November 8, 2006

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

ALTERNATES PRESENT: Mrs. Braverman, Mr. Carey

ALTERNATE ABSENT: Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Boling, Mr. Szymanski, Press

Mrs. Roberts called the meeting to order at 7:33 p.m. and seated Members Charles, Frank, Rimsky, and Roberts and Alternate Braverman for Ms. Gager.

Consideration of the Minutes

MOTION: To accept the 10/3/06 Regular Meeting minutes as written. By Mr. Rimsky, seconded by Mrs. Braverman, and passed 5-0.

MOTION: To accept the 10/17/03 Special Meeting minutes as written. By Mr. Frank, seconded by Mr. Charles, 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.

Ms. Gager arrived and was seated.

Other Business

Referral from the Conservation Commission/Proposed Rural Roadscape District

Mr. Frank noted the Commission had requested that a representative from the Conservation Commission attend the next Planning Commission meeting to explain the draft Rural Roadscape Zone regulations. Mr. Boling stated the proposed regulations were an attempt to prevent clearing and regrading like that which had occurred along Fenn Hill Road from happening in the future along other roads in Town. He thought these regs were needed because the Scenic Road Ordinance applies only to actions by the Town, not to the actions of property owners along a road. He said he had discussed the technical aspects with Mrs. Hill since the last Planning meeting. A lengthy discussion ensued and included the following topics:

District Boundaries: Originally 25 feet on either side of the centerline of the road had been proposed, but since the widths of Town road right of ways vary, Mr. Boling suggested this be changed to 50 ft. He noted this did not mean all roads should be 50 ft. wide, but only that 50 ft. on each side of the centerline of a road should be regulated. He said he would consult with an attorney regarding whether this district could be legally established.

Relation to the Scenic Road Ordinance: The draft regulations would not take the place of the scenic road ordinance. Mr. Charles pointed out the state enabling statutes for scenic road ordinances are specific regarding their jurisdiction and they may not regulate activities on private property. Mr. Rimsky agreed additional regulations were necessary to protect the roadscape not already protected under the Scenic Road Ordinance. Mr. Boling thought the only legal way for the Town to provide this additional

protection would be through the Zoning Regulations, but Mrs. Hill noted an alternate approach would be by Town ordinance.

Application Process: Mr. Boling explained if they were adopted, a new zoning district would be established and the proposed regulations would govern activities in that district. Mrs. Roberts asked if this would interfere with the Selectmen's process for approving driveway cuts. Mr. Boling said the proposal was an "overlay requirement," and driveway cut approval would still be needed from the Selectmen.

Utilities: It was asked whether CL&P would have to get a zoning permit for tree work within the rural roadscape district and whether the proposed regs could be used to prevent the utility company's "massacre" of the trees along Town roads. Mr. Boling said he would have to find out what rights the utility companys have and recommended, if adopted, that CL&P be notified. He also recommended that underground utilities be encouraged and above ground utility lines should require zoning permits. Ms. Gager questioned whether it would be CL&P or the property owner who would have to apply and pay for the permit. She pointed out that if the Commission denied a permit for the proposed work, CL&P would hold the property owner responsible for any resulting damage.

Legality: Mr. Frank asked if there were state enabling statutes for establishing this type of district. Mr. Boling said the Town attorney would have to review the legality of creating a separate district consisting of the land adjacent to the roads.

Design Standards: Mr. Frank voiced his concerns that 1) the Zoning Commission has in the past avoided specific design standards and 2) the standard of "traditional New England character" referred to in the proposed language was too vague.

Administration: Mr. Rimsky noted if the regulations were enacted there would be a significant increase in the number of zoning applications. Mr. Boling said most of them could be handled administratively.

Recommendations for Additional Input/Documentation/Provisions: Mrs. Roberts recommended that clear guidelines be established for work by the Town road crew. Mr. Frank suggested the proposal be referred to Mr. McGuinness while it is still in draft stage in order to obtain his input about what is allowed/how this problem is handled in other towns.

Referral Per Section 8-24 CGS/Installation of Generator at Town Hall: Mrs. Roberts read the 10/19/06 letter from Mr. Sears in which he provided answers to the questions raised at the last meeting. The commissioners studied the attached flood insurance rate map, revised 9/30/92, and saw the Town Hall property was not located in the flood plain. Mr. Charles questioned why the Commission had not received a more detailed design to review and why it had not been consulted at the beginning of the process. He did not think the Town should buy a generator without a warranty. Mrs. Roberts noted the proposed generator would not interfere with any future plans for a driveway around the Town Hall. It was noted that all of the questions raised at the last meeting had been answered, the Commission was satisfied with the responses, and the Commission had acted favorably on October 17.

Depot Study: The meeting with Mr. Orr was rescheduled for Wednesday, November 15, 2006 at 1:00 p.m.

Referral from Zoning Commission/Revision of the Zoning Regulations

Sections 4.4.17, 6.6, 6.6.10, 6.4.6, and 21.1.28: It was noted the proposed revisions had been mailed out so that the commissioners would have time to review them prior to the meeting. Mr. Frank said he had attended Zoning's public hearings on 10/23, noted they had been continued to 11/27, and provided a brief

explanation of each proposed revision. Basically, a new Section 4.4.17 was proposed to allow accessory structures necessary to the operation and/or maintenance of a golf course in the R-1 District by Special Permit, various minor changes regarding docks and fences were proposed to the comprehensive Lake Waramaug District regulations adopted in 2003, and an update of the definition of "fence" was proposed. It was the consensus the Commission had no objections to any of the proposals.

MOTION: The Planning Commission believes that the proposed revisions to the Zoning Regulations affecting docks and fences on Lake Waramaug, as modified by the Zoning Commission at its meeting on October 23, 2006, further the interests of the Town, consistent with the Plan of Conservation and Development, in protecting and preserving Lake Waramaug as a significant recreational asset. By Mr. Frank, seconded by Mr. Charles, and passed 5-0.

Approval of Conservation Easement for Upper Church Hill, LLC.: Mrs. Roberts read the 11/8/06 memo from Mrs. Hill, in which she reported Atty. Miles' comments about the final draft of the conservation easement language. His recommendations were: 1) Section 3.6: that a phrase be added to state the agricultural structures referred to must be for a use in connection with the permitted uses on the property and 2) Section 4.5.6: that the 30 days in which the Town has to act should be increased to 60 days, given the slow workings of municipal government. Mr. Boling and several Planning Commissioners objected to the above recommended change to Section 3.6 because in order to preserve the agricultural use of some open space, often the land is leased to a farmer who then farms the property. It was noted the preservation of agricultural land was one goal of the Plan of Conservation and Development. Mr. Szymanski suggested Atty. Miles meant this phrase should be added to the Upper Church Hill, LLC. easement only and not to all open space easements in general. Mr. Boling, a member of the Conservation Commission, said he had never seen language like Atty. Miles proposed. Mrs. Braverman thought if this change were approved, it would set a dangerous precedent. It was the consensus of the commissioners to make the recommended change to Section 4.5.6 only; not to Section 3.6.

MOTION: To approve the document, "Proposed Conservation Restriction," received 10/24/06 for Upper Church Hill, LLC. with the following revision: in Section 4.5.6, 30 days shall be changed to 60 days. By Ms. Gager, seconded by Mr. Frank, and passed 5-0.

Mr. Charles noted that in the future the Commission should consider requiring a $2500 fee from the applicant to help defray the future cost of monitoring the open space.

Sharon Association: Mrs. Roberts noted that she, Mr. Charles, and Mr. Frank had attended the last meeting of the Sharon Assoc. and had found it to be an interesting discussion of area towns' land use problems. The Association will meet four times a year; the next meeting scheduled for February. The commissioners were urged to attend.

Public Comment

Strawman, LLC./135 Juniper Meadow Road/Preliminary Discussion/ Affordable Housing Project: Mr. Charles recused himself because he is a partner in Open Space Equity. Mr. Boling of Open Space Equity circulated a map of the 13 acre hillside property behind Bee Brook Condos. He said he was working on a small scale cluster of 10 to 15 units in the southwest corner of the property with 75% of the parcel preserved as open space, which hopefully would be linked to open space on the adjoining Stuart farm. He noted the only access to the property was a right of way through the Bee Brook Condos. Ms. Gager recommended that Mr. Boling check whether there are any restrictions on the use of the right of way. Mr. Boling said another option would be a cluster of village scale houses on 5000 sq. ft. lots, which would be possible under the Affordable Housing Appeals Act. He urged the Commission to begin

thinking about this option. Mrs. Roberts asked what the visual impact of the project would be. She did not think the Town wanted to see a suburban type development on a cul de sac or a large concentration of housing. Mrs. Hill pointed out the housing on The Green is concentrated, but that most people consider that area to be a beautiful section of Town. Mr. Boling did not think it would be seen from the Bee Brook Condos or from Rt. 47, but thought it would be seen from Stuart's farm and other adjoining properties. Mrs. Hill suggested that if it could be seen from Stuart's farm, he should also attend a Historic District Commission meeting for a preliminary discussion. Mr. Boling said he hoped to have a high quality design for the project and that the Zoning Commission would determine the units would not have to be identical. The Commissioners agreed the units should not be identical. Mr. Frank asked if there were any wetlands issues. Mr. Boling responded an access bridge would have to be constructed to enter the property.

Other Business

At the last meeting Mr. Carey had offered to research the Washington Supply Company property. He reported that it was stipulated in the title that there could be no residential use of the property. Mrs. Hill thought this was disappointing in light of the Depot study's recommendation of mixed use; commercial below with residential above, in the Depot Business District. Mr. Carey, however, pointed out the Planning Commission should be relieved that the Depot would not be over built, causing huge septic problems. Mr. Frank noted the deed restriction runs in perpetuity.

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

Mrs. Roberts adjourned the meeting at 9:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator