

March 7, 2006

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

ALTERNATE PRESENT: Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Szymanski, Atty. Kelly, Mr. Sears, Mr. Haber, Residents

PUBLIC HEARING

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

Mrs. Roberts called the public hearing to order at 7:34 p.m. and seated Members Gager, Frank, Rimsky, and Roberts and Alternate Fowlkes for Mr. Charles.

Mr. Szymanski, engineer, presented maps by Arthur H. Howland, PE, revised to 2/28/06, 12 pp. He described the revisions that were made based on the discussion at the last meeting. 1) The conservation easement area had been reconfigured to include the western portion of the wetlands on the east side of Lot #2. 2) Monuments were proposed at the corners of all property and easement boundaries. 3) Additional plantings to provide a screen for the adjoining property were added along the driveway to Lot #3 as recommended by the Conservation Commission.

Mrs. Roberts noted the Commission wanted as much as possible of the vegetation along the boundary lines to remain in its natural state. Mr. Szymanski said there would be no disturbance within 15 feet of the property lines except for the removal of a section of stone wall for the driveway to Lot #3. Mr. Haber, adjoining property owner, asked for confirmation that all activities would be at least 15 feet from the stone walls. Mr. Szymanski said this was correct and noted the stone walls were under the conservation easement and could not be removed. Mrs. Roberts noted the Commission's goal was to keep the easement area looking like farmland to preserve the rural character. Mr. Szymanski pointed out the conservation easement on the west side of the property at the intersection of Upper Church Hill and Popple Swamp Roads would also preserve the rural character of the area.

Mr. Szymanski stated ideally the parcel would be sold as one piece, said there was a third feasibility layout with four lots for tax deduction purposes, and noted if sold as three lots there was a note on the subdivision map that the lots would not be further resubdivided.

Atty. Kelly asked if Lot #3 was configured as a frontage lot. Mr. Szymanski said he had conservatively considered it an interior lot and it conformed to all the zoning requirements for interior lots. Atty. Kelly asked if plans were provided for the proposed structures. Mr. Szymanski said, no, the site development plans were for feasibility purposes only. Atty. Kelly asked if the Commission had waived this requirement. Mr. Szymanski said there was no requirement for specific plans at this time. Atty. Kelly asked what were the sizes of the septic systems shown. Mr. Szymanski said they were six bedroom designs except for Lot #1, which has an existing three bedroom house and a reserve system for five bedrooms. He explained the actual detailed septic plans would be approved by the Health Department when Building and Zoning permits were applied for and the actual house size and location was known. Atty. Kelly asked if the Inland Wetlands Commission had approved the application. Mr. Szymanski said both the Wetlands permit and driveway permit had been approved.

The open space/conservation easement was discussed. Atty. Kelly asked who would hold the

conservation easement. Mrs. Roberts said the Conservation Commission would. Atty. Kelly noted more than half of the easement area was wetlands and asked if the Commission had considered requiring a fee in lieu of open space. Mr. Szymanski noted he had revised the easement boundaries to include more of the wetlands at the request of the Planning Commission. Mrs. Hill stated the application had been referred to the Conservation Commission who had not recommended a fee in lieu of the open space requirement. Atty. Kelly asked if a fee in lieu of open space had ever been considered by the Commission. Mrs. Hill said it had not, probably because there had been so few subdivision applications since this option was permitted under state law. Atty. Kelly suggested the Commission leave the wetlands out of the easement area and take a mix, a smaller conservation easement area and a partial fee in lieu.

Mrs. Hill asked whether the Commission had determined whether any fire protection measures would be required. Mr. Szymanski said he had tried to contact Mr. Woodruff of the Fire Dept., but had not been successful.

Mr. Szymanski submitted revised residential density calculations to reflect the changes made to the conservation easement area and informed the Commission the proposed subdivision still met the residential density requirements.

Mrs. Hill noted all five adjoining property owners had received their certified mailings notifying them of the hearing.

There were no other questions from the commissioners or from the public.

Mrs. Roberts closed the public hearing at 7:58 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 7:59 p.m. and seated Members Gager, Frank, Rimsky, and Roberts and Alternate Fowlkes for Mr. Charles.

Consideration of the Minutes

MOTION: To accept the 2/7/06 Regular Meeting minutes as written. By Mr. Rimsky, seconded by Mr. Frank, and passed 5-0.

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

Pending Application

Upper Church Hill, LLC./72 Upper Church Hill Road/3 Lot Subdivision: Mr. Rimsky stated the applicant had been responsive to the Commission's requests. Mr. Frank noted it had not yet been decided whether fire protection measures would be required. It was the consensus this was a small subdivision and so this was not necessary. Mrs. Hill asked if the applicant had received confirmation from the Town that it would accept the open space. Mr. Szymanski confirmed this was so. Mr. Frank noted the conservation easement language had to be reviewed as it contained errors. Mr. Szymanski noted the Conservation Commission had already reviewed it. Mr. Frank listed the following sections that either contained errors or incorrect references: 3.7, 4.5, and 4.5.b, and asked if it had been referred to the Town

Attorney for review. Mrs. Hill said the Commission had not requested a legal review. Ms. Gager asked if the applicant had addressed the solar energy techniques per Section 8.3 of the Subdivision Regulations. Mrs. Hill said this had been done.

MOTION: To approve the application submitted by Upper Church Hill LLC. for a 3 lot subdivision at 72 Upper Church Hill Road per the maps and plans revised to 2/28/06 subject to the following conditions: 1) the conservation easement language be reviewed and approved by the Town of Washington and 2) the landscaping be installed prior to the signing of the mylar map. By Mr. Rimsky, seconded by Mr. Frank, and passed 5-0.

Mr. Rimsky noted the validity of the points raised by Atty. Kelly when he suggested the Commission consider a fee in lieu of open space. He thought the Planning and Conservation Commissions should establish a stronger dialogue and work more closely together on the subdivision open space requirement. It was noted the state sets the fee in lieu of open space at 10% of the appraised value prior to development, so in this case, the fee would have been approximately \$50,000. Mrs. Roberts agreed the two commissions should work more closely and said she would discuss this matter with Mrs. Payne, Conservation Commission chair.

Consideration of the Minutes

MOTION: To accept the 2/16/06 site inspection minutes as written. By Mr. Fowlkes, seconded by Ms. Gager, and passed 5-0.

Other Business

Depot Study: Mrs. Roberts noted she has continued to discuss the study with the community and has found that many residents are receptive at least in part to the plan. Widening the Plaza so there is room for a median and additional parking and the idea of constructing housing behind Bryan Hall were two of the ideas for which she found support. She said the Selectmen had asked how the Commission was progressing with establishing priorities. Mr. Rimsky noted the walking trail encircling the Depot should be on the short list of priorities as it could be accomplished relatively quickly and without much funding. There was a brief discussion regarding the work that would have to be done to install a narrow, natural trail along the river. It was noted, too, Inland Wetlands Commission approval would be required. Mrs. Roberts said she had discussed the possibility of a temporary playing field on the old Town Garage property. She said although the study had tagged this property for housing, it could be ten, twenty, or more years before that was built, so in the meantime the Park and Rec Commission might want to consider the installation of a "temporary" field. Mrs. Roberts stated the First Selectman would apply for grants once the priorities have been established. There was a brief discussion about printing additional copies of the Depot Study. It was the consensus that copies were so expensive; approximately \$500 for twenty bound color copies, that the public should be directed to read the document on the Town web site. Mr. Rimsky will make two copies of the CD so that it can be loaned out to the public.

Mr. Sears and Mr. Charles entered the meeting at this point.

Mr. Sears noted the possibility of housing behind the Town Hall would be discussed at the next Housing Committee meeting.

Improvements to Bryan Plaza were discussed. Mrs. Roberts stated the Commission thought this was a priority and suggested the Board of Selectmen could start to work on it. Mr. Sears said this could be done if advocated by the citizens, but Mr. Rimsky thought direction would come from the Planning Commission, not the public. Mrs. Roberts noted she has found the public receptive to the idea of

improvements to Bryan Plaza, said such improvements would be for the public good, and thought therefore, the Board of Selectmen could operate in the public interest. Mr. Sears thought it was important to first get input from the stakeholders and support from the public. Mr. Frank noted the Commission had always planned to hold public informational meetings to discuss the priorities for the Depot. Mr. Rimsky said improvements should also be made to the parking area by The Pantry. Mr. Sears noted he and Mrs. Roberts would attend the next meeting of the Washington Business Association to discuss parking. Mr. Charles said any changes made to the Depot parking now should be designed to leave options open for future needs. Mr. Fowlkes suggested the old Town Garage property be used temporarily for employee parking. Mr. Sears said there had already been 10-12 spaces installed there, but these could be expanded if lighting and snow removal concerns were addressed.

Mr. Sears warned the commissioners that the school vote would shift the Town's focus on spending priorities.

Walker Brook Subdivision II/New Milford: Ms. Gager and Mr. Charles attended the New Milford public hearing and submitted the letter from the Commission, which had been written by Ms. Purnell after consultation with several Planning Commissioners. It was noted the subdivision would be closer to the Washington fire department than to the New Milford firehouse and the impact on Washington's volunteer emergency services was unknown. Mrs. Roberts suggested the Board of Selectmen write a follow up letter to the New Milford Planning Commission to voice its concerns. Ms. Gager noted wetlands, health, road improvements, and sight line issues remain to be addressed by n. Milford. Mr. Charles advised the Commission that the CBIA, which is comprised of both government and business entities, is pushing to reduce sprawl throughout Ct. and that the current New Milford application would do just the opposite.

Ficalora/Green Hill Road: Mrs. Hill briefly reported on the preliminary discussion, which had taken place at the 2/27/06 Zoning Commission meeting, regarding the redevelopment of the Ficalora property. She explained the property owner had been asked by Zoning to draft plans that were more in keeping with the goals of the Depot Study and that would work to preserve the rural and community character. In turn, the Zoning Commission would work to adopt revised Zoning Regulations for the business districts that would allow increased coverage, decreased setbacks, changes to nonconforming buildings, decreases in the parking requirements, etc. under certain circumstances to enable development that is similar to what already exists in the Depot. Mr. Charles felt strongly that the Zoning Commission should not approve any amendments to the Zoning Regs until it had consulted with experienced planners such as Wilbur Smith or Planimetrics. Mrs. Hill advised him that at this point Zoning was considering allowing flexibility by Special Permit on a site specific basis. Mrs. Roberts thought it was wonderful that Zoning was trying to follow the broad precepts of the Depot Study. Mr. Rimsky also applauded Zoning's efforts, but agreed with Mr. Charles that the Zoning Commission should be encouraged to refer the draft revisions to either Wilbur Smith or Planimetrics.

Communications

Mrs. Hill discussed the 3/6/06 letter from Mr. Greenstein, which complained about the trees cut by the Private Mortgage Fund, LLC. in the Town right of way on South Fenn Hill Road. She pointed out that the Planning Commission has often required open space that preserves the rural streetscape and that clearcutting in the Town of right of ways is counter productive to that goal. It was suggested the Planning and Conservation Commissions could work together with the Highway Department to control unnecessary disturbances in the Town right of ways. Mr. Sears asked the Planning Commission to get back to him with ideas on how to regulate the area between the edge of town roads and property lines. Mrs. Hill will refer the matter to the Conservation Commission as well.

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

FILED SUBJECT TO APPROVAL Respectfully submitted,

Janet M. Hill, Land Use Coordinator