

## • February 7, 2006

MEMBERS PRESENT: Mr. Charles, Mr. Frank, Ms. Gager, Mr. Rimsky, Mrs. Roberts

ALTERNATES ABSENT: Mr. Fairbairn, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Ms. Purnell, Mr. Szymanski, Mrs. Schrier, Press

Mrs. Roberts called the meeting to order at 7:36 p.m. and seated Members Charles, Frank, Gager, and Roberts.

Consideration of the Minutes

On page 1 it was noted Mr. Gager should be changed to Ms. Gager.

MOTION: To accept the 1/10/06 Regular Meeting minutes as corrected. By Mr. Frank, seconded by Ms. Gager, and passed 4-0.

Mr. Rimsky arrived and was seated.

Pending Application

### **Upper Church Hill, LLC./72 Upper Church Hill Road/3 Lot Subdivision**

Mr. Szymanski, engineer, responded to Mrs. Hill's 2/7/06 updated application review and Mrs. Payne's letter to the Commission received 2/7/06. Regarding Mrs. Payne's letter he stated the following: 1) He offered to include the side yard setback area on the NE side of lot #2 in the conservation easement to connect the easement areas, 2) He agreed to the recommended language regarding the preservation of stone walls on the property except for the driveway openings. 3) He proposed iron pipes at all points where the boundary lines change location and offered to add more at the discretion of the Commission. 4) He noted the buffer between the lot #3 driveway and the Whitehead property had been revised since the last meeting and a mix of native vegetation such as pin oak, ash, maple, and cedar was proposed. He then addressed the summary points on page 4 of Mrs. Hill's review. 1) He submitted the draft document, "Proposed Conservation Restriction." He noted it was based on the language for the Myfield conservation easement and said that the Conservation Commission had approved it with the above mentioned recommendation to add protection for the stone walls. 2) He agreed to get the Road Foreman's written approval for the location of the driveway cuts. 3) He was advised to go to the Conservation Commission to find out whether the Town would accept the easement and to submit a copy of the written agreement. 4) He explained the reason why the applicant had requested a waiver of the requirement that the state plane coordinates be shown on the map, noting the closest monument was located on Rt. 109 quite a distance from the property. 5) He noted it was up to the Commission to decide whether it would request fire protection measures, but said it was only a three lot subdivision and the Town had no specific requirements. 6) He noted iron pins would be visible but not outwardly apparent and asked if they were acceptable to the Commission. 7) It was noted the Commission still had to decide whether it would conduct a public hearing. 8) It was noted the conservation issues raised in Mrs. Payne's letter had already been addressed.

The procedure for filing the conservation easement was reviewed. Mr. Szymanski stated the easement would have to be filed on the Town Land Records before the mylar was signed for filing.

Mr. Charles objected to the terms of the conservation easement, saying since these areas could be converted to lawn, it was really a buffer and did not provide much protection. Mr. Szymanski said much of it is hayed four times a year and some is already lawn. Mr. Charles thought the proposed configuration of the lots and the easement was a suburban style use of the land and thought a better plan would be to cluster the houses so the farmland could be preserved. Mr. Szymanski noted that until the conservation easement is filed, the possibility would remain that the property could be sold as one piece with four lots donated for open space for tax deductions.

Mrs. Roberts advised Mr. Szymanski that the state has a program to provide native vegetation for screening and also stated the Conservation Commission would soon provide Planning with a list of invasive species that should not be used for landscaping or in buffers.

There was another brief discussion regarding the state plane coordinates.

MOTION: To waive Section 4.4.11 of the Subdivision Regulations so that in its current application for a 3 lot subdivision at 72 Upper Church Hill Road, Upper Church Hill, LLC. will not have to show the state plane coordinates on the Subdivision Map. By Mrs. Roberts, seconded by Mr. Rimsky, and passed 5-0.

Regarding fire protection measures, Mr. Szymanski was advised to contact Mr. Woodruff of the Fire Dept. to review the application. It was noted the Commission has the jurisdiction to request fire protection measures, but that it would be unusual for it to do so in this case.

There was a lengthy discussion regarding the proposed use of iron pins to mark the boundaries of the conservation easement. While the Conservation Commission favored the pins over more visible markers, Mr. Charles thought the monuments should stick out of the ground so they would be clearly visible and it would be evident to both future owners and Town officials who would monitor the easement area. Mr. Szymanski noted it would cost \$150 more for each concrete marker and argued the boundaries were evident when observing the natural features of the property. He suggested monuments be installed only at the major corners with iron pins elsewhere and circled potential monument locations on the site plan. It was the consensus this was how it would be handled and that in the future the Commission should work out a standard policy about easement markers with the Conservation Commission.

Mr. Charles preferred that all the wetlands on the east side of the property be included in the conservation easement. Mr. Szymanski offered remove the conservation easement along the driveway and northern boundary of lot #2 and in exchange, add the wetlands on the east side of the lot. He said he was well over the 15% open space required and so would have no problem with the open space computation. Mrs. Roberts agreed this was a good idea since future property owners would probably want to mow along the driveway.

Ms. Gager advised the applicant to check the language in sections 3.6.3 and 2.6 of the conservation easement to make sure it does not conflict.

Mr. Charles thought in the future the Town should charge applicants \$2500 to set up an endowment to pay for monitoring of conservation easements.

Driveway construction was briefly discussed. Mr. Szymanski noted no curbs were proposed and that due to the level land, the Wetlands Commission had approved the application without a condition that the driveways remain unpaved. Mrs. Roberts noted the Planning Commission favors unpaved driveways to preserve rural character.

It was noted that based on the residential density requirements, once the conservation easement is filed the proposed lots could not be resubdivided and a note to this effect had been added to the Record

## Subdivision Map.

A public hearing was scheduled for Tuesday, March 7, 2006 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

A site inspection was scheduled for 10:00 a.m. on Thursday, February 16, 2006. The commissioners will meet at the farmhouse.

## Other Business

**Depot Study:** Mrs. Roberts noted several Town commissioners had submitted questions and comments about the study and several of these were discussed.

- Mr. Snook: Mrs. Roberts feared he had misunderstood there would be one way traffic through Bryan Plaza, and she stated this was not the case; the traffic would continue to flow as it always has, but there would be a row of trees installed down the middle to separate the lanes. She also noted there would be adequate room for diagonal parking for both lanes. Regarding his point that the report is too optimistic as the Town can barely support the businesses that are here now, Mr. Rimsky noted the study projects possible uses in the Depot, it is not an actual plan. Mr. Charles pointed out the possibility of more residences in the Depot, especially units over commercial spaces, would help support the businesses already here and would make it more economically feasible for people to live and work in Town. It was noted the Commission was not projecting population figures, but was being prudent by being prepared for an increase if it does, indeed, occur. Also in response to Mr. Snook, it was noted the plan contains more parking spaces than there are now in the Depot by making more efficient use of the space available. Mr. Charles suggested Mr. Donovan of Wilbur Smith Assoc. be asked to attend a joint Planning-Zoning meeting to discuss parking issues. It was noted whatever decision was made about the future of the Primary School, it would affect the Depot. No matter what the outcome, a flood plain study will have to be conducted for the school property. Mr. Rimsky noted that page 29 of the report addresses the school issue. Regarding routing truck traffic through the Supply property, Mr. Rimsky thought this would be unsafe due to the ongoing business operations in the lumber yard.

- Flood Plain Study: Mrs. Roberts stated this would be one of the top priorities of Phase II since there were reports that the FEMA data is not accurate and that the river and flood plain have changed since the flood plain was first established.

- Mr. Sedito: This memo to the Commission had been reviewed at the last meeting and Mrs. Hill's response to Mr. Sedito was found to be satisfactory.

- Mrs. Leab: Mrs. Leab voiced her concern about preserving water quality and Mrs. Roberts agreed that would be a high priority. The Commissioners did not necessarily think that all activities had to be kept away from the river in order to accomplish this. Several members cited examples of towns where with the use of their river corridors by the public for recreational and conservation purposes, the general population became more aware and protective of the environment. It was also noted the Commission was not recommending development exactly as it existed years ago in Town. Any new development would have to meet current regulations. Stormwater management was discussed. Mrs. Roberts noted several years ago the Town installed a basin in the Plaza that empties directly into the Shepaug. Ms. Purnell noted this allows pollutants such as heavy metals, gas, oil, asbestos, etc. to reach the river. Mrs. Roberts said NEMO information would be reviewed for ideas on controlling stormwater runoff. Ms. Purnell recommended proposed landscaping features such as the trees in the middle of the Plaza be used as biofiltration basins to protect the river. She also cautioned that the existing drainage systems must be routinely maintained to reduce the flow of sand and sediment to the river and that the state might

consider this sediment under the category of special waste. She offered to provide the Commission with schematics and drawings of sample biofiltration systems.

- **Inland Wetlands Commission:** Mrs. Roberts stated she would attend an upcoming Wetlands meeting to explain that the Planning Commission is fully aware of that Commission's jurisdiction and is concerned about protecting the wetlands. It was agreed it would be very helpful to have the Depot's wetlands and watercourses delineated. Mrs. Roberts suggested the Town apply for a grant for funding to conduct the wetlands and flood plain studies as well as other studies determined to be priorities. Mr. Charles said a community septic system study should be done as well. The Wetlands Commission also raised several special concerns. It did not favor a realignment to create a River Road/Titus Road intersection because this would decrease the buffer between the road and the river. Mr. Rimsky again noted this was only an idea at this time and also that if done, the road realignment would be in the vicinity of the present drug store parking lot so there would still be a buffer between River Road and the river. Mr. Charles reiterated his belief that bringing the public closer to the river would result in increased public commitment to protect it. Mrs. Roberts noted Wetlands' concern about the installation of septic systems and the preservation of riparian buffers if dwelling units are constructed on the old Town garage property and behind Town Hall. Mr. Charles suggested the Planning Commission work closely with the Inland Wetlands Commission in the future. Mr. Rimsky noted aspects of the study such as reestablishing the main street appearance along River Road or constructing houses on the old Town garage property may or may not ever happen, but if they do, there would be prudent evaluations by all the Town land use commissions. Mrs. Roberts noted one part of the study that most people agree on is the idea for a hiking trail along the river. She asked Ms. Purnell whether the Inland Wetlands Commission would be receptive to plans for clearing along the riverbank in order to put in a trail. Speaking for herself, Ms. Purnell thought a low impact path with selective vista pruning would be OK as long as the topography and root systems were not disturbed. Regarding the location of affordable housing units, Mrs. Roberts stated that if housing units were constructed in the Depot they would be within walking distance of stores and other services, so this matter was addressed in the study. Mrs. Leab's request that plans for Wykeham Rise be considered was not addressed because that property is out of the study area. In response to Mrs. Leab's request to put the study on the website, Mr. Rimsky noted this had already been done. He said, however, that it was a PDF document, which might not be readily available to all website users, so recommended the Commission continue to pursue printing copies for the public to purchase. Ms. Gager recommended the Commission check the Freedom of Information Act before setting a price for the study. Mrs. Schrier thought the Commission should advertise when there are copies available and sell them at local stores and in front of the Food Market. Mr. Charles thought the Commission should give the public time to read the study before scheduling any community meetings. Mrs. Roberts said there would be a meeting with the business community and she and Mrs. Schrier of the Washington Business Assoc. will work out a mutually agreeable date.

It was noted the Commission appreciated the responses received and would continue to discuss them at the next meeting. They regretted they did not have time to respond personally to each individual, but noted the discussions would be covered in the minutes.

**Walker Brook Farm Subdivision II:** Ms. Purnell circulated her 2/7/06 memo on planning related issues. She briefly described the area in which the New Milford subdivision is proposed, the pristine character of Walker Brook, and the application process to date. Currently the subdivision application has been resubmitted to the Inland Wetlands Commission and submitted to the Planning Commission without addressing the many concerns raised by the Washington Inland Wetlands Comm. at past public hearings held to consider the previous applications. She asked if the Planning Commission would draft a letter to the New Milford Planning Comm. to advise it of Washington planning issues such as the scenic road status of Walker Brook Road, density, preservation of farmland, goals of the Plan of Conservation and Development, etc. It was the consensus that a development of such density on the Washington border

would adversely impact the preservation of farmland in the area, would encourage sprawl, would not be in keeping with the existing rural character, and would change the character of the community. It was noted the 78 houses proposed would be much closer to Washington Depot than they would to New Milford and that this would impact our volunteer emergency services. Mr. Charles offered to work with Ms. Purnell to expand upon the letter against the proposed zone change, which was sent to the New Milford Zoning Commission in 2004. Once a draft is prepared, he will email it to the commissioners for comments. This was necessary because the New Milford public hearing is scheduled before the next Planning Commission meeting.

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

Mrs. Roberts adjourned the meeting at 10:15 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator