

• September 2, 2003

MEMBERS PRESENT: Mrs. Averill, Mr. Bender, Mr. Byerly, Mr. Charles

ALTERNATE PRESENT: Mr. Rimsky, Mrs. Roberts

MEMBER ABSENT: Mr. Buck

ALTERNATE ABSENT: Mr. Sabin

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. McCabe, Mr. DiMaria, Mr. Boling

Mr. Bender called the meeting to order at 7:32 p.m. and seated Members Averill, Bender, Byerly, and Charles and Alternate Roberts for Mr. Buck.

Consideration of the Minutes

MOTION: To accept the 8/5/03 Regular Meeting minutes as presented. By Mr. Byerly, seconded by Mr. Charles, and passed 4-0-1. Mrs. Averill abstained because she had not attended the meeting.

MOTION: To accept the 8/19/03 Special Meeting minutes as presented. By Mrs. Averill, seconded by Mr. Charles, and passed 5-0.

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

Pending Application

Erbs/51 Sunset Lane/4 Lot Subdivision

Mr. McCabe and Mr. DiMaria, engineer, were present.

Mr. Bender noted Section 5.8.4.A of the Subdivision Regulations exempts subdivisions, which are less than 5 lots and are being conveyed to certain close relatives listed in the state statutes for no cost, from the subdivision open space requirement and he read the corresponding language in Section 8-25(a) of the CGS. He asked Mr. McCabe if it was the owners' intent to give each of the proposed lots to their daughters. Mr. McCabe said it was. Mr. DiMaria stated the applicant would prefer then not to deal with the open space requirement because that would allow more flexibility in the layout of the lots. Mr. Bender advised Mr. DiMaria the subdivision map would have to include a notation that the lots must be conveyed at no cost to relatives.

Mr. Bender also advised the applicant the Commission would review the driveway maintenance agreement language. Mr. DiMaria said the agreement had not yet been drafted. The driveway, as shown on the revised site development plan presented at the meeting, was discussed. (This plan was subsequently taken back by the applicant.) The driveway had been moved away from the boundary line with the adjoining property and grading was proposed to ensure there would be no increase in off site drainage. Mr. Bender noted the Commission would require there be no increase in runoff off site post development as a condition of approval and encouraged the applicant to review Section 4 of the Subdivision Regulations to make sure all the requirements had been met.

Mrs. Roberts and Mr. Charles noted Mrs. Erbs' concern about the preservation of the property across the street from her house and thought this would be an opportunity for her to set an example by preserving open space and the rural streetscape on her own property even though it was not required that she do so. When Mr. DiMaria pointed out the setback from the road would be maintained, they responded that

adhering to the zoning setback is not the same as preserving open space, which would protect the land in its natural state.

Mr. Charles asked about the status of the neighbor's driveway located on the Erbs' property. Mr. DiMaria said the property owners would resolve this problem and that he would check with the Selectman's Office to see whether a driveway permit had been issued for the cut.

Mr. DiMaria stated in light of all the above discussion, a new subdivision map with a new lot configuration would be submitted early enough so that it could be reviewed prior to the next meeting.

Other Business

Referral from Road Discontinuance Committee: Mr. Boling, Chairman of the Committee was present. Mr. Rimsky and Mr. Byerly had studied the Committee's 6/27/03 letter with corresponding Assessor's maps, inspected many of the sites, and consulted with informed neighbors. Mr. Rimsky stated most of the roads recommended for discontinuance posed no direct or obvious problems for the Town, but that he and Mr. Byerly were concerned about Potash Road and Tinker Hill Road, where it appeared land locked lots would be created if the proposed sections were discontinued. Mr. Boling noted there are state laws that prevent lots from becoming landlocked under these circumstances and said the Town could not prevent owners from traveling over the discontinued sections of road to reach their lots. Once discontinued, however, the Town would not have to pay for road maintenance. Mr. Boling also stated the Town did not propose to terminate the public right of ways in their entirety, but only to vehicular traffic. These roads, he said, would still be open to pedestrians and horses and per state statute the Town would be protected from all liability. Mr. Rimsky asked if a property owner installed a driveway in the old road right of way, would that end the public's right to use that right of way. Mr. Boling said the public would retain the right to use it and doing so would not be considered trespass. Mr. Rimsky noted when roads are discontinued half the right of way is conveyed to each of the property owners along the road. He asked then what would stop one of these owners from preventing the other owner from installing a driveway. Mr. Boling said state law would prevent it. Mr. Rimsky expressed his concern that fire access to Mr. Bushnell State Park might be jeopardized if sections of Tinker Hill Road were discontinued and he also asked that the roads be discontinued in such a way that an adequate number of parking spaces and a turn around area be provided for those who may want to hike the right of way or visit the park. It was the consensus the Planning Commission had no objections to the proposed discontinuance of the sections of road listed in the 6/27/03 letter (see attached list) and would recommend the Town retain the right to use these right of ways for pedestrian and equine access. Mr. Bender asked Mr. Boling to submit a copy of the draft resolution for the Town Meeting so that he could review it prior to writing a formal response to the Board of Selectmen.

MOTION: Having received the subcommittee report, the Planning Commission has no objections to the recommended course of action proposed by the Town Road Discontinuance Committee in its letter dated 6/27/03. By Mrs. Roberts, seconded by Mr. Byerly, and passed 5-0.

Scenic Road Ordinance: Mr. Rimsky and Mr. Sabin had been appointed to review the proposed ordinance and to report their findings to the Commission. Mr. Rimsky had found nothing in the proposed ordinance that was objectionable from a planning point of view, but had not yet discussed the matter with Mr. Sabin. Discussion was tabled to the next meeting.

STEAP Grant: There was no new information from the Board of Selectmen. Mr. Bender asked for details about what was proposed, where it was proposed, how it would benefit the ambiance of the Town, etc. Discussion was tabled to the next meeting.

Plan of Conservation and Development: Mr. Bender noted the draft for the public hearing had been prepared, but was disappointed he continued to find items that require corrections. A lengthy discussion on the Plan followed and included these points:

- The overlay map was confusing. Possibly making the hatch marks more dominant would help. Mr. Bender thought the desirable open space should include Whitehead's farm.
- Mr. Charles would like to see a map showing only 490 lands added.
- It was questioned whether the open space shown on the map on page 3-9 correctly corresponded with that on the overlay map.
- There is an error in the Table of Contents; third line under #5; should be "diverse" community.
- Under Open Space Tax Abatement, the Commissioners did not think it was written clearly enough so it was known whether a reduction in taxes or of the assessment was being discussed.
- Publicity for the upcoming public hearing was discussed. Mr. Rimsky and Mr. Charles thought budget restraints had reduced public involvement in the process and the number of public meetings held. Mr. Rimsky thought in depth newspaper articles should be done in addition to press releases and that posters should be put out a month in advance. He also thought civic organizations should be sent letters so officers could urge their members to attend. He thought it was important to aggressively engage the public in the process so that no one in Town could say he was not aware of the work on the Plan and so there would be a town wide consensus to support it. Mr. Bender named himself, Mr. Rimsky, and Mrs. Hill to a publicity committee and said he would meet with Mr. Wood and Mr. Chalder regarding publicity.
- Mrs. Luckey, First Selectman, said she was disturbed that her two main concerns; traffic and parking in the Depot and determining the most appropriate use of the old Town Garage property had not been addressed in the Plan as was originally intended. It was noted both these issues would be taken up in the comprehensive study of the Washington Depot Business District, which would be done in the near future.
- It was decided there was no reason to hold a Special Meeting on the Plan of Conservation and Development in September.
- It was noted Mr. McGuinness, Director of the COG had recommended changing the public hearing date so that the notice requirements in the state statutes would be met.

MOTION: That the Washington Planning Commission change the date set for the public hearing for the purpose of receiving public comments regarding the adoption of the 2003 Plan of Conservation and Development to Wednesday, October 29, 2003 at 7:30 p.m. in the Main Hall, Bryan Memorial Town Hall. By Mr. Bender, seconded by Mrs. Roberts, and passed 5-0.

MOTION: To adjourn the meeting. By Mrs. Roberts.

There being no further business, Mr. Bender adjourned the meeting at 9:31 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

