

May 6, 2008

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

MEMBER ABSENT: Mrs. Roberts

ALTERNATE PRESENT: Mr. Carey

ALTERNATES ABSENT: Mrs. Braverman, Mr. Fowlkes

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Atty. Fisher, Atty. Kelly, Mr. Szymanski, Mr. Matson

REGULAR MEETING

Ms. Gager called the Meeting to order at 7:40 p.m. and seated Members Frank, Gager, Jahnke, and Rimsky and Alternate Carey for Mrs. Roberts.

Consideration of the Minutes

MOTION: To accept the 4/1/08 Regular Meeting minutes as written. By Mr. Frank, seconded by Mr. Rimsky, and passed 5-0.

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

Pending Application

Klauer/102 East Street/2 Lot Subdivision: Mrs. Hill advised the Commission that the only two matters to resolve before the application was acted on were the requests for waivers of the state plane coordinates and the open space requirements.

MOTION: Re: Klauer/102 East Street/2 Lot Subdivision: to waive Section 4.4.11 that the state plane coordinates be shown on the Record Subdivision Map. By Mr. Rimsky, seconded by Mr. Frank, and passed 5-0.

Atty. Fisher noted that the current conservation easements are held by Steep Rock Assn. Mr. Carey asked if a new septic system would be permitted in the open space, and noted it was important to note the conserved land was perpetual open space. Atty. Fisher reviewed the easement language and said that hiking and other non commercial outdoor recreational activities were permitted in the eased areas.

MOTION: Re: Klauer/102 East Street/2 Lot Subdivision: in view that a great deal of the property is already subject to conservation easements, to waive Section 5.8, the open space requirement. By Mr. Frank, seconded by Mr. Rimsky, and passed 5-0.

There were no other outstanding issues or questions from the commissioners.

MOTION: To approve the application submitted by Ms Klauer for a 2 Lot Subdivision at 102 East Street. By Mr. Frank, seconded by Mr. Carey, and passed 5-0.

Abella/44 Scofield Hill Road/Revision of Conservation Easement Language for 3 Lot

Resubdivision: Mr. Szymanski, engineer, explained that during the application process no one, including his office, the Planning and Conservation Commissions, Town staff, and the owner's and Commission's attorneys, had noticed that the potential septic reserve area for the original lot was in the open space area, and there was no corresponding governing language in the written conservation restriction. He presented the final map, "Record Subdivision Map," by Arthur H. Howland & Assoc., revised to 11/29/07 and the final Deed of Conservation Restriction, which had been revised to incorporate corrections by Mr. Frank. Mr. Szymanski noted the septic reserve area had been indicated on the map during the entire application process although it had not been mentioned in the easement language. Mr. Frank reported that prior to the meeting he and Mrs. Payne, Conservation Commission chairman, had reviewed both the map and the document and Mrs. Payne had found that the easement was similar to others held by Steep Rock and was appropriate. Mr. Carey was concerned that allowing a potential septic system in the conservation area could be precedent setting. Mrs. Hill said she did not think this would set a precedent because 1) each property has different characteristics that would be addressed in a conservation easement and 2) the Commission did not cover conservation easement language in its Regulations. Mr. Szymanski noted, too, that the Abella open space was well in excess of the 15% required. Mr. Frank read Section 4.5 of the document, which states that the grantee must consent to the installation of a septic system per paragraph 3.11. Mr. Carey was satisfied with the wording. Mr. Frank noted that the other changes were not substantive and the 4/22/08 letter from Mr. Szymanski listing all of the revisions was circulated. Mr. Carey asked that a note be added to the map to make it clear to future title searchers that the property owner would have the right to construct the reserve septic system in the easement area. Mr. Szymanski agreed to do so. Mr. Frank noted that the application had been originally approved with the condition that the final conservation easement language be reviewed by Atty. Zizka. He advised the Commission that Zizka's office had reviewed a previous draft, and the Conservation Commission had considered those comments, and said that he saw no need for further review. Mr. Rimsky and Ms. Gager agreed. Ms. Gager asked that the minutes reflect that 1) the Planning Commission was satisfied with the final conservation easement language and the final map dated 11/29/07 with the one note to be added regarding the location of the reserve septic system in the easement area and 2) that it was the consensus that no further review or publication was necessary.

Procedures and Template for Conservation Easements: Ms. Gager reported that the Conservation Commission has circulated materials among its members. She will contact Mr. Boling to learn if there will be a draft ready for the next Planning meeting.

Revision of the Subdivision Regulations: Mrs. Hill is still working on proposed language for the revisions. It was the consensus that an entire draft should be sent to Atty. Zizka for review rather than having him comment on the revisions section by section.

Referrals from the Zoning Commission/Revision of the Zoning Regs:

1) Section 13.11.1/Accessory Apartments: Ms. Gager noted that the Planning Commission had requested a joint meeting with the Zoning Commission to discuss this matter, but there had not yet been one. Mr. Rimsky and Mrs. Jahnke thought the Commission should encourage affordable housing options whether or not they meet the state definition of "Affordable" because this type of housing is needed in Town. Mr. Carey noted that Mr. Hileman, Chairman of the Housing Commission, did not support the proposed amendment and said he was not prepared to issue an opinion on it at this time. Mr. Frank said that he, too, had read Mr. Hileman's letter and he did not think there was an immediate reason for the revision. It was the consensus to meet with the Zoning Commission to discuss this matter before reporting back to Zoning on the proposal. Possible dates to meet with the Zoning Commission were June 9 and June 12.

2) Section 12.15.4, 12.15.9/Outdoor Lighting in Residential Districts: Mr. Frank noted the proposed revisions clarify the current regulations and prohibit lights mounted in trees. Mr. Carey regretted this section was not retroactive and thought Region #12 should improve the lighting at the high school and turn off the lights when there is no one using the building. Mr. Rimsky noted that bright lighting doesn't necessarily make a property secure. It was the consensus that the Planning Commission had no objection to the proposed revisions.

3) Section 13.9/Tourist Home or Inn: It was noted the proposed revision was a clarification and was consistent with the Zoning Commission's past interpretation of this section to require frontage on a state highway for an inn. The Planning Commission had no objection to the proposed revisions.

4) Petition to Amend the Zoning Regulations/Sections 11.5.1, 11.5.2, and 21.1.37-Lot Coverage, and to create a new Section 11.5.3-Maximum Lot Coverage for Pervious Surfaces and add a definition in Section 21 for "Pervious Traveled Surfaces": Atty. Kelly and Mr. Matson from Kent Greenhouse, petitioners, were present. For the file, Atty. Kelly brought a full copy of the petition, an article from a construction magazine on pervious surfaces, and a manufacturer's brochure on porous pavements and how they are used. He made a lengthy presentation, which included the following points: a) Alternative driveway surfaces should be encouraged around the lake. b) Driveways are separate and distinct from the rest of lot coverage. c) Including driveways in lot coverage has a disproportionate affect on smaller lots and interior lots and the result is that houses are pushed closer to the lake. d) This is not a new idea. Mr. Hackney encouraged the Commission to look into this concept in October 2003. e) The pavement is constructed like "rice krispies" from recycled tires. The porous driveway has a sand base. The runoff turns the driveway into a basin that collects water and then allows it to be reabsorbed. Maintenance is not an issue. f) The proposal was put in with an incentive because it is expensive. As proposed, if a pervious driveway or parking area were installed to meet or exceed industry standards and the installation was done by an approved installer and/or certified by a licensed engineer, it would not count as lot coverage. g) Washington is in a minority of towns that include driveways in lot coverage. Ms. Gager noted that a specific product was proposed, but Atty. Kelly pointed out that it was referenced to industry standards as to porosity and method of installation. Mr. Frank said this was an important issue to consider around the lake and that Mr. McGowan would address it at Zoning's public hearing, but noted that such an incentive could change the character of Town by allowing larger homes to be built on smaller lots. He suggested that perhaps a 100% exchange of pervious driveway for additional lot coverage should not be permitted. Atty. Kelly said the Zoning Commission would decide the amount of the exchange after receiving public input at the hearing, but he stressed that an incentive was needed. Mr. Matson noted that the pervious surfaced driveways could be repaired and if taken up, they can be recycled. Ms. Jahnke asked what would prevent an owner from installing a pervious surface over his entire property. Atty. Kelly responded that he had proposed a 10% cap, which the Zoning Commission could change. Mr. Rimsky asked if the pervious surfaces would be suitable for terraces, pool patios, etc. Atty. Kelly said if everyone agreed they were beneficial, he would support their installation for these uses, but to start, he had proposed it for only traveled surfaces and the Zoning Commission had expanded it to parking lots. It was the consensus of the Commission that this was a significant issue that would require further consideration. Ms. Gager and Mr. Frank did not recommend a report to the Zoning Commission at this time and suggested the discussion of this petition be added to the agenda of the soon to be held Special Meeting with the Zoning Commission. Atty. Kelly noted that he was preparing a PDF information package and would email it to the Commission. He stated that adoption of the proposed language would give the Zoning Commission a tool for increasing lot coverage and would provide more flexibility than an all or nothing variance.

5) Section 21.1.8, 21.1.9, 11.7.2.3/Method for Measuring Average Finished Grade and Pre Existing Grade: While Ms. Gager thought it was not necessary to complicate this section by offering an alternate method of computation, Mr. Frank pointed out that it would not affect Planning Commission business.

Therefore, it was the consensus that if the Zoning Commission supported the revision, the Planning Commission had no objections.

Klein/Cannizzaro/285 West Shore Road/2 Lot Subdivision/Request for 90 Day Extension for Filing Mylar: Ms. Gager read the 2/24/08 letter from Mrs. Klein.

MOTION: To grant a 90 day extension for the filing of the mylar for Klein-Cannizzaro/285 West Shore Road/2 Lot Subdivision. By Mr. Frank, seconded by Mrs. Jahnke, and passed 5-0.

Communications

The 5/6/08 letter to Mrs. Roberts from Mr. Charles regarding the Selectmen's concern about the scenic road designation process was noted. Mrs. Hill explained that she had already discussed this matter with the First Selectman and had advised him that the Planning Commission routinely sends the Highway Dept. notice of all scenic road applications and would send a duplicate to the Selectmen's Office in the future. Ms. Gager thanked Mr. Charles for bringing this matter to the Commission's attention.

Change of Meeting Date: Because there was a concern that there would not be a quorum for the regularly scheduled June 3rd meeting, the meeting date was changed to June 5, 2008 at 7:30 p.m. in the Land Use Meeting Room.

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

Ms. Gager adjourned the meeting at 8:57 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Coordinator