had a conflict or was perceived to have a conflict, he would recuse himself. Ms. Roberts agreed with him. Ms. Gager stated that it is not in the best interest of the Town if a commission is taken to court. Mr. Fowlkes stated that he assumed that "one recuses oneself because one is a member of a commission. Not for any other reason."

He asked, "Why wouldn't a selectman be expected to recuse him/herself in public discussion of issues before the Town?" Ms. Roberts stated that she felt there was a great deal of confusion among commissions and that is why she is requesting this discussion. Mr. Fowlkes stated that the times that he has recused himself was because he had personal knowledge or interests that involve the applicant. Mr. Carey stated that the media has influenced the perception of the public. The Commission discussed the need for ethics training for all the boards and commissions and that attendance should be required and it should start this year.

Update on Report to Zoning re: Proposed Inn Regulations

Ms. Roberts asked if the Planning Commission should write a letter to the Zoning Commission responding to a Zoning Commissioner's statement made at the 6/28/10 Zoning Public Hearing that the Planning Commission had not taken into consideration the Special Permit process when it voted that the proposed revisions to the Zoning Regulations regarding inns were inconsistent with the Town Plan of Conservation and Development. She stated that the Planning Commission did take the Special Permit process into consideration, "but the scope of the proposed changes made it inconsistent with the POCD whether or not there was a Special Permit process or not. We're concerned that misinformation be allowed to stand as presented at the last hearing." It was the consensus of the commission that Mr. Frank would draft a letter to the Zoning Commission to be read at the next Zoning Meeting on July 26, 2010 in

Bryan Memorial Town Hall.

Communications 6/22/10 Letter from Mr. R. Dutton

Ms. Hill stated that she believed the letter was meant to arrive to the Planning Commission before they responded to the Zoning Commissions referral on the proposed inn regulations. This letter is on file in the Land Use Office. The Commission briefly discussed the letter.

6/10/10 Letter from the Northwestern CT Regional Planning Collaborative

There was a brief discussion regarding the Northwestern CT Council of Governments.

Ms. Hill stated that the Northwestern CT Regional Planning Collaborative services are now available to the Town of Washington and advised the Commissioners to look at the brochure and comment at the next Planning Meeting on August 3, 2010

Public Comment

Ms. Friedman stated that she supported the idea of ethics training and that attendance should be mandated. The Commission and Ms. Friedman discussed how other towns do this and what the Town of Washington could do. Ms. Roberts stated that she felt the training is very important.

Adjournment

Motion: to adjourn at 8:25 pm by Ms. Gager, seconded by Mr. Frank.

Ms. Roberts adjourned the meeting.

Respectfully submitted,
Shelley White, Land Use Clerk