

August 7, 2007

MEMBERS PRESENT: Mr. Charles, Mr. Frank, Mr. Rimsky

MEMBERS ABSENT: Ms. Gager, Mrs. Roberts

ALTERNATES PRESENT: Mrs. Braverman, Mr. Carey, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Clark, Mr. Papsin, Mr. Lorenti, Mr. Flatt

Mr. Charles called the meeting to order at 7:32 p.m. and seated Members Charles, Frank, and Rimsky and Alternates Carey and Fowlkes for Mrs. Roberts and Ms. Gager. He announced that the Commission would delay the opening of the public hearing to consider the application submitted for Abella/44 Scofield Hill Road/3 Lot Resubdivision until later in the evening because the engineer authorized to represent the applicant had not yet arrived.

Consideration of the Minutes

MOTION: To accept the July 10, 2007 Regular Meeting minutes as written. By Mr. Carey, seconded by Mr. Rimsky, and passed 5-0.

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

Pending Applications

Abella/44 Scofield Hill Road/3 Lot Resubdivision

Mr. Charles noted the public hearing would commence later in the evening.

Aragi/9 Wilbur Road/8 Lot Subdivision

Mr. Clark, engineer, represented the applicant. He noted he had received Mrs. Hill's 8/2/07 preliminary review of the application and had discussed it with his client.

Mr. Charles noted that a preliminary discussion had been held with Mr. Aragi several months ago, but it did not appear that many of the Commission's recommendations had been incorporated in the subdivision plan. He noted, too, that the extensive list of shortcomings noted in Mrs. Hill's review had not been addressed. He recommended that the applicant withdraw the application or that the Commission deny it without prejudice because so much of the required information was missing.

Mr. Carey pointed out that the Inland Wetlands Commission's public hearing on the application would not begin until mid September and so he thought that any review by the Planning Commission would be conjectural at this point. Mr. Clark noted state law allows both reviews to run concurrently. Mrs. Hill said that was true, but explained Planning was concerned because if it were to schedule a public hearing, it would have to begin it before the start of the Inland Wetlands hearing and the Inland Wetlands Commission could subsequently require many revisions to the plans. Mr. Clark noted Inland Wetlands had already recommended the conventional proposal be changed to a cluster subdivision.

Mr. Charles suggested if the application were withdrawn tonight, Mr. Clark could then discuss alternate plans such as a cluster subdivision later under Privilege of the Floor. Mr. Clark said he was not authorized to withdraw the application.

It was the consensus of the Commissioners that the application was incomplete and should be denied without prejudice.

MOTION: To deny without prejudice the application submitted by Mr. Aragi for an 8 lot subdivision at 9 Wilbur Road because it is incomplete and to waive the fee when the application is resubmitted. By Mr. Frank, seconded by Mr. Rimsky, and passed 5-0. (Motion approved, Application denied)

New Application

Brown-Carroll/41 Buffum Road/2 Lot Resubdivision

(Although it was not discussed at this meeting, it should be noted that the public hearing tentatively scheduled to consider open space for the previously approved 2 lot resubdivision was not scheduled on advice of the Commission's counsel. Instead, the mylar of the previously approved subdivision was not filed and a new application, which includes the proposed open space, was submitted.)

Mrs. Hill reported that a revised map showing the proposed open space had been submitted, although the draft language for the conservation easement had not been submitted. She noted that because this was a resubdivision, a public hearing was required.

Mr. Charles read the minutes of the July 11, 2007 Conservation Commission meeting, which included approval of a motion to accept the proposed open space. The Commissioners reviewed the map, "Record Map," by Mr. Howland, dated 5/29/07, revised to 6/20/07 to learn the location of the open space.

It was the consensus a second site inspection was not necessary.

A public hearing was scheduled for Tuesday, September 4, 2007 at 7:30 p.m. in the Land Use Meeting Room, Bryan Memorial Town Hall.

Communications

The Commission will discuss recent land use legislation at the next meeting.

At 7:51 p.m. the Regular Meeting was suspended to conduct the Abella public hearing.

PUBLIC HEARING

Abella/44 Scofield Hill Road/3 Lot Resubdivision

Mr. Charles called the public hearing to order at 7:51 p.m. and seated Members Charles, Frank, and Rimsky and Alternates Carey and Fowlkes. He read the legal notice published in the **WaterburyRepublican** on 7/26/07 and 8/2/07 and the list of documents in the file. He also noted that new correspondence and revised maps had been submitted late in the afternoon and so had not yet been reviewed.

No one was present to represent the applicant.

Mr. Papin, Mygatt Road, said that Mr. Szymanski, engineer, had done a great job both in addressing the

concerns of adjoining property owners and responding to Inland Wetlands Commission issues. He also noted that the Inland Wetlands Commission wants a driveway maintenance program by the homeowners' association to be made a condition of approval.

The map, "Record Subdivision Map," by Mr. Natale, dated 2/27/07 and revised to 5/7/07 was reviewed both by the Commission and by adjoining property owners Mr. Lorenti and Mr. Flatt.

It was the consensus to continue the hearing to September 4, 2007; the second hearing on the agenda; hearings begin at 7:30 p.m. Mrs. Hill noted that in addition to approval by the Inland Wetlands Commission, approval for the driveway cut by the Selectmen, Health Department approval, and the conservation easement language were still outstanding.

MOTION: To continue the public hearing to consider the application submitted by Mr. and Mrs. Abella for a 3 lot subdivision at 44 Scofield Hill Road to September 4, 2007 in the Land Use Meeting Room Bryan Memorial Town Hall to reconvene immediately after the first hearing, which will begin at 7:30 p.m. By Mr. Frank, seconded by Mr. Fowlkes, and passed 5-0.

At 8:02 p.m. Mr. Charles continued the hearing to 9/4/07.

At 8:02 p.m. the Regular Meeting was reconvened.

Privilege of the Floor

Aragi/9 Wilbur Road: Mr. Clark, engineer, presented a conventional 8 lot subdivision plan entitled, "Woodridge Estates," the same plan that had been denied without prejudice earlier in the evening. Mr. Charles noted the open space layout had been only slightly improved since the preliminary discussion and the plan was very suburban. Mr. Rimsky noted his concern about the proposed road cut onto Wilbur Road. Mr. Charles explained to Mr. Clark that because the proposed lots were under 5 acres, field verification for both the soil types and amount of each soil type was required. Mr. Clark said this had been done, but the documentation had not been submitted to Planning. Mrs. Hill noted that the density units for each of the proposed lots was either 1 or 1.1, and so recommended since they were all at the absolute minimum allowed, that they be referred to the Commission's consultant for review. Mr. Clark said the property did not lend itself to a cluster subdivision because the more desirable land was located in the rear and would require a dead end road more than 1000 ft. long to reach it. Pushing the development to the front, he said, would locate it in a narrower section much closer to wetlands. Mr. Clark suggested that if the new road could come in off Birch Hill Run then a shorter road would be required to reach the rear of the site. He noted, however, there had been no progress by the Town in making Birch Hill Run a town road so that the new road cut could be located there. Mrs. Hill gave a brief review of the status of Birch Hill Run noting that it had been constructed according to town road specifications and that the Planning Commission could not have legally approved the Birch Hill Run subdivision if a town road had not been included in the proposal. Mr. Carey said it was poor planning to have two town road cuts within 50 ft. and thought the Town should do everything within reason to accept Birch Hill Run as a public road. Mr. Charles asked if a road cut off Birch Hill Run was possible, if all seven (one lot with frontage on Wilbur Road already exists) lots could be served by the proposed cul de sac. He suggested that the lot sizes be reduced and more of the land preserved as open space. Mr. Clark thought that five or six of the lots could be accessed by the cul de sac. The Commission advised the applicant to consult with the Washington Fire Dept. about whether a fire pond or cistern should be provided for fire protection. Mr. Clark asked if any flexibility was allowed in the cul de sac grade. Mr. Charles advised him to consult with the Selectmen's Office and Highway Dept. to see what they recommend. Mr. Clark noted that landscaping and street trees were two issues that would have to be discussed at a later date. Mrs. Hill asked whether the open space proposed on the parcel across the street

was needed to meet the 15% open space requirement. If so, she pointed out that the Commission had never before allowed the open space requirement to be met off site. Mr. Clark noted the Commission encourages the property along roadsides to be left undisturbed and asked if this meant the developer was to leave it natural or if future property owners were also required to do so. Mr. Charles said the Commission had often required a conservation easement along the roadside in order to preserve the rural character and to provide buffering. Mr. Clark said he would try to incorporate this in future plans. Mr. Carey objected to the proposed subdivision name, Woodridge Estates.

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

Mr. Charles adjourned the meeting at 8:26 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Coordinator