

February 10, 2004

MEMBERS PRESENT: Mr. Bender, Mr. Byerly, Mr. Charles, Mr. Rimsky, Mrs. Roberts

ALTERNATES ABSENT: Mr. Buck, Mr. Fairbairn, Mr. Frank

STAFF PRESENT: Mrs. Hill, Mr. Sears

ALSO PRESENT: Mrs. Dyer, Mrs. Pasch, Mrs. Taylor, Mr. Neff, Mr. Talbot, Press

Regular Business

Mr. Bender called the meeting to order at 7:34 p.m. and seated Members Bender, Byerly, Charles, Rimsky, and Roberts. He noted the meeting had been postponed from 2/3/04 due to inclement weather.

Consideration of the Minutes

MOTION: To accept the January 6, 2004 Regular Meeting minutes as presented. By Mr. Charles, seconded by Mr. Rimsky, and passed 5-0.

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

New Applications

Application to Designate Buffum Road as a Scenic Road

Mr. Bender reviewed Mrs. Hill's 2/11/04 memo, which asked for clarification regarding whether the entire length of Buffum Road was proposed as a scenic road and for photographs to document the existing conditions along the road. Mr. Bender asked Mrs. Dyer to submit for the record a series of photographs showing the attributes of Buffum Road.

Mrs. Dyer noted the travel portion of the road was no wider than 15 feet in most places.

A site inspection was scheduled for Saturday, February 14, 2004 at 10:00 a.m. Members will meet in front of Mrs. Dyer's house on Buffum Road.

The public hearing procedure was briefly explained and the hearing was scheduled for Tuesday, March 2, 2004 at 7:30 p.m.

Taylor/38 New Preston Hill Road/2 Lot Resubdivision

The map, "Proposed Site Development Plan," by Mr. Neff, revised to 1/28/04 was studied. Mr. Neff reviewed the proposal to divide the parcel into two lots; a 7.6 acre lot with the existing house and a 10.23 acre lot with a 4.12 acre conservation easement area. The proposed easement was on the east side of the property in a mostly open agricultural field bounded by stone walls. He said it did not connect to other open space, but did abut the property where the Judea Water Company well is located. Mrs. Hill noted the Inland Wetlands Commission had approved the plan dated 12/3/03. Mr. Neff stated the revision on the new map was the addition of proposed contours in the vicinity of the proposed dwelling, but noted this was not within 100 feet of wetlands. Mr. Neff said existing curb cuts would be used for the new driveway.

Mr. Neff noted the Commission had previously approved his request to use a larger size paper so the required 1" = 40' scale map would fit on one sheet.

Mrs. Hill said the application had already been referred to the Conservation Commission.

Mrs. Taylor hoped the riding ring would be demolished by March 15th. Mr. Bender noted if this had not been accomplished by the time the Commission was ready to act on the application, it could be made a condition of approval.

A site inspection was scheduled for Saturday, February 14, 2004 at 11:00 a.m. Members will meet in the field below the house.

Mrs. Taylor reported her attorney was working on language for the conservation easement.

Mr. Bender reviewed Mrs. Hill's 2/10/04 report. It was the consensus of the Commissioners that a limit of disturbance line would not be required on the map. Mrs. Hill voiced her concerns about the Residential Density Determination forms. These had not been signed by a professional engineer or surveyor and some of the figures did not add up. Mr. Neff said he would recheck the calculations.

Mr. Bender advised the applicant the public hearing would most likely be scheduled in April.

Other Business

Talbot/44 Bell Hill Road/Preliminary Discussion/Subdivision

The map, "Property/Boundary Survey," by Mr. Alex, dated January 2004 was reviewed. Mr. Talbot proposed to create one 5 acre lot from the 35+ acre parcel.

Mr. Bender asked what portion of the property would be designated as open space. Mr. Neff said the property was owned by a family owned trust and the lot would be given to a family member so no open space was required. Mr. Bender advised Mr. Talbot to consult his attorney about whether the exemption would apply in this case as the property is owned by a trust, not a family member. He asked that the language in the state statutes be reconciled with the fact the land is held by a trust.

Mr. Neff stated he would prepare a feasibility plan to show the remaining land would be a buildable lot.

Mr. Neff pointed out the land was relatively level in the areas to be developed and so asked for a waiver of the 2 ft. contour requirement. Mr. Bender advised him to submit a written request with the application and said the Commission would consider it.

Mr. Neff stated both feasible building sites were at least 100 feet from wetlands and noted the application would be submitted to both the Health Department and the Inland Wetlands Commission for their review.

The history of the property was reviewed and it was determined the application would be for a subdivision, not a resubdivision.

Brodie/292 Bee Brook Road/Preliminary Discussion/4 Lot Subdivision

Mr. Neff presented his map, "Site Analysis Plan," revised to 10/8/98, which had been drawn up for the 1998 subdivision application submitted by Mr. Dibble. He noted Mr. Dibble had received DOT, Inland Wetlands Commission and Health Department approvals prior to withdrawing the application.

Mr. Bender noted the original application had been made prior to the revision of the Subdivision Regulations and the adoption of the revised density regulations. Mr. Neff said his preliminary

calculations showed the property would support four lots under the new requirements.

The possibility of preserving open space along Bee Brook or abutting the Seymour farm was discussed.

Mr. Neff said a double wide bridge was proposed over Bee Brook to access all four proposed lots; two driveways would be constructed side by side on the bridge with the boundary line running between them. Mr. Neff said the reason was that only two interior lots and one frontage lot could be served by a single accessway under the Zoning Regulations. He said there would have to be a maintenance agreement between the property owners. He also noted the Inland Wetlands Commission had approved an identical plan several years ago. It was recommended he consult with the Zoning Commission about whether the bridge and driveways would comply with the Zoning Regulations.

Other Business

Subcommittee Reports

Revision of the Subdivision Regulations: Mr. Bender noted Mr. Fairbairn had been away and he would wait until his return to report to the Commission.

Study of the Depot Business District/Consultants and Letter for Proposals: Mr. Charles gave a preliminary report. He had consulted Mr. McGuinness at COG and Ms. Parquet (formerly Cardini) about possible sources of information and consultants. Among these were the Yale School of Urban Design who had conducted on site preliminary reviews in the form of charettes to raise relevant issues for other towns, Mr. Gibbons from NEMO, the Ct. Main Street Center, Mr. Hare, a traffic consultant, UCONN, and Mr. Morely from the State OPM. Mr. Charles recommended the Commission spend some time to educate itself on the issues so that it could better define what it wants from a consultant. Mr. Bender was not sure this was the most appropriate course of action and asked if Mr. Charles had contacted the Ct. Chapter of the American Planning Assoc. for the names of consultants. Mr. Charles said he planned to do so.

State Draft Plan of Conservation and Development: Mr. Byerly said the final Plan was due 3/15/04 and so he was doubtful there was time for any comments or criticisms to be incorporated in the document. He also thought the maps required a lot of work to make them meaningful and the treatment of rural and undeveloped lands was not clearly defined. Mrs. Roberts also cited problems with the draft. She said the scale used for the maps was too small, the document lacked a timeline for funding, and it did not have guidelines for implementation. Mr. Bender asked if there was any part of the State Plan that would take precedence over local regulations. Mrs. Roberts said there was not, but cautioned the Plan left sensitive rural areas unprotected from adjoining development.

Report on January Meeting Selectmen and Commission Chairmen: Mr. Charles noted each chairman had reported on the work his commission had accomplished during the past year. Implementation of the Plan of Development was discussed. Mr. Charles stated he had informed those present the Planning Commission would soon conduct a study of the Depot Business District as recommended in the Plan.

Update on Proposed "Smart Growth" Legislation: Mrs. Roberts had attended a public hearing conducted by the Blue Ribbon Legislative Committee to get feedback from the public on "Smart Growth" and tax reform. She reported Mr. Martin, Zoning Chairman, had spoken out against specific mandates in the proposed legislation because they would unfairly affect smaller Ct. towns. She noted officials from other small towns had also been against the proposal to require town plans to conform to the State Plan within two years of its approval and most felt the proposal was punitive to the towns that have so far done a good job with drafting and implementing their plans of development. She said the

State Legislature seems to be headed in a "one size fits all" direction, which is not appropriate for smaller towns, each with its own pressures and concerns. Mr. Bender asked if the danger to small towns could be described in a precise paragraph. Mrs. Roberts thought Mr. Martin had done this and said she would contact him.

2004-05 Budget and Capital Expense Request: Mr. Bender reviewed the budget sheets prepared by the Selectmen's Office. It was the consensus there was no reason to propose any change from the 2004-04 budget.

MOTION: To approve the 2004-05 Budget request to the Board of Finance with no increase in operating funds over the previous year's figures. By Mr. Charles, seconded by Mr. Byerly, and passed 5-0.

Mr. Bender briefly discussed his draft letter to the Board of Finance for an additional \$75,000 for the Depot study. He said he had originally planned to ask for \$100,000, but had been advised this was too high. Every one of the Commissioners thought this figure was too low. They cited the complex issues to be addressed, the need to educate and communicate with the public about the process, the fact that this study could be used as a basis for improvements to the other business districts, that the Depot was still suffering from bad decisions made after the '55 Flood, and that this study would affect the character, health, growth, tax base, and vibrancy of the Depot in the future. They thought such a significant study should not be taken lightly. The issues to be addressed included parking and traffic, storage for Town equipment, and the most appropriate use for the old Town Garage property. Mr. Bender was directed to revise his letter to the Board of Finance to request \$100,000 for the upcoming study.

Election of Officers/Review of By Laws: Mr. Bender appointed Mr. Charles and Mrs. Roberts as the nominating committee. They will recommend a slate of officers at the next meeting.

Public Comment

Mr. Sears asked the Commissioners what they thought about his idea to hold town wide forums on important issues prior to making decisions about them. Housing, educational costs, and open space were examples given. It was the consensus that initiatives to promote public discourse and open dialogue would benefit the Town and Mr. Sears was encouraged to go ahead with organizing the forums. Mr. Rinsky noted such forums would be in keeping with the 2003 Plan's recommendation in the Community Spirit section to explore ways of disseminating information on important Town issues.

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

FILED SUBJECT TO APPOROVAL

Respectfully submitted,
Janet M. Hill
Land Use Coordinator