

# **November 3, 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. and Mrs. Moore, Mr. Gitterman, Mrs. Johnson, Press

## **PUBLIC HEARING**

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

Mrs. Roberts called the public hearing to order at 7:30 p.m. and seated Members Byerly, Charles, Rimsky, and Roberts and Alternate Frank for Mr. Bender. She then read the legal notice published in **Voices** on 10/20/04 and 10/27/04.

Mrs. Roberts read the list of documents in the file and noted the only information missing was the percentage of frontage owners who signed statements of support for the application. Mr. Gitterman stated 58% of the frontage owners were in support of the application.

Mrs. Roberts noted the Commission had inspected the road on October 12, 2004.

There were no questions or comments from the public.

Mr. Frank stated in his opinion Walker Brook Road is, indeed, a scenic road meeting all the criteria listed in the ordinance. Mr. Fairbairn agreed.

Mrs. Roberts closed the public hearing at 7:36 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 7:37 p.m. and seated Members Byerly, Charles, Rimsky, and Roberts, and Alternate Frank for Mr. Bender.

### **Consideration of the Minutes**

MOTION: To accept the 10/5/04 Regular Meeting minutes as written. By Mr. Charles, seconded by Mr. Rimsky, and passed 5-0.

MOTION: To accept the 10/12/04 Special Meeting minutes as presented. By Mr. Charles, seconded by Mr. Byerly, and passed 5-0.

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

### **Pending Application**

### **Application to Designate Walker Brook Road as a Scenic Road**

It was the consensus that Walker Brook Road met the criteria listed in the Town's Scenic Road Ordinance.

MOTION: To approve scenic road designation for Walker Brook Road. By Mr. Byerly, seconded by Mr. Charles, and passed 5-0.

#### New Application

#### **Stiteler-Giddins/198 Tinker Hill Road and West Shore Road/ Resubdivision**

The approximately 72 acre parcel is proposed to be resubdivided into two lots: 59.34 acres with the existing dwelling accessed from Tinker Hill Road and 12.87 acres accessed from West Shore Road.

Mrs. Roberts noted Mrs. Hill had reviewed the application for completeness and found quite a few of the required items were missing. She also noted a referral had been sent to the Conservation Commission and applications submitted to the Inland Wetlands Commission and Health Department.

Mr. Neff, engineer, noted there were already conservation easements on the property and asked if the owners could submit a letter to request that the existing easements be counted towards the open space requirement. He was advised the owners should document what has already been preserved and request a waiver.

The map, "Proposed Site Development Plan," by Mr. Neff, dated 10/7/04 was reviewed. He explained the septic system would be pumped to an area above the house where there are better soils. He also pointed out the proposed tree line/limit of disturbance and said a minimum number of trees would be cut.

Mrs. Roberts reviewed some of the missing information. Mr. Neff stated there were no aquifer discharge areas on the property and that all existing structures would remain. When he reported there would be no landscaping plan, he was advised to request a waiver for that requirement. Mr. Neff stated the underground utilities would run along the driveway up to the house and that the driveway grade would be 2-5%. A revised map with 2 ft. contours will be submitted. Also, Mr. Neff said he would consult with the state DOT regarding the proposed driveway cut and noted there were no specimen trees on site.

The Residential Density Form calculations by Mr. Neff were also reviewed.

A site inspection was scheduled for Saturday, November 13, 2004 at 10:00 a.m.

The public hearing was scheduled for the January meeting.

#### **Beck/129 Calhoun Street/Resubdivision**

Mrs. Roberts noted a complete review had not yet been done, but said the application was incomplete as it did not yet have Inland Wetlands approval, for example. She noted, too, that it required a public hearing, which was set for the January meeting.

Mr. Charles asked that information about the wetlands violation on the adjoining Greenfield property be brought to the next meeting.

#### Other Business

**Depot Business District Study:** No proposals have been received. The deadline is 11/19/04.

**Revision of the Subdivision Regulations:** Mr. Fairbairn will work on recommendations to be discussed at the next meeting.

#### Public Comment

Mr. Gitterman said the Plan of Conservation and Development lists 70 roads in Town as scenic roads and suggested the Town adopt them all at once as scenic roads rather than one by one as the residents of each road submit applications. He noted the New Milford Town Council had done it this way, but said he was not sure under an ordinance such as Washington's that it would be legal under the state statutes. He explained designation for all roads at one time would speed up the process, cost less, and reduce the work required by staff and the Commission. He noted, too, that there is a procedure in the ordinance to rescind a scenic road designation if property owners along a road do not support the designation. Mr. Fairbairn offered to research the state statutes to determine whether a blanket approval would be legal. He will also research whether a Town can refuse to upgrade a road once it is designated scenic. Mrs. Roberts noted the current ordinance had been specifically written to ensure a slower process with inherent protection for property owners. Several Commissioners voiced their concern about a change in the process that would put the burden on property owners to do away with scenic road designations.

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

Mrs. Roberts adjourned the meeting at 8:26 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Coordinator