

February 5, 2008

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

MEMBER ABSENT: Mrs. Jahnke

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

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Atty. Fisher, Mr. Lyon, Mr. Brinton, Mr. Neff, Mr. Klein, Mr. Papsin

PUBLIC HEARING

Klein-Cannizzarro/285 West Shore Road/2 Lot Subdivision/Con't.

Mrs. Roberts called the continuation of the public hearing to order at 7:31 p.m. and seated Members Frank, Gager, and Roberts and Alternates Carey and Fowlkes for Mrs. Jahnke and Mr. Rimsky. She read the list of documents submitted to the file since the last meeting.

Mr. Neff, engineer, presented his map, "Proposed Site Development Plan," revised to 1/5/08. He explained that since the last meeting a soil scientist had identified wetlands near the route of the originally proposed driveway off West Shore Road and so an alternate driveway off Tinker Hill Road was now proposed. He noted that there were no wetlands issues for the new driveway route and that the Inland Wetlands Commission had approved the application.

Mr. Rimsky arrived at 7:36 p.m.

Mr. Neff noted that the driveway would be 2000 ft. longer, but the feasible house and septic sites had not changed.

Mrs. Roberts asked if the driveway slope would be an issue. Mr. Neff said that most of the driveway cut cross slope, resulting in a 10% grade. The first 300 feet would be 5% and a 100 ft. section would be 12%, but the entire driveway would not exceed the 15% maximum grade permitted by Zoning.

Mrs. Braverman entered at 7:38 p.m.

Mr. Carey asked if the driveway would be paved. Mr. Neff said it would not.

Mr. Carey noted there had been concern about possible further future development off the Tinker Hill Road access. Mr. Neff said that would still be possible. Mrs. Roberts said the Commission had to act on the application before it and that any future development plans would require another application.

The 2/5/08 Application Review by the Land Use Coordinator was briefly reviewed.

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

Mrs. Roberts closed the public hearing at 7:42 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 7:43 p.m. and seated Members Frank, Gager, Rimsky, and Roberts and Alternate Carey for Mrs. Jahnke.

Consideration of the Minutes

MOTION: To accept the 1/2/08 Public Hearing-Regular Meeting minutes as presented. By Mr. Carey, seconded by Ms. Gager, and passed 5-0.

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

Pending Applications

Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision: The commissioners considered the applicants' requests for waivers and whether fire protection measures and/or landscaping and buffering should be required as conditions of approval. Mr. Carey did not think the watershed would support a fire pond and Mr. Neff noted that usually cisterns were required only for larger developments.

MOTION: To waive the 1"=40' scale and 2 ft. contour requirements for the maps and plans for the Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision application. By Mr. Frank, seconded by Ms. Gager, and passed 5-0.

MOTION: To determine that additional fire protection measures are not required for the Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision application. By Mr. Carey, seconded by Mr. Rimsky, and passed 5-0.

MOTION: To determine that no landscaping or buffering is required for the Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision application. By Mrs. Roberts, seconded by Ms. Gager, and passed 5-0.

It was noted that one of the corners on the proposed boundary line did not have a monument or marker as required per Section 6.10. Mr. Neff said this was because there was a tree at the corner as was indicated on Mr. Alex's survey map.

MOTION: Regarding the proposed boundary line corner between contours 720 and 730 for the Klein - Cannizzaro/285 West Shore Road/2 Lot Subdivision application, as long as the existing tree remains to mark the corner, a monument or iron pin is not required, but should the tree ever be removed, a marker must be installed at that time. By Ms. Gager, seconded by Mr. Carey, and passed 5-0.

MOTION: To approve the application submitted by Mrs. Klein and Ms. Cannizzaro for a two lot subdivision at 285 West Shore Road per the plans, "Proposed Site Development Plan," 13 sheets, by Mr. Neff, revised to 1/5/08. By Mrs. Roberts, seconded by Mr. Frank, and passed 5-0.

Bowles/52 Carmel Hill Road/2 Lot Subdivision: Representing the applicant, Atty. Fisher noted that per Mrs. Hill's 2/5/08 review, Mr. Alex still had several items to correct on the Subdivision Map, and so he submitted the 2/5/08 letter requesting an extension of time in which the Commission may consider the application. Atty. Fisher stated that he was concerned about the Conservation Commission's recommendation that either the open space be located along Carmel Hill Road or the applicant be required to pay a fee in lieu of open space. The map, "Proposed Site Development Plan," by Mr. Neff, revised to 1/3/08 was reviewed. Since the goal of the easement was to preserve land, Atty. Fisher suggested that instead of relocating the open space, that in addition a deed restriction against the cutting

of trees be placed on the property along the road. He said his client had no problem with a conservation easement, but would not be financially able to pay a fee in lieu of. Mr. Rimsky stated that much of the front of the property was wetlands where there could be no disturbance. Mrs. Roberts noted that the two reasons the Commission has often favored open space along the front boundary line were 1) that it is easier to monitor and 2) that it preserves the rural streetscape. However, she said that in this case when the Commission conducted its site inspection, it did not necessarily think the protection along the front of the property was merited. Mr. Frank agreed that for this particular property the open space should not be required along the front boundary due to the unique qualities of the parcel. Atty. Fisher noted he had also requested a waiver of the requirement to place a note on the map regarding endangered or species of special concern, but it was the consensus that this was not necessary because his 1/22/08 letter stated there were no endangered species on the property per the 5/2003 DEP map. It was noted the main issue to be resolved was the conservation easement language, which would be reviewed by the Conservation Commission at its next meeting. Atty. Fisher stated that he would attend to discuss it with the commissioners.

Other Business

Referral from the Board of Selectmen/CGS 8-24/Replacement of Sprain Brook Culvert on Nettleton Hollow Road: Mr. Lyon stated that when it had inspected the deteriorated corrugated steel culvert ten years ago, the state had determined that it must be replaced. Mrs. Luckey, the then First Selectman, began the application process at that time for a state bridge grant for the project. The plans, "Replacement of the Nettleton Hollow Road Bridge Over Sprain Brook," by Lenard Engineering, revised to 10/11/07 were reviewed. Mr. Lyon detailed the construction process, stated that the DEP and state fisheries had approved the work, and explained how the bottom of the culvert and the streambanks would be restored to a natural condition. Mrs. Roberts was disappointed there was no rendering to show what the finished bridge would look like. She noted that the new guardrails that had been installed along Lower Church Hill Road looked "awful." Ms. Gager noted that Nettleton Hollow Road is a scenic road and so said that the guardrails should blend in with their surroundings. Mr. Lyon responded that since the work is funded by the state, crash rated guard rails must be used. Mr. Rimsky recommended that the Town install the same kind of guardrails as used by the state in its recent work on Rt. 219 in New Hartford. Mr. Lyon said the issue of guardrails had been raised at the public informational meeting and he had asked the engineer to look into suitable options. The commissioners asked that efforts continue to find appropriate guardrails that would be in keeping with the rural character of the area.

MOTION: The Planning Commission has heard from the First Selectman who described the proposed municipal project to replace the Sprain Brook culvert on Nettleton Hollow Road and finds 1) that it has no objections to the project and 2) that the work is consistent with the Plan of Conservation and Development. By Mr. Frank, seconded by Ms. Gager, and passed 5-0.

Traffic Speed Display Signs for the Depot: Mr. Brinton circulated an information sheet on radar speed display signs and said the Town hoped to install two in prominent locations in the Depot and around Town in an effort to slow traffic. He said the signs would be 12" X 12" mobile units with battery packs that would be mounted on existing sign posts once permission from the state DOT has been obtained. Funds for the signs would not be available until after July 1 unless Trooper Sordi can obtain a state grant before then. Mr. Brinton said the signs would be moved around by the police depending on where they were needed and would record the speed of each passing vehicle. Mr. Frank noted that the installation of these signs would be in keeping with the recommendations of the Depot Study, which call for traffic calming measures in the Depot.

Update/16 Titus Road/River Loop Property: Mr. Brinton reported that the regrading would be completed at the beginning of the fiscal year. Mrs. Roberts asked if the committee investigating

appropriate uses for this property was still active. Mr. Brinton said it was and that he would keep the Commission posted on its progress.

Committee for Possible Uses for Primary School Building: Mr. Lyon noted that a short term committee would be formed to study possible future uses for the Primary School Building if there came a time when it was not used as an educational facility. He asked if any of the Planning commissioners would be interested in serving on it. Mr. Frank was concerned that Planning commissioners could have a potential conflict of interest as Planning would be asked to review any future proposal for the school building under CGS 8-24. Mr. Rimsky thought it was appropriate for Planning to have at least one member on the committee and said that this member could recuse himself for the 8-24 discussion. He said this and the Town Hall were the most valuable pieces of Town owned real estate and so deserved serious consideration. Mrs. Roberts said that the overall Town point of view was supposed to be represented by the Planning Commission and so agreed a Planning commissioner should serve on this committee.

Application for Scenic Road Designation for Whittlesey Road: It was noted that the application was now complete. A public hearing was scheduled for Tuesday, March 4, 2008 at 7:30 p.m. in the Land Use Meeting Room.

Abella/44 Scofield Hill Road/3 Lot Resubdivision/Request for Extension for Filing Mylar:

MOTION: To grant a 90 day extension for filing the mylar for Abella/44 Scofield Hill Road/3 Lot Resubdivision on the Town Land Records. By Mrs. Roberts, seconded by Mr. Frank, and passed 5-0.

Procedures and Template for Conservation Easements: Mr. Frank noted that he and Ms. Gager had met with Mrs. Payne and Mr. Boling of the Conservation Commission on 1/17/08. He said the meeting had been productive and that Mr. Boling was going to create models for each of several types of easements.

FEMA Mapping: Mr. Carey reported that the cost of this study was estimated at \$75,000 to \$100,000 with no guarantee that the flood plain would be remapped in the Town's favor. He said the Board of Selectmen thought the study would be risky and so supported instead the approach of instructing the school architect to deal with the 100 year flood plain in any proposed design.

16 Titus Road Committee: Mr. Carey said the committee met last week and had discussed several topics: 1) request for a dog park, 2) perc testing, and 3) demolition and clean-up of the garage. He said the consideration of a dog park had not been positive. He said there were two acres that was dry enough for housing and the perc tests would indicate how many bedrooms/dwelling units might be accommodated there. He also noted that on the advice of Mr. Solley, the building slab for the garage would remain in place so it would be "grandfathered" should the Town want to build a pavilion or other structure there in the future.

2008-2009 Budget Request: This was very briefly discussed and OK'd. It was noted that the total was the same as last year's budget, but that the line items had been reapportioned to reflect this year's spending.

Application Procedure: Mr. Carey reported on a land use seminar he had attended, in which Mr. Gibbons warned about the processing of incomplete applications. He noted the number of incomplete applications that the Commission had received recently and said that Mr. Gibbons had stated that the Commission's job was to protect the Town and not to work with applicants as a pro bono consultant. He urged the Commission to do as Mr. Gibbons recommended; advise the applicants of incomplete

applications that if they do not withdraw, their applications will be denied. Mrs. Hill said she understood that from a legal standpoint the Commission should review applications, not design them. Mrs. Roberts, however, thought it was important to maintain Washington's small town attitude of helping and cooperating with applicants.

Revision of the Subdivision Regulations: Mrs. Hill and Ms. Gager will work to organize the issues that need to be addressed and will attempt to get a list out for all the commissioners to review before the next meeting.

Cluster Subdivisions: The Conservation Commission has indicated an interest in cluster subdivisions. Mrs. Payne, Mr. Shapiro, and Ms. Gager will meet to begin consideration of this concept.

Joint Planning-Zoning Meeting: Mrs. Roberts noted that she had requested that this meeting be postponed until March. She will talk to Mr. Owen about scheduling it for a date other than a Regular Meeting date.

Election of Officers: Mrs. Roberts stated that she was willing to step down as chairman and noted that Mr. Charles was no longer on the Commission and so a new vice chairman was needed.

MOTION: To reelect Mrs. Roberts Chairman of the Planning Commission. By Mr. Frank, seconded by Mr. Rimsky, and unanimously passed.

MOTION: To elect Ms. Gager Vice Chairman of the Commission. By Mr. Frank, seconded by Mr. Carey, and unanimously passed.

Appointment of Commissioner: Mrs. Roberts announced that Mrs. Jahnke had been appointed to the Commission to take Mr. Charles' seat. She thought the Commission was fortunate to have such a competent new member with long time Washington ties.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By Janet M. Hill

Land Use Coordinator