

# **September 2, 2008**

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

**ALTERNATE PRESENT:** Mr. Carey

**STAFF PRESENT:** Mrs. Hill

**ALSO PRESENT:** Mr. Charles

Mrs. Roberts called the Meeting to order at 7:35 p.m. and seated Members Frank, Gager, Jahnke, Rimsky, and Roberts.

## **Consideration of the Minutes**

MOTION: To accept the 8/5/08 Regular Meeting Minutes as written. By Ms. Gager, seconded by Mrs. Jahnke, and passed 5-0.

MOTION: To accept the 8/15/08 Special Meeting Minutes as written. By Mr. Rimsky, seconded by Mrs. Jahnke, and passed 5-0.

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

## **Pending Application**

Camp Windguage, LLC./24 Old North Road/2 Lot Resubdivision:

Mrs. Hill's 9/2/08 review, which found the application was incomplete, was circulated. Mr. Charles said he had received a copy of the review and would have a complete application ready for the public hearing scheduled for the October meeting.

There were no new applications.

## **Other Business**

Procedures and Template for Conservation Easements:

Mr. Frank noted he had sent Mr. Boling his technical comments, which he had raised at the last meeting. Mr. Boling has not yet responded.

Revision of the Subdivision Regulations:

Ms. Gager will include the proposed revisions in an electronic copy so that the commissioners may review them before the next meeting.

## **Conduct of Commissioners:**

Mrs. Roberts reminded all commissioners about the proper conduct for commission business. She noted

that when an application is pending before the Commission, all discussion should take place in public at the Planning meeting. She asked commissioners to refrain from telephone calls, interviews with reporters, discussion at dinner parties, etc. She went on to caution that even for townwide issues that do not come before the Planning Commission, commissioners should not comment publicly because it impacts the public's perception of the Commission. She noted that Zoning's counsel had advised the Zoning commissioners that when they speak in public they represent Zoning whether they think they are speaking as private citizens or not. Ms. Gager recommended that a land use attorney be hired by the Town to conduct an informational seminar on legal guidelines for all Town commissioners. She will bring this matter to the First Selectman's attention.

## **Communications**

The commissioners were reminded there is an all day land use seminar at UConn's Torrington branch on Saturday, Sept. 27, 2008.

It was also noted a CCM conference is scheduled for Oct. 22, 2008 at the Ct. Convention Center.

Mrs. Hill noted there was an 8/22/08 letter to the Planning Commission from the State Traffic Commission re: developments with a gross floor area over 100,000 sq. ft. or needing 100 or more parking spaces. She will forward it to the Zoning Commission.

## **Abandoned and Discontinued Roads:**

Mr. Carey reported there are currently 88 miles of roads on the state road aid list and he circulated a copy of the 2004 list for review. He said it was an impossible task to research abandoned and discontinued roads by going through old Town Meeting minutes, because these minutes are not available for review. He said he would soon meet with Atty. Miles to discuss this matter and would investigate how other towns such as Kent and Roxbury have handled it. Having had a discussion with Mr. Lyon, he said the First Selectman would agree to submit a list of all current Town roads at a Town Meeting and acknowledge the Town's legal and maintenance responsibilities for them and would state that any road not on the list would be considered a discontinued road. The Town would then have no responsibility for making improvements to the discontinued roads.

Mr. Frank suggested that the state statutes address the proper procedure for discontinuing Town roads.

Mr. Charles also recommended that Mr. Carey consult with Mr. Boling, Conservation commissioner who also served on the committee regarding abandoned and discontinued roads. Mr. Charles said he was concerned about any "taking" from a property owner and so stressed that the public noticing for the discontinuance of Town roads be "meticulous." Mr. Charles did not want the Town to give up its right to use these roads for pedestrian access and passive recreation.

Mr. Carey did not think the Town could have it both ways. He said if they were open to the public, the Town would be responsible and there would be insurance considerations. Mrs. Roberts urged Mr. Carey to continue his research with Atty. Miles and officials from Kent and Roxbury and to report to the Commission at its next meeting.

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

Mrs. Roberts adjourned the Meeting at 8:02 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,  
Janet M. Hill  
Land Use Coordinator