

November 5, 2008

Regular Meeting

7:30 p.m. Land Use Meeting Room

MEMBERS PRESENT: Ms. Roberts, Mr. Frank, Mr. Rimsky, Ms. Jahnke

MEMBER ABSENT: Ms. Gager

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

STAFF PRESENT: Ms. Sheila Silvernail, Acting for Mrs. Hill

ALSO PRESENT: Mr. Bart Clark of Open Environmental

I. Regular Business

Ms. Roberts called the Regular Meeting to order at 7:37 p.m. and seated Members Dimitri Rimsky, Susan Jahnke, Paul Frank, Addie Roberts and welcomed Alternates Dick Carey, Barbara Braverman, and Winston Fowlkes. After slight confusion, Winston Fowlkes was seated.

II. Consideration of the Minutes

Regular Meeting – 10/7/08

MOTION: To accept the Oct 7, 2008 regular meeting minutes as written.

By Mr. Frank, Seconded by Mr. Rimsky, and passed unanimously.

Site Inspection – 10/28/08

Ms. Roberts commented she had received the minutes and they were very brief, but the rest had not received them. However most had been on the site, but it was decided to wait and include them in the next meeting.

III. MOTION: To Include Subsequent Business Not Already Posted on the Agenda

By Mr. Fowlkes, Seconded by Ms. Jahnke, and passed unanimously.

Ms. Roberts requested that this motion be presented even though there was no subsequent business to include or discuss.

IV. Pending Application

A. Reger/65 Gunn Hill Road/2 Lot Resubdivision

Ms. Roberts introduced Mr. Bart Clark with Open Environmental. He recalled that Polly Reger has property at 65 Gunn Hill and was looking to do a two-lot resubdivision for her property. He noted that there were some comments from Janet Hill relative to the review and materials that she has as part of the

application. Offered to review some of the issues that Janet has and then entertain any questions from that point.

There were issues relative to the subdivision and map provided by the surveyor. Mr. Clark indicated that a letter had been submitted requesting some waivers for the subdivision regulations. He provided details on what the requirement is, the waiver requested, and reasoning for the waiver and offered to go through them in detail.

Ms. Roberts commented that they should be viewed and that they should be careful of being so overloaded with waivers that things didn't make sense anymore. Mr. Clark summarized the waivers and then details.

Waiver #1:

Map scale regulations require 1 inch equals 40. Survey map was provided in 1 inch equals 80 and their engineering drawing in 1 inch equals 60. So request for a waiver from the 1 inch equals 40 to allow them to show the site on one sheet and avoid multiple sheets.

Ms. Roberts reminded that each waiver had to have a separate vote. She sympathized with applicant since map seemed very readable and was not too small and questioned how other members felt. She prompted members to take a good look to determine readability. All agreed that the map worked fine in this case.

MOTION: To accept request for Waiver #1 from 1 inch equals 40 to 1 inch equals 80 on subdivision map and site plan.

By Ms. Jahnke , Seconded by Mr. Rimsky and passed unanimously.

Mr. Frank stated concern on multiple requests for waivers with no opportunity to review and the burden it places on members and possible lack of understanding. Mr. Clark responded reminding them that issues relative to waivers were addressed at last meeting and Janet's review. They had made a request for one waiver, but others were added in response to her comments.

Waiver #2:

Due to location of property there's no easy reference location for the state plan coordinates. There would be considerable expense involved to provide coordinates. Because of this expense, request that Commission allow the state plane coordinates to be omitted from the subdivision map.

Members agreed that this was a customary request that the Commission had been getting.

MOTION: To accept Waiver #2 to not include state plane coordinates.

By Mr. Rimsky, Seconded by Mr. Frank, and passed unanimously.

Waiver #3:

On Lot 1 with the existing house no changes to the grade are required to show conformance with Zoning and Subdivision Regulations. The area shown on the plans with two foot contours in this area needed to show conformance with Zoning and Subdivision Regulations. The waiver is to allow ten foot USVS contours to be used in all areas except those in the area showing the feasible layout for the driveway and the house and septic area.

Ms. Roberts commented that this was a large lot and understood the request to have a waiver in this case. It's steep. Questioned how the Commission felt about it. Ms. Jahnke required clarification of pertinent areas. Waiver pertained to area going to be developed and not for the rest. Ms. Roberts commented that she was comfortable as did the other members.

MOTION: To accept Waiver #3 to allow ten foot USVS contours to be used in all areas except those in the areas showing a feasible layout for the driveway, house, and septic area.

By Mr. Frank, Seconded by Ms. Jahnke, and passed unanimously.

Waiver #4:

Requesting that the map show no boundaries of the wooded areas. The entire property is wooded with the exception of the area immediately around the existing house and septic system. The information concerning wooded areas does not seem to be important to the review of this application.

Ms. Roberts agreed with the request as did the rest of the Commission.

MOTION: To allow map to show no boundaries of the wooded area.

By Mr. Frank, Seconded by Mr. Rimsky, and passed unanimously.

Waiver #5:

The requirement for solar and renewable energy is to show that passive energy techniques have been considered. ... review concerning passive energy techniques due to the subdivision slope and the size of the lots there are no issues relative to passive solar energy techniques that can be impacted by the subdivision design.

Ms. Roberts felt that they might want to say something about this to have some protection against too much cutting. This is a wooded area. As soon as you begin cutting in that area, there will be very difficult drainage problems. She felt that the Commission should have something attached that suggests that there was at least awareness that it might be so and there is a concern about it.

Ms. Jahnke asked how that related to solar energy. Ms. Roberts explained that in order to have solar energy, a direct view of the sun was needed at all times. This is so wooded it's clear that there wouldn't be.

Mr. Fowlkes commented that the requirement is to demonstrate that it has been considered. Since there is not evidence that it has been considered, he questioned the validity of granting a waiver. Ms. Roberts agreed and felt that something should be in writing from the applicant regarding their consideration and stating a few of their reasons for the waiver. Without having that, the waiver couldn't be given. Ms. Roberts asked Mr. Clark if he would attend to that and he agreed.

Mr. Clark withdrew request for waiver and they could provide consideration of passive solar energy techniques as suggested.

Ms. Roberts discussed with Mr. Clark how they could easily review all the responses and details he provided. Mr. Clark suggested that he could highlight issues the applicant felt were important for the Commission to address and that the issues raised by Janet Hill could be simply provided.

Ms. Roberts agreed and questioned the issue of fee in lieu of open space. Mr. Clark said it was one of the big issues. Ms. Roberts commented that this was tricky because it is on the books, but they have never done this before and asked patience from applicant as Commission endeavored to do it right. The suggestion is to consult with Mrs. Johnson, the Assessor, to get a list of appraisers from her. Ms. Roberts asked Mr. Clark if that would be acceptable and then the applicant could determine who to use.

Mr. Clark explained the usual process in other towns is that the Commission agrees to the concept and then after the approval, then the actual appraising work is done.

Ms. Roberts explained that the suggestion is that the Commission obtain the list and give it to the

applicant who then chooses someone and notifies the Commission of said appraiser.

Mr. Rimsky questioned the process. If they accept a fee in lieu of open space after approving the application, how does the Commission know that the fee in lieu is commensurate with the piece of property that would have been the conservation easement? Ms. Roberts didn't know and agreed with Mr. Rimsky. He then questioned equivalent value relative to the property and monetary value.

Mr. Carey asked Ms. Roberts if he could comment and was allowed. The application was a two-lot subdivision and the concept of waiving open space and taking cash fee. He discussed an interior piece standing alone for the appraiser to look at to evaluate. The highest and best use in a residential zone is whether it meets test of legal building site. Contradicting that concept is that this is a very simple subdivision which doesn't even identify the high ground as a potential open space. It was semantic, but tangible. The appraiser is going to question what could be done with the piece of ground.

Mr. Clark explained the way the state law is written is that the fee is computed based upon 10% of the value of the property. Mr. Carey agreed, but said that was the mechanics. Others questioned the law as stating that it was prior to the approval of the subdivision. Mr. Clark said it was prior. Mr. Carey commented that the only thing to do was evaluate the whole piece and Mr. Clark agreed and said that's the way the state law is written based on the value right now. The fee is computed on the 10%.

Ms. Roberts explained that this was really his right and the Commission could only ask if he would do it this way to be helpful to the Commission. Mr. Clark explained difficulties in computing because of equivalence. They computed an approximate size piece as 6.1A as open space. The issue is whether you take that open space now or take the fee for purchasing higher value open space someplace else.

Ms. Roberts commented that this probably wouldn't be approved tonight because these were important issues if it was alright with the applicant. Mr. Fowlkes commented that based on Janet's notes that the Commission consult with the Assessor for her recommendation and then the appraiser must be acceptable to both the Commission and the applicant.

Ms. Roberts agreed to consult with the Assessor and get back to Mr. Clark, and if it was acceptable to him it was a go ahead. They would work together.

Mr. Frank questioned why the applicant preferred the fee rather than the easement. Mr. Clark stated that it doesn't appear that there's any real value to the open space that's on this property in an overall sense. The owner feels she gives up the value as she sells the property. Ms. Roberts questioned what would happen if she doesn't ever sell it.

Ms. Roberts commented on another note regarding water run off. There's the possibility that any house that is built there would need roof drains. She thought it should be part of the acceptance of any conceptual plans that some sort of mention should be made that those be taken into consideration.

Mr. Clark responded positively and explained that any new buyer could choose not to build it exact location as indicated so he felt it was appropriate to address it at that point. He agreed that conceptually, they would put something on the plans if that's what the Commission wanted. Ms. Roberts personally wanted just a notation that there were thoughts about water on this steep property and any house built should be aware of the concern.

Mr. Rimsky asked about a driveway. Mr. Frank mentioned Inland Wetlands Commission consideration of this. There was further discussion about Inland Wetlands Commission wanting an approval right on the plans just for that reason and for the water issues being discussed. There was a recommendation from Inland Wetlands Commission regarding an alternate driveway route resulting in fewer run off issues be a

part of the Planning Commission approval. Mr. Frank asked Mr. Clark about an alternate driveway site he had shown and if it was in response to this. Mr. Clark explained process with Inland Wetlands Commission, steepness, alternate drive, and pointed out areas on the map.

Mr. Clark also explained that there are competing issues between different town departments because of road closings and lack of winter maintenance. Someday it might have to be upgraded. Ms. Roberts discussed current issue is before Commission and future upgrade not part of current consideration.

Mr. Fowlkes further discussed Selectmen's authority on road plans. Mr. Clark explained report has been issued to Selectmen's Office and First Selectman is on vacation and he hasn't yet received a letter, but Mr. Smith, Director of Highway Department, said this location is acceptable and feasible and they would continue to close road as they have been doing. Mr. Clark indicated that they'd be happy to provide an easement as the solution for future road changes. Ms. Roberts agreed that an easement made sense and there was further minor discussion. Mr. Fowlkes questioned when easement came into play and it was indicated that the easement was part of the subdivision approval so it would be in perpetuity.

Mr. Carey commented on computational ramifications about putting an easement over the residual site. Mr. Clark commented that they've gone through that computation and there is an allowable density and no significant impact.

Ms. Roberts wanted to be helpful to Mr. Clark with this discussion and easement made sense for future owners if the applicant agreed. Everyone agreed.

Ms. Roberts addressed other issues and explained difficulties because application was just conceptual and wanted to work out what would happen if it became fact. She brought up the fire department review.

Mr. Frank interrupted and read notes from Ms. Hill about objections to driveway by Dan McGinnis because of inadequate sight lines. He asked Mr. Clark if he had a response. Mr. Clark responded that there is an available sight distance of 150 feet on the plan. The subdivision regulations don't specify a minimum sight distance. The plans show what works for other towns in the area. The sight line available on the actual site is much larger. He showed photos of site. The uphill shot shows about 220 feet and probably after construction and clearing there'll be more than 220 feet. He explained a few more details. Without having guidance from regulations, they used what was typical in other towns. Mr. Frank and Mr. Rimsky noted that this was Selectmen's province not this Commission's.

Ms. Roberts explained this wasn't Commission's province because she thought that the Selectmen had to check with fire department when they make the decision about the driveway cut. That's not really Commission business. She asked others if she was correct, could they ask Selectmen to please take it up and then advise. Mr. Rimsky questioned what was required by and for the fire department. Mr. Frank explained that Commission regulations require consideration of the fact whether the Commission will require fire protection measures. Mr. Rimsky asked if the fire department has looked at this. Ms. Roberts didn't know if they had. Mr. Rimsky commented that the Commission didn't know whether or not the fire department had a problem. Ms. Roberts agreed and noted that this was another thing.

Mr. Frank noted that this kind of requirement is more properly related to a multi-lot subdivision rather than a two-lot subdivision. Others agreed noting similar cases and that the Commission didn't have to address this issue.

Ms. Roberts explained to Mr. Clark that there were a quite a number of things to attend to and that a public hearing was required and could set that for the next meeting or put off with extension. Mr. Clark provided extension request to get to next meeting.

Mr. Carey questioned statutory limits regarding adjoining towns. Mr. Clark commented that regulation states requirement for notification to adjoining town clerks. Actually the town has to notify the adjoining town clerks. This particular property adjoins two other towns, both Kent and New Milford so Janet Hill has mentioned in her memo that she has made those notifications.

Ms. Jahnke questioned who looks at the sewage/septic. It was noted that the Health Department granted provisional approval. Mr. Clark explained that they always grant provisional approval to subdivision lots that are proposal for construction. Their provisions are that they have to come back with an engineered design plan.

Ms. Roberts asked if there were other issues. Ms. Jahnke asked about boundaries of regulated areas not showing. Mr. Clark explained that regulated areas have to do with the wetlands and watercourses. Ms. Jahnke asked if they were all there. Mr. Clark said they will be shown on the subdivision map. The revisions weren't made because of issues relative to the waivers and will be made all at once now that waivers are approved. The only major issue left is the open space. If fee accepted, there's no change. If fee not accepted, they'll have to provide open space.

Mr. Frank questioned storm water drainage and that it has to be demonstrated that there is adequate feasible area for managing drainage. A feasible plan should be shown. Mr. Clark agreed to show something and show roof drains connected into catch basin to get it underneath the driveway and back out so it doesn't cause erosion and that sort of thing. Mr. Frank commented that was part of final plans to show Inland Wetlands Commission with further comment by Mr. Fowlkes who indicated that this is a feasible plan if it were to take place. If building more detail would be needed and Ms. Roberts noted that it would then come back.

Mr. Rimsky questioned if fee in lieu of conservation easement was something that Commission could actually accept or deny. Mr. Frank and Ms. Roberts and Mr. Clark said that it was at the discretion/approval of the Commission.

Mr. Frank asked if Mr. Clark had been to the Conservation Commission today and he had not. Ms. Roberts explained that the Conservation Commission advises and lets Planning Commission know what their preference is. Their meeting was today so this is all new. She asked Mr. Carey to explain.

Mr. Carey explained position of Conservation Commission who had adjourned their meeting just prior to the start of this Planning Commission meeting. The Chairperson asked if Mr. Carey would communicate their position and asked that instead of a fee, they would like a 200-foot band along the New Milford property line reserved as hilltop open space so that it not be used for building a structure. Their minutes will probably be submitted tomorrow. There was clarification about the boundary line and hilltop. Ms. Jahnke asked if it was just for Lot 2 and Mr. Carey noted it was to protect the viewshed because it's over 10000 feet in elevation. Ms. Roberts said this would have to be considered.

Mr. Rimsky asked Mr. Clark if he had any idea how owner would respond to Conservation request. Mr. Clark said right now the fee would be preferred, but would consider the request if that's the only way that thing would move ahead. Mr. Fowlkes noted that at this moment in time the fee is an unknown quantity, an unknown factor. The applicant has the right to withdraw that preference and submit the other. Mr. Clark affirmed that it had to be agreeable to both parties during approval process. Mr. Fowlkes indicated that there wasn't any action required at this time. Ms. Roberts agreed, but felt it was important to note.

Ms. Roberts asked if there was anything else. Mr. Frank read wording of extension to determine dating. Mr. Clark explained that public hearing starts new time frame. Mr. Rimsky asked Mr. Clark if the applicant wanted the public hearing. Mr. Clark agreed that if the Commission felt the applicant was

ready, they felt they could have the revised materials well in advance. He feels the applicant is ready and the decision is up to the Commission if there is enough information. Mr. Frank noted that the request was really for an extension of the period to commence the public hearing and Commission may specify any date for a public hearing. He felt more info was needed and Commission could better decide at next meeting.

Mr. Rimsky asked what other info was outstanding besides fee in lieu. Mr. Frank explained the conservation question and driveway information from Selectmen. Mr. Clark noted that the Commission can still receive reports after the public hearing. It's still something that can be considered. After the public hearing there can be no more testimony. Mr. Clark was confident in resolving issues.

Members tried to clarify whether things would be ready for next meeting date and should they set public hearing. Mr. Frank's personal preference was not to schedule at this time. Other members agreed that there was a lot that was unknown. If Dec 2 public hearing was scheduled, info would only be provided by email. Mr. Clark explained they wanted to submit all revisions at same time instead of one after the other. Members felt another regular meeting was required first for more complete information. Mr. Fowlkes questioned clarity of setting Dec 2nd as last date for scheduling a public hearing without the extension, the applicant is requesting an extension, and allowing more time to go by before a public hearing is in fact scheduled. Ms. Roberts explained that if Commission accepts the extension request that gives the appropriate time.

Mr. Clark stated submitted request just to get to next meeting and take things from there. Ms. Braverman questioned what info would be available next meeting. It was noted they'd have Wetlands report, Conservation report, Selectmen would be back from vacation. Mr. Clark noted current assessed value could give an idea of what the fee would be. Ms. Roberts asked if discussion was completed and could the motion be made to accept request. Members agreed.

MOTION: To approve the request for an extension of time in which to commence the public hearing to consider the application submitted by Ms. Reger for a 2 lot resubdivision at 65 Gunn Hill Road. By Mr. Fowlkes, Seconded by Mr. Rimsky, and passed unanimously.

V. New Applications

A. BEC Holdings, LLC./204 Wykeham Road/2 Lot Subdivision

Ms. Roberts noted a new application had been received for BEC Holdings for 204 Wykeham Road for a two-lot subdivision. Mr. Frank explained it was an application submitted and withdrawn at the last meeting. Ms. Roberts noted there were a number of maps and pointed out a map showing locations of angle points where the monuments are missing.

Mr. Fowlkes and Mr. Carey recused themselves from this issue. Ms. Roberts seated Ms. Braverman in place of Mr. Fowlkes for the BEC Holdings discussion.

Ms. Roberts noted Mrs. Hill's 11/6/08 review and asked if the driveway cut had been approved by the Selectmen. Mr. Rimsky commented that it looked like it was still an incomplete application. Ms. Roberts read list to determine. Approval of driveway cut by Selectmen was unknown. There was the question of improvements on Clark Road and who is responsible for those. There needs to be a written agreement for the file. Did Inland Wetlands Commission take this up and approve this? Did they have report from Conservation on proposed open space?

Mr. Carey indicated that he was the messenger for Conservation Commission. They'd like to enlarge that

elongated strip of open space. It was sort of ambiguous. He referred to areas on the map that they'd like to have as open space. Conservation would like it to go into the internal area. There's very little there. Janet Hill was questioning some of the information on the map is not labeled.

Ms. Roberts noted that there is the report from Conservation on proposed open space. The density form seemed to be incomplete. It was unknown. Did they think a public hearing should be schedule and if so, why?

Mr. Frank asked if someone was expected to appear in support of this application. Ms. Roberts seemed to think so. Mr. Rimsky suggested that they pass on it and that they've had conversations before about wasting time with incomplete applications and this is a good example of that. Ms. Braverman noted they addressed that a couple months ago and others commented other months and weeks as well.

Mr. Frank noted Janet's memo said the Commission should schedule a site inspection and others thought it was a good idea, but otherwise to pass on this. Ms. Braverman asked about access. Mr. Fowlkes noted he knew and didn't feel he had to recuse himself from a site inspection. The members discussed area, directions, parking, and possible dates. The site inspection was tentatively scheduled for noon on Thursday, November 13th and Janet Hill will contact applicant and confirm

Ms. Jahnke questioned that if there's so much trouble with applications, why doesn't the 65 days from the application being submitted to the hearing start from when the application is complete. Mr. Frank noted that if the applicant insists on submitting it, the time begins to run. The last meeting the applicant agreed to withdraw it so there wouldn't be any time started. Ms. Roberts commented that again this had come in with no one there to answer questions so all the Commission is going to do is let applicant know they are planning a site visit. Otherwise the Commission is not acting on it. Mr. Frank also noted that the Commission was free at any point to deny an application because it wasn't complete.

VI. Other Business

A. Procedures and Template for Conservation Easements

Ms. Roberts thought they should skip over that. Mr. Frank noted that there had been no further reports.

B. Revision of the Subdivision Regulations

Ms. Roberts said that there was no one to report on it so that would be skipped. Mr. Frank said Janet had a note about it. Mark O'Connor suggested that it go to review to save money. Ms. Roberts preferred to put off until next meeting.

C. Talbot/44 Bell Hill Road/Revision of Conditions of Subdivision Approval

Ms. Roberts read note from Janet Hill that by telephone conversation with Attorney Miles, he advised that:

"A public hearing is not required to vote on a revision of a condition of approval. This may be voted on at regular meeting. The letter sent to the property owner to advise him of the action should be signed by the Commission Chairman and filed on the town land records."

Ms. Roberts stated that they did not have to have a public hearing. Mr. Carey commented that it goes back to Peter's request to change part of the legend on a family subdivision map on the east side of Bell Hill Road. Ms. Roberts confirmed that was so. Mr. Rimsky suggested they just clear this off our table and say fine. Mr. Frank said he didn't recall enough of the request to act at this meeting.

Mr. Carey explained it was a clarification based on what had happened. He had taken objection thinking

the Commission had the authority to allow a change in a map that is recorded by number upstairs since a title searcher would never find the change unless a subsequent map is filed reflecting the change. Then would this get bogged down in a hearing and so forth? That's the background.

Mr. Frank recalled it as an administrative error here that caused this problem. Others agreed. And Mr. Rimsky commented that was one of those things that shouldn't be of much concern and just get it out of the way. Mr. Carey explained that the Talbots immediately agreed to file a map that had a new number.

Ms. Roberts indicated the letter sent to the property owner to advise him of the action should be signed by the Commission. The Commission needed to vote now on this and questioned what the motion actually was to vote on. The minutes weren't available. Mr. Rimsky noted that they could make a motion to approve the applicant's request to correct an administrative error on the map and file the corrected map. Mr. Frank preferred to be more precise. Ms. Roberts thought it was a mistake to get it so over complicated. Mr. Frank thought they should be precise to change something on land records and suggested it would take little time at the next meeting and isn't holding anything up. Ms. Roberts noted that since they wouldn't delay anything the Commission would wait and take no action now.

D. FOI Meeting Report

Ms. Roberts stated preference to wait to have discussion for next agenda. She felt a discussion was necessary, but this was not the appropriate time and they needed to get things together. She suggested putting it on the agenda for next meeting. Others agreed and noted that no motion was necessary.

E. Regional Plan of Development

Ms. Roberts asked if members had read it and noted that was all that was needed. They didn't need to do anything else. Ms. Jahnke noted she hadn't received it nor had Mr. Rimsky. Mr. Fowlkes noted it was a remarkable compilation. Mr. Frank noted it was a stating of a prior. Mr. Fowlkes asked if public hearing was Dec 4th and it was confirmed. Mr. Frank noted that there was a requirement for a public hearing for Northwest CT Council of Governments.

Ms. Roberts thinking back at the work she had done a while back getting ready for the Depot study. She noted the mention to support efforts to upgrade tracks on the Housatonic Rail Line. One of the factors she recalled coming out of the Depot study discussion was the history of the railroad and how it served to increase population growth. She wasn't sure that upgrading it would be a good idea if this pattern could repeat. Mr. Rimsky indicated the paradox that it did reduce the carbon footprint, but made the area more accessible to people. Historically the greatest influx of people came from the railroad and Ms. Roberts wasn't sure that this was the best idea for the town. Mr. Carey noted that she articulated the problem very clearly and did she have plans to show up on Dec 4th to present/warn about this consideration. Ms. Roberts mentioned that they could show up, but it wasn't necessary to show up in mass. Ms. Roberts indicated she was happy to go to the meeting and stated again that a lot of these towns are not in the shadow of other large entities such as Washington is with New Milford. She was conscious of its impact on us because of development that Washington has no control of that occurs right next door to it. She expressed that small towns should be concerned. Mr. Fowlkes noted that New Milford is not part of this association.

Mr. Frank had a comment that was discussed last time. There was a statement that Washington has an explicit policy of limiting development to avoid necessity of building a municipal sewer system. He thought this was true at one point, but at last planned conservation and development didn't mention it and mentioned some kind of facility for denser use. Mr. Rimsky noted the village center. Ms. Roberts noted it wasn't really a sewer system, but is really a community septic system which is different from a sewer system. The public often gets that confused causing concern. There are ways to do this and as technology improves there is a possibility for a community septic system to encourage having community centers.

This might be a good idea and should stay open for consideration. Others commented and agreed. Mr. Carey noted details of an ongoing situation for Washington Housing Committee and limited non-FEMA land. Statement that we're trying to avoid one is pertinent to lack of available land. Mr. Rimsky noted that brought us back to FEMA floodplain problem and everything in Depot is nonconforming system. If anything were to be done in the Depot that would have to be addressed and a large municipal expense is always a sensitive subject for everyone.

Ms. Roberts noted it was suggested ages ago and Planning Commission turned it down because at that time it was a single use and land was too valuable. It continues to be so.

VII. Communications

No communications.

VIII. Public Comment

No public comment.

IX. Adjournment

MOTION: To adjourn.

By Mr. Frank, Seconded by Mr. Rimsky, and passed unanimously.

The meeting adjourned at 9:15 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Sheila Silvernail, Acting Clerk for Land Use Coordinator, Janet Hill