

October 6, 2009

7:30 p.m.mm Land Use Meeting Room

Members Present: Ms. Roberts, Mr. Frank, Mr. Rimsky, Ms. Jahnke

Members Absent: Ms. Gager

Alternates Present: Mr. Carey, Ms. Braverman, Mr. Fowlkes

Staff Present: Shelley White, Janet Hill

Also Present: Carrie Rowe, Brian Neff, Attorney Jim Kelly, Residents

Public Hearing

Rowe/44 Kielwasser Road/2 Lot Resubdivision:

Ms. Hill read the legal notice published in Voices on Wednesday, September 23 and September 30, 2009 and the list of contents in the file.

Mr. Brian Neff was present to represent the Rowes for this application. He explained the Proposed Site Development Plan, titled Susan Rowe 2-Lot Resubdivision, revision date 10-5-09 and that the plan indicates the proposed house on Lot #1 and the existing house on Lot #2.

There were no public comments.

Ms. Hill read her memo regarding the Updated Application Review for Completeness to the Planning Commission, dated 10/2/09 (on file in Land Use Office). Ms. Hill went over the requested waivers and recommended that all lot corners be marked with suitable markers per section 6.10 and indicated on the Record Subdivision Map as a condition of approval.

Mr. Carey asked what material are used to monument the corners. Mr. Neff stated that rebar is usually used as it last and is easily found by using a metal detector.

Motion:

to approve the waiver of the requirements of section 4.2.1, regarding the application for Rowe, 44 Kielwasser Road, 2 Lot Resubdivision, to allow 1"=100' so the map of the entire property will fit on one sheet,

by Mr. Frank, seconded by Mr. Carey, passed by 5-0 vote.

Motion:

to approve the waiver of the requirements of section 4.4.11, regarding the application for Rowe, 44 Kielwasser Road, 2 Lot Resubdivision, relating to state plane coordinates,

by Mr. Frank, seconded by Mr. Rimsky, passed by 5-0 vote.

Motion:

to approve the waiver of the requirements of section 4.5.4, regarding the application for Rowe, 44 Kielwasser Road, 2 Lot Resubdivision, to allow 10 foot contours to be shown on the Site Development Plan,

by Mr. Frank, seconded by Mr. Carey, passed by 5-0 vote.

Motion:

to close the Public Hearing for Rowe, 44 Kielwasser Road, 2 Lot Resubdivision, at 7:47 p.m.,
by Ms. Roberts.

Regular Meeting

Call to Order

Ms. Roberts called the meeting to order at 7:47 pm.

Seated: Frank, Jahnke, Rimsky, Roberts, Carey, Alt.

Consideration of the Minutes

The minutes of September 1, 2009 were considered.

Motion:

to accept the September 1, 2009, Regular Meeting Minutes of the Planning Commission as submitted, by Mr. Frank, seconded by Mr. Carey, passed by 5-0 vote.

Ms. Hill read the minutes of the Special Meeting of September 10, 2009.

Motion:

to accept the September 10, 2009, Special Meeting Minutes of the Planning Commission as submitted, by Mr. Carey, seconded by Mr. Rimsky, passed by 5-0 vote.

Subsequent Business Motion:

to include subsequent business not already posted on the Agenda, Re: Mr. Chris Charles letter, dated 9/21/09 to the Zoning Commission, by Mr. Rimsky, seconded by Ms. Jahnke, passed by 5-0 vote.

New Applications

Application for Scenic Road Designation for West Mountain Road (portion off Rt. 47):

Ms. Hill stated that she performed a review and all items have been provided for a complete application. Ms. Roberts read the contents of the file. Mr. Jack Johnson of West Mountain Road was present to represent this application. He explained that 11 out of 13 property owners on the road responded favorably to this application and two property owners did not respond and there has not been any negative feedback. The Planning Commission and Mr. Johnson examined the Tax Assessor's Map. The Planning Commission scheduled a site visit for Wednesday, October 14, 2009 at 9 a.m. They will meet at Mr. Johnson's red barn on West Mountain Road. A Public Hearing was scheduled for Wednesday, November 4, 2009 at 7:30 in the Land Use Meeting Room, Bryan Memorial Town Hall.

Pending Applications

Rowe/44 Kielwasser Road/2 Lot Resubdivision:

There were no further comments from the Planning Commission.

Motion:

to approve the application for Rowe, 44 Kielwasser Road, 2 Lot Re-subdivision, as reflected in the Property Boundary Survey, prepared for Susan A. Rowe, 44 Kielwasser Road, June 2009, revision dated

9/30/09 by Michael Alex, Land Surveyor and as reflected in the Site Development Plan, titled Susan Rowe 2-Lot Re-subdivision, dated 8/9/09, revision date 10/5/09, by Brian Neff, Engineer, subject to the condition that the Property Boundary Survey be revised to indicate all lot corners with suitable monuments,
by Mr. Frank, seconded by Mr. Rimsky, passed by 5-0 vote.

Other Business

Referral from Zoning Commission/Revision of Zoning Regulations/Section 17.5.A

Ms. Hill stated the Public Hearing for the Zoning Commission is scheduled for October 26th at 7:30 in the Land Use Meeting Room. Ms. Hill explained that the current regulations allow Special Exceptions for setbacks and lot coverage under specific circumstances. Currently there is not a Special Exception for setbacks from Wetlands and Watercourses. The proposal is to add the Wetlands and Watercourse setbacks to the Special Exception Section of the Zoning Regulations. The applicant would be required to obtain an Inland Wetlands permit first in order to apply for a Special Exception for a Wetlands and Watercourse Setback. Ms. Hill stated that this would be for existing non-conforming structures. Ms. Roberts stated that she thought this proposal made sense as it simplifies the process. Ms. Braverman stated that the proposed revision would still address the same issues. After a brief discussion, it was the consensus of the Planning Commission does not have any objections to this revision and Ms. Roberts will send a letter to the Zoning Commission.

Revision of Klein/285 West Shore Road/2 Lot Resubdivision

Mr. Carey questioned if the Planning Commission was required to schedule another public hearing regarding this revision. Ms. Hill stated that it is not creating a new lot and it is a minor change to the already approved lot revision so a public hearing would not be necessary. Ms. Hill and the Planning Commission looked at the previously approved Property Boundary Surveys prepared for Leila Klein and Linda Cannizzarro, 285 West Shore Road and Tinker Road, dated October 2007, Revised plan dated June 5, 2008 and the most current revision dated August 2009, all plans prepared by Michael Alex, Land Surveyor. Ms. Hill explained that the Property Boundary Survey dated June 5, 2008 was approved by the Planning Commission and the property owners are now applying for to Zoning for another minor lot line revision (asking for approval of a minor change) as indicated on the survey dated August 2009. There was a discussion as to whether West Shore Road was a state owned road. Attorney Jim Kelly was present to represent the property owners explained the history of the revisions to the properties and he confirmed that the State does not own the road but they have a right of way. There was a brief discussion of the proposed changes. The Planning Commission agreed that they had no objections to this revision.

Procedures and Template for Conservation Easement

Mr. Frank stated that it was his understanding that the Conservation Commission would be discussing the final draft at the Conservation Commission Meeting tomorrow, October 7, 2009 at 5 pm.

Revision of the Subdivision Regulations

Ms. Hill stated that she and Ms. Roberts met with Mr. Martin Connor on Friday, September 11th and reviewed his comments. Ms. Hill stated that she would be typing the revised changes and would forward them to Mr. Connor for review. Ms. Hill stated that when the revised document is circulated she would put Mr. Connor's changes in boldface type so that the Planning Commission would be aware of the changes Mr. Connor made.

Land Use Academy Seminar

Ms. Roberts stated that she and Ms. Hill went to the Land Use Seminar. Ms. Hill is in the process of summarizing the information on keeping town meetings legal and she will share them with the Planning

Commission at the November meeting.

Communications

Ms. Roberts discussed her letter to the First Selectman, dated 10-2-09 regarding Traffic Control (on file in Land Use Office). Ms. Roberts asked that the flashing speed limit sign that shows drivers how fast they are actually going be used on town roads if the police department won't use it on state roads. There was a brief discussion regarding areas in town where speeding is a concern.

Ms. Roberts asked that the Commission to read Mr. Charles's letter to the Zoning Commission dated September 21, 2009. She stated the Planning Commission would invite Mr. Charles to the next meeting on November 4, 2009 to provide feedback and discuss his request.

Public Comment

There was not anyone from the public present.

Adjournment

Motion: to adjourn by Mr. Rimsky, seconded by Mr. Carey.

Ms. Roberts adjourned the meeting at 8:35 pm

Filed subject to approval.

Respectfully Submitted,
Shelley White
Land Use Clerk