

January 2, 2008

MEMBERS PRESENT: Mr. Frank, Mr. Rimsky, Mrs. Roberts

MEMBER ABSENT: Ms. Gager

ALTERNATE PRESENT: Mr. Carey

ALTERNATES ABSENT: Mrs. Braverman, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Atty. Litwin, Mrs. Payne, Mrs. Frank, Mr. Neff Ms. Baldwin, Mr. Wellings, Mr./Mrs. Manson, Mr. Charles, Atty. Fisher, Residents

PUBLIC HEARING

Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision

Mrs. Roberts called the public hearing to order at 7:38 p.m. and seated Mr. Frank, Mr. Rimsky, and Mrs. Roberts and Alternate Carey. She read the legal notice published in **Voices** on 12/19/07 and 12/26/07 and the list of documents in the file for the record.

Atty. Litwin represented Mrs. Klein. He submitted a letter she wrote to the Commission dated 12/28/07, which provided historical information about the property, questioned the subdivision application process, and stated that she and her sister had no intention of developing the property, but planned only to divide it between them. He noted the public hearing would have to be continued because the Inland Wetlands Commission had not yet acted on the application.

Mr. Neff, engineer, briefly described the application. The property would be divided into two lots; Parcel A consisting of 63.39 acres and frontage on West Shore, Ash Swamp, and Tinker Hill Roads and Parcel B consisting of 21.56 acres with frontage on West Shore Road and containing all of the existing buildings except the pump house. He stated that no activities were proposed on either parcel at this time. He discussed the plans, "Proposed Site Development Plan," by Mr. Neff, revised to 12/6/07, which demonstrated the feasibility of future construction on the larger lot. He pointed out the one house site, the well and septic locations, and the driveway route. No tree cutting would be required. He said that all of the work would be done in the open field.

Ms. Baldwin asked about the driveway easement on the Ernhout property at 289 West Shore Road and asked if it would be retained by one of the proposed lots. Mr. Neff said it would be retained by Parcel B.

Mrs. Frank asked if a permit for the driveway cut on the state road had been issued. Mr. Neff said it had been applied for, but not yet approved. He did not anticipate any problems because the speed limit along that section of the road was only 25 mph and the sight lines exceeded the state's minimum requirements.

Atty. Litwin noted that the Inland Wetlands Commission had asked that possible wetlands in the vicinity of the feasible driveway route be mapped and that Mr. Neff could not finalize the driveway apron design to be approved by the state DOT until that mapping had been completed. Mrs. Roberts noted that the Planning Commission is also waiting for a copy of the completed map.

Mr. Manson asked about the driveway specs. Mr. Neff responded that the driveway would have a gravel

surface, would be 10 ft. wide, have a maximum 12% slope, and would not qualify as a new road. Atty. Litwin said that Mrs. Klein had clearly stated that the driveway would be to serve one single family dwelling, although no one knew what might happen in the future.

Mrs. Roberts noted for the record that the Planning Commission may not speculate about the future, but must consider the application before it. If plans change in the future, she said, the property owner would then have to reapply and go through the application process again. She also noted that a public hearing had not been required for the current application, but the Commission had decided to hold one due to public interest.

Mr. Wellings asked Mr. Neff how many lots the property could be divided into based on the proposed location of the house. Mr. Neff said that Parcel A had limited road frontage, which would limit the number of possible lots. Mrs. Hill referred to the residential density computations on Mr. Alex's map, "Site Analysis Plan," revised to 12/18/07 and pointed out that considering soil types, Parcel A had an approximate capacity of 10 dwelling units and Parcel B, 4 dwelling units. Mr. Neff did not think this many units would be possible due to the limited road frontage and other factors that would have to be considered.

Mr. Manson asked if the property was being divided in a manner so that both lots would have frontage on West Shore Road. Mr. Neff said it was. Atty. Litwin noted Parcel A's access to Tinker Hill Road is limited because it is so steep and its access to Ash Swamp Road is limited due to the existence of wetlands and watercourses, which would require a culvert or a bridge to cross.

Mrs. Frank asked if it would be possible to put in a road from West Shore Road without exceeding the 10% maximum road grade allowed. Mr. Neff said it would be possible, but would be so expensive that it would not be likely.

Ms. Baldwin asked how much of the shoreline was included in Parcel B. Mr. Neff said the property was being divided so that each lot would have a few hundred feet of lake frontage.

Mr. Frank asked if there were drainage problems associated with the proposed driveway. Mr. Neff said that drainage provisions were included in the plans. There would be a rip rapped swale on the upper side to catch the hillside runoff and cross culverts under the driveway in three locations. He said that none of the runoff would flow towards the adjoining Weeks property.

Mr. Frank asked Mr. Neff to talk about the conservation easement. Mr. Neff said that over 22 acres, the bulk of Ash Swamp, was proposed for a conservation easement that would be conveyed to Steep Rock.

Mr. Carey asked if an 800 to 900 foot long, gravel surface driveway would cause erosion problems. Mr. Neff said, no, because the proposed swale would keep the drainage from above off the driveway and the driveway would be crowned. He also noted that the driveway would be less impervious if it was not paved.

Mrs. Frank asked if Mr. Neff had considered installing small berms. Mr. Neff said this would not be necessary due to the rip rapped swale above the driveway.

As there were no other questions or comments from the Commission or from the public, Mrs. Roberts noted that the public hearing had to be continued to receive revised maps and the DOT approval, and so at 8:06 p.m. she continued it to 7:30 p.m. on Tuesday, February 5, 2008 in the Land Use Meeting Room.

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 8:11 p.m. and seated Members Frank, Rimsky, and Roberts and Alternate Carey.

Consideration of the Minutes

The 12/4/07 Regular Meeting minutes were accepted as corrected. On page 3, line #8, the correct meeting date was January 7, 2008.

MOTION: To accept the 12/4/07 Regular Meeting minutes as corrected. By Mr. Carey, seconded by Mr. Rimsky, and passed 4-0.

MOTION: To accept the 12/15/07 Special Meeting minutes as written. By Mr. Frank, seconded by Mr. Carey, and passed 4-0.

MOTION: To accept the 12/29/07 Special Meeting minutes as written. By Mr. Frank, seconded by Mr. Carey, and passed 4-0.

MOTION: To add subsequent business not already posted on the agenda. By Mr. Frank, seconded by Mr. Rimsky, and passed 4-0.

Pending Applications

Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision: Mrs. Roberts noted that discussion would be tabled to the next meeting because the public hearing had been continued to February 5, 2008.

Bowles/52 Carmel Hill Road/2 Lot Subdivision: Atty. Fisher submitted the following: 1) "Site Analysis Plan," by Mr. Alex, revised to 1-2-08, 2) the 12/28/07 letter of authorization for Atty. Fisher from Mr. Bowles, and 3) the 1/2/08 letter to Mrs. Roberts from Atty. Fisher requesting three waivers of the Regulations. He noted the open space acreage had been recalculated. Mrs. Roberts asked if the open space connected with the open space on the adjoining Davenport property. Mrs. Hill said she had reviewed the Davenport subdivision map and it did not appear to connect. Atty. Fisher noted that the residential density calculations showed the lots would not be able to be resubdivided. He said that earlier in the day he had submitted the proposed conservation easement; its form was based on Steep Rock language and had been used previously by the Town. Mrs. Hill reported that she had referred it to the Conservation Commission for review. Mrs. Roberts explained that the Conservation Commission is concerned about its ability to monitor open space to the rear of lots. Atty. Fisher stated that the easement would grant Conservation the right to access the open space over the front part of the lot. Mrs. Roberts noted that the Planning Commission often favors open space along the road to preserve the rural streetscape. Atty. Fisher responded that some of the front of the property is wetlands where nothing could be built anyway. Mrs. Roberts reviewed Mrs. Hill's 1/2/08 report. Two minor additions to the map were required; 1) additional monuments and 2) a note concerning DEP endangered and threatened species. Mrs. Hill noted that she had reviewed the DEP map and had found there were no species of concern on this side of Carmel Hill Road. After a brief discussion, the Commission determined that fire protection measures and landscaping and buffering would not be required. Mr. Neff reviewed his plan, "Proposed Site Development Plan," dated 11/1/07. After considering the merits of the applicant's request, the Commission waived the following requirements:

MOTION: To waive Section 4.2.1, map scale requirement, for the Bowles/52 Carmel Hill Road/2 Lot Subdivision application. By Mr. Frank, seconded by Mr. Carey, and passed 4-0.

MOTION: To waive Section 4.4.11, state plane coordinate requirement, for the Bowles/52 Carmel Hill Road/2 Lot Subdivision application. By Mr. Frank, seconded by Mr. Carey, and passed 4-0.

MOTION: To waive Section 4.5.4, 2 ft. contour requirement, for the Bowles/52 Carmel Hill Road/2 Lot Subdivision application. By Mr. Frank, seconded by Mr. Rimsky, and passed 4-0.

Mrs. Roberts said she anticipated action on this application at the next meeting.

Other Business

Application to Designate Whittlesey Road a Scenic Road: It was noted the application was not yet complete because all of the forms to be certified by the Town Clerk had not yet been submitted. Consideration of the application will continue at the next meeting.

Revision of the Subdivision Regulations: This will be discussed at the next meeting when Ms. Gager, who has been working on a list of needed revisions, is present. Mr. Rimsky recommended that the requirement to show state plane coordinates on subdivision maps be deleted because there are now more accurate methods of mapping.

Procedures and Template for Conservation Easements: It was noted that Mr. Frank and Ms. Gager would form a subcommittee with Mrs. Payne and Mr. Boling of the Conservation Commission to draft standard procedures and a standard conservation easement form that can be used by most applicants. Atty. Fisher had submitted a template for consideration and copies were given to Mr. Frank for review by the subcommittee.

FEMA Mapping: Mr. Carey noted that his letter dated 12/15/07 had been submitted to the First Selectman, who responded that the request for funds to update the FEMA maps will be considered as part of the upcoming budget process. The Selectmen's Office will also investigate the possibility of obtaining a grant for the map work. Mr. Charles noted that having the correct flood plain elevations is very important because the state has ruled that Washington will not be reimbursed for any renovations to the Primary School because it is in the flood plain. However, this would not be so if the current mapping is incorrect. It was noted that although Milone and MacBroom estimated that the work, including making a presentation to FEMA in Virginia, would cost \$70,000 (and by now, several years later, this has probably risen to \$100,000,) this was not much compared with millions of dollars of reimbursements the Town could receive if it is found the school building is not in the flood plain. Mr. Charles explained that the Building Committee has to know exactly where the flood plain is so that it can make informed decisions regarding the school. It was noted that other decisions about development in Town such as the most appropriate use of the River Loop property are also dependent upon the accurate mapping of the flood plain.

Special Meeting: The Commissioners were reminded that there is a Special Meeting of the Zoning and Planning Commissions scheduled for approximately 8:30 p.m. in the Land Use Meeting Room on Monday, January 7, 2008.

Election of Officers: Mrs. Roberts noted that the election of officers would take place at the next meeting.

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

Mrs. Roberts adjourned the meeting at 8:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By

Janet M. Hill, Land Use Coordinator