

• **October 7, 2003**

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

ALTERNATES PRESENT: Mr. Rimsky, Mrs. Roberts

STAFF PRESENT: Mrs. Hill, Mr. Wood

ALSO PRESENT: Mr. DiMaria, Mr. Erbs, Mr. McCabe, Mr. Etherington, Mr. Wilbur, Residents

Regular Business

Mr. Bender called the meeting to order at 7:34 p.m. and seated Members Averill, Bender, Buck, Byerly, and Charles.

Consideration of the Minutes

MOTION: To accept the 9/2/04 Regular Meeting minutes as presented. By Mrs. Averill, seconded by Mr. Byerly, and passed 5-0.

The 9/24/03 Special Meeting minutes were accepted as corrected. The first bulleted paragraph was corrected to state, "He questioned whether it was a majority of the owners or the owners of a majority of lot frontage." In the fifth line from the end of the same paragraph, wording was changed to, "... refer to the owners of a majority of the lot frontage."

MOTION: To accept the 9/24/03 Special Meeting minutes as corrected. By Mr. Charles, seconded by Mrs. Averill, and passed 5-0.

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

Pending Application

Erbs/51 Sunset Lane/4 Lot Subdivision

Mr. Charles recused himself. Alternate Roberts was seated.

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

Mr. DiMaria submitted revised septic, coverage, and lot density calculations, based on the revised proposed lot sizes. He also submitted calculations for the size of the driveway culvert and the size of the rip rap at the outlet.

The following issues were discussed:

- Ownership of the shared driveway: Lot #4 is now the owner.
- Transfer of the lots: Open space is not required if the owner transfers the lots to certain relatives as specified in the state statutes. Mr. DiMaria added a note to the Subdivision Map that the owner intended to transfer the lots to such relatives for no consideration. Mr. Bender was not satisfied with this language and requested it be changed to "will be transferred only to...."
- Driveway maintenance agreement: Mr. DiMaria submitted the draft agreement for review.

- Driveway location: Within the 50 ft. accessway, the driveway had been shifted closer to Lot #2 and grading was proposed to decrease the potential impact to the adjoining property.
- Location of house on Lot #3: The proposed house location was also moved further from the adjoining property.
- 100 ft. setback on Lot #2: Mr. DiMaria stated its purpose was to keep the building area away from the street and to preserve the trees in that area, but Mr. Bender noted without an accompanying easement or deed restriction, simply adding this line to the map would not accomplish this goal.
- Preservation of trees: Mr. Bender noted the Commission had the authority to discuss this under Section 5.9.1 of the Subdivision Regulations. 1) The Commission did not want the entire 50 ft. driveway easement area to be clear cut and asked the applicant if he would object to a condition of approval that only cutting necessary for the construction of the driveway be permitted. Mr. Erbs thought there could be different interpretations of what cutting was necessary or reasonable. Mr. Bender asked him to submit language for the Commission to consider. 2) No area to be cleared was indicated on the map as required per Section 4.7.2.D. Mr. Bender asked if the owner would be willing to preserve the existing foliage within 50 feet of the north and west boundary lines. Mr. Erbs agreed. 3) Mr. Bender asked if specimen trees had been located on the property. Mrs. Roberts noted the Commission had seen some large maples while inspecting the site. Mr. DiMaria was not sure, but said the property was principally wooded.
- Septic System: Mr. Bender noted the Health Department had not approved the septic plans and this meant the Commission could not approve the application.
- Encroaching driveway at the north end of the property: Mr. Bender asked if there was a permit for this driveway. Mr. Etherington, adjacent property owner, was not aware of any permit and agreed to stop using this driveway if it was on the Erbs property.
- Review by Land Use Coordinator: Mr. Bender noted Mrs. Hill had reviewed the application to ensure all requirements had been met and asked Mr. DiMaria to review the report before the next meeting.

Mr. Erbs submitted a written request for a 65 day extension of the time in which the Commission has to act on the application.

Mrs. Roberts asked if the owner would be willing to preserve the vegetation within 100 feet of Sunset Lane in order to preserve the character of the area. Mr. Bender noted the Commission has no right in this case to require deeded open space, but does have the right to require the preservation of natural features to the extent feasible. Mr. DiMaria said he would try to draft appropriate language.

Discussion will continue at the next meeting.

Mr. Charles was reseated.

Other Business

Plan of Conservation and Development

October 29 th Public Hearing: Mr. Wood, consultant, was present. He circulated copies of a shortened Power Point presentation for the October 29th public hearing. The Commissioners thought this was very good and offered advice/suggestions for the presentation. 1) It was noted traffic in the Depot is an issue that will probably be brought up. 2) Also, the need for an in-depth study of the Depot and of appropriate uses for the old Town Garage site will most likely be raised. 3) Mr. Charles thought it would be

worthwhile to educate the public on the difference between the Town's protected open space and what is generally perceived as open space. 4) It was decided to keep it simple and not provide handouts of the implementation section to the public at the hearing.

Press Release: Revised copies of a press release were circulated. It was agreed it was satisfactory and would be sent to **Voices, The Waterbury Republican, The Spectrum, The New Milford Times, and The Litchfield County Times**. Mr. Wood and Mr. Rimsky will work on drafting a professional looking document. The wording of the cover letter was also OK'd and will be sent with the press release. The Commission noted it was important the release be addressed to either the editor or a specific reporter at each paper and not just sent by general fax

Letter to Town Organizations: Mrs. Hill and Mr. Rimsky will decide which organizations will be notified and Mrs. Hill will be responsible for the mailing.

Town Hall Sandwich Board Sign: Mrs. Hill said she had reserved the sign for 10/20 through 10/29. The Commissioners discussed and agreed upon the wording of the sign.

Posters: Posters had been prepared by Mr. Wood. These will be posted throughout Town. Several Commissioners offered to hang them up in prominent places.

Study of the Depot: Mr. Charles was concerned the next administration may not be as supportive as the current one and so asked about the procedure for appropriating funds for the study. He suggested the study be done by a committee made up of members of both the Planning Commission and other Town commissions and that it begin as soon as possible. Mr. Wood briefly advised the Commissioners on how to define the study and contact potential consultants.

Mr. Bender thanked Mr. Wood for his help and attendance at the meeting.

Referral from the Zoning Commission/Revision of the Zoning Regulations/Sections 6, 6.5, 6.6, 21, 17.5, and Revision of Boundary Line and Written Description of Lake Waramaug Residential District: Mr. Bender noted the Commission had not received as much notice as it usually gets for this type of referral. He suggested a subcommittee review the proposed revisions and report back to the full Commission at its next regularly scheduled meeting. As the next meeting would be after the date on which the Zoning Commission will begin the hearing, a letter will be sent to the Zoning Commission to ask that the hearing be continued in order that the Planning Commission may undertake a thorough review of the proposed revisions. Mr. Charles briefly stated several reservations he had about some of the proposed revisions such as maximum dock size, lack of specifics regarding storm water management and landscaping requirements, and not including cantilevered sections of buildings in the coverage calculations. Mr. Charles and Mr. Byerly agreed to serve as the subcommittee.

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

Mr. Bender adjourned the meeting at 9:30 p.m.

FILED SUBJECT TO APPROVAL Respectfully submitted,