

# October 5, 2004

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

MEMBER ABSENT: Mr. Bender

ALTERNATES PRESENT: Mr. Fairbairn, Mr. Frank

STAFF PRESENT: Mrs. Hill, Mr. Sears

ALSO PRESENT: Mr. Pinover, Press

## PUBLIC HEARING

### **Application for Scenic Road Designation for Senff Road**

Mrs. Roberts called the public hearing to order at 7:35 p.m. and seated Members Byerly, Rimsky, and Roberts and Alternates Fairbairn and Frank for Mr. Bender and Mr. Charles.

Mrs. Roberts circulated the photos submitted with the application and reviewed the documents in the file, which included the 7/12/04 letter from Mr. and Mrs. Pinover to Mrs. Johnson re: the statements of approval, the statements of approval, the legal notice published in THE **Waterbury Republican** on 9/22 and 9/29/04, the 8/20/04 memo from Mrs. Hill to the Board of Selectmen, Road Foreman, and Tree Warden, the August and September meeting minutes, and the 8/14/04 Special Meeting minutes. She noted more than 51% of the road frontage owners had signed the statements of support and that the Commission had confirmed on its site inspection that the road met one or more of the criteria to be designated a scenic road. Mr. Rimsky stated he had not attended the site inspection, but had driven the road on his own and concurred.

Mr. Charles arrived at 7:39 p.m.

Mr. Sears stated Senff Road was a good candidate for scenic road designation.

Mr. Pinover thanked the Commission for its efforts.

Mr. Fairbairn noted all the information needed to make the decision was in the record.

MOTION: To close the public hearing to consider the application to designate Senff Road as a scenic road. By Mr. Fairbairn, seconded by Mr. Rimsky, and passed 5-0.

Mrs. Roberts closed the public hearing at 7:43 p.m.

This public hearing was recorded on tape. The tape is on file in the Land Use Office, Bryan Memorial Town Hall, Washington Depot, Ct.

## REGULAR MEETING

Mrs. Roberts called the meeting to order at 7:44 p.m. and seated Members Byerly, Charles, Rimsky, and Roberts and Alternate Fairbairn for Mr. Bender.

### Consideration of the Minutes

The 9/7/04 Regular Meeting minutes were accepted as corrected. Mr. Frank noted under Consideration of the Minutes, the previous month's correction had not been made. In the August minutes, on page 4 in the sixth line under Shinar Mountain Road, "regarding" should be "regrading."

MOTION: To accept the 9/7/04 Regular Meeting minutes as corrected. By Mr. Rimsky, seconded by Mr. Byerly, and passed 5-0.

It was noted the Commissioners would now receive their minutes electronically.

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

Pending Application

### **Application for Scenic Road Designation for Senff Road**

Mr. Fairbairn thought the application should be approved because the criteria had been met. Mr. Charles noted, however, that there had been no input from the Highway Department and he thought it might be a difficult road to maintain. Mr. Fairbairn said the Scenic Road Ordinance allows road repairs to be done and also protects the public's interest. Mr. Rimsky pointed out the Town had been notified of the hearing and did not necessarily have to respond.

Mr. Charles noted for the record that the Scenic Road Ordinance does not protect trees, stone walls, vistas, etc. that are along the road, but are not in the Town right of way. He said that work property owners do on their own properties can greatly impact the look of a scenic road. He thought many property owners think the Ordinance provides them with greater protection than it actually does.

MOTION: To approve the application for scenic road designation for Senff Road because it meets the required criteria. By Mr. Fairbairn, seconded by Mr. Rimsky, and passed 5-0.

New Application

### **Scenic Road Designation for Walker Brook Road**

Mr. Nichols spoke on behalf of the application and informed the Commission an application was also submitted to New Milford. He explained scenic road designation was being sought for the entire length of Walker Brook Road on both sides of Rt. 109.

Mrs. Roberts thought the Commission might expedite the application by holding the public hearing prior to the next regularly scheduled meeting, but Mr. Fairbairn thought it was important to review the application thoughtfully and objectively and not quickly react.

A site inspection was scheduled for Tuesday, October 12, 2004 at 11:00 a.m.

The public hearing was scheduled for Wednesday, November 3, 2004 at 7:30 p.m. in the Land Use Meeting Room.

Other Business

**Referral from the Board of Selectmen/Discontinuance of a Portion of West Mountain Road:** Mrs. Roberts read the motion approved at the 9/9/04 Board of Selectmen's meeting to discontinue an additional section of West Mountain Road beyond what had previously been discontinued on 11/12/03. It was noted this section of road would be closed to vehicular traffic, but would be open to pedestrians as a greenway. Mr. Sears asked if the Commission would be willing to hold a public hearing on this matter to make sure the public was informed about the proposal. After a discussion it was the consensus of the Commission that it should not consider the referral until the Board of Selectmen has notified all

adjoining property owners and has discussed the matter with them. If after this has been done, the Selectmen still want to close an additional section of the road, they should resubmit the referral to the Planning Commission. The referral was returned to the Board.

**Depot Business District Study:** Mr. Charles circulated a list of consultants who would be sent the RFP letter. The RFP will also be posted on the websites of the Ct. chapters of the APA and AIA. Mr. Charles will contact Mr. Plattus for more recommendations. Mrs. Hill will ask Mrs. Gollow if the Town is required to publish a legal notice in a newspaper. It was agreed the deadline for proposals would be Friday, November 19. This would give the Commission the opportunity to review them before the December meeting.

**Revision of the Subdivision Regulations:** Mr. Fairbairn said he would include the open space issue raised in Mr. Boling's 8/11/04 in his list of recommendations for revisions to the Subdivision Regulations.

**Referral from the Zoning Commission/Revision of the Zoning Regulations/Sections 11.7.3.1, 12.5.2, and 21.1.4:** It was noted the proposed revisions would allow accessory structures to be taller than the primary structure on the same lot under circumstances where the accessory building would remain subordinate in ground floor area, scale, and volume. For example, this could enable an older style barn not used for agricultural purposes to be constructed on a lot with a house that was not as tall as the barn. It was thought this could contribute to the preservation of rural character.

MOTION: To send a letter to the Zoning Commission that the Planning Commission has no objections to the proposed revisions to sections 11.7.3, 12.5.2, and 21.1.4 of the Washington Zoning Regulations. By Mr. Byerly, seconded by Mr. Charles, and passed 5-0.

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

Mrs. Roberts adjourned the meeting at 8:47 p.m.

FILED SUBJECT TO APPROVAL

By Janet M. Hill, Land Use Coordinator