

**Town of Warren
Planning and Zoning Commission
Public Hearing & Regular Meeting Minutes
Tuesday, January 13, 2015 - 7:30PM
Town Hall Conference Room – 50 Cemetery Road**

PRESENT: Chairman Bob Bolte, Chris Brodhead, Phil Good, Howard Lethbridge, John Miller; Zoning Enforcement Officer Stacey Sefcik.

ABSENT: Susan Bates, Chris Fischer, Robyn Kasler; Alternate Brian Coyle.

Chairman Bob Bolte called the meeting to order briefly at 7:35PM; however, it was determined that there were insufficient members present in order to proceed. The meeting was then recessed until 7:55PM, at which time Phil Good arrived to meeting and quorum was established.

HEARINGS:

1. PUBLIC HEARINGS:

A. Susan Bates, 76 Tanner Hill Road – 3-Lot Resubdivision.

Chairman Bob Bolte opened the public hearing at 7:55PM. Bart Clark, PE, of Oakville Environmental Services addressed the Commission on behalf of the applicant. Mr. Clark submitted proof of notice to abutting neighbors and verified that the required signage had been posted at the property. Ms. Sefcik then read into the record the legal noticing for this public hearing.

Mr. Clark explained that the applicant was proposing a 3-lot resubdivision of her 54.3-acre parcel. Lot 1 would be 3.6 acres, Lot 2 would be 16.4 acres, and Lot 3 would be 34.2 acres. The property already has two houses and several outbuildings; the proposed resubdivision would put each of these houses onto its own lot while creating one new building lot. Mr. Clark stated that the Torrington Area Health District had already reviewed and approved the subdivision; Ms. Sefcik stated that a letter to that effect was in the file for this application. Mr. Clark explained that no roads or public improvements would be required as a part of this subdivision as all three of the proposed lots had frontage on Tanner Hill Road. The plans showed a proposed house located at the northern end of Lot 3 toward the eastern end of the lot.

Mr. Clark explained that the applicant was requesting several waivers as a part of their application. The first was a request to waive the required open space set-aside detailed in Section 5.7.2 of the Subdivision Regulations. Mr. Clark explained that Lot 1 would be transferred to Ms. Bates' mother, and Ms. Bates would keep Lot 2 and Lot 3. As a good portion of Lot 3 was undevelopable due to rock outcrops and steep slopes, much of the lot was in effect protected from development. Mr. Clark explained that the Zoning Regulations required a buildable area of 100' x 200', which was not able to be done on much of Lot 3.

The second was a request to waive the requirements of Section 4.2.1 of the Subdivision Regulations. The subdivision map, site development map, and sedimentation and erosion control map are required to be drawn at a scale of 1"=40'. Mr. Clark explained that, due to the size of the property, the Subdivision Map was drawn at 1"=100' and it is contained on two separate sheets. The Site Development Map was drawn at 1"=40' for the area where the existing structures are located and new development is proposed. An Overall Plan was provided at 1"=200' scale to give information about the overall site.

The third waiver requested was of Section 4.3.10 of the Subdivision Regulations, which requires the boundaries of inland wetlands and watercourses and the limits of regulated activities to be detailed on maps and plans. Mr. Clark explained that the boundaries were detailed on the Site Development Map for those areas where houses are located and

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new development is proposed. However, the applicant was requesting that this requirement be waived for the Subdivision Map.

Lastly, Mr. Clark explained that the applicant was requesting a waiver of Section 4.4.11 which requires state plane coordinates at not less than four points on the subdivision perimeter. Mr. Clark explained that this information is typically used for GIS mapping, which Warren did not use. He stated it was very costly and time-consuming to produce given that the benefit of having the information appeared to be very low.

Mr. Clark then responded to comments made by Ms. Sefcik in her report dated January 5, 2015. He noted that Lots 1 and 2 would be sharing a well, and easement language regarding this was currently being drawn up by Ms. Bates' attorney. Mr. Clark clarified that both lots had their own septic systems. He also explained that a fire hydrant was present along the road, which was fed by Bates Pond. Mr. Clark explained that there were no records regarding the exact surveyed location of the water line from the pond to the hydrant, but Ms. Bates' attorney was also working on this and would be preparing easement language to allow access for repair.

Mr. Bolte then noted that, hypothetically, the Zoning Regulations could change in the future such that 1-acre lots were permitted, in which case it might be possible to subdivide Lot 3 further and still meet buildable area. Mr. Clark noted that the Torrington Area Health District's requirements also precluded additional development at this time. The possibility of a conservation easement was then briefly discussed.

Hearing no further comments from the Commission, Mr. Bolte opened the floor to public comment.

Blake Levitt, 355 Lake Road, addressed the Commission. Ms. Levitt explained that her property was located at the base of Tanner Hill Road. She noted that the Plan of Conservation and Development specifically addressed the importance of the scenic vista along Tanner Hill Road at Ms. Bates' property. She noted that Ms. Bates was a strong environmentalist; however, Ms. Levitt expressed concern about possible future development when and if the property was later sold. She questioned whether it would be possible to require some sort of restriction at the top of the hill in order to protect the scenic view. She stated that she believed it would not be a good idea for the Commission to set the precedent of waiving open space requirements, and she encouraged the Commission to require the stated 15% set-aside. Ms. Levitt then asked for additional information regarding the importance of state plane coordinates. Mr. Clark explained the process by which this information was obtained, and he estimated it would cost a few thousand dollars. Ms. Levitt then asked whether any determination had been made as to whether or not the property had any archeological value.

Jack Baker, 20 Hardscrabble Road, next addressed the Commission. Mr. Baker stated that Section 5.7.4 required all land in a subdivision to be transferred to a family member for no consideration in order to qualify for the open space exception. Because of this, he did not believe that this application met the requirements for an exemption. He also noted that an open space set-aside was required to contain the same percentage of steep slopes and wetlands as the entire lot. Without this information from the applicant, Mr. Baker stated that he believed the Commission did not have sufficient information with which to make a decision. He suggested that more information was necessary regarding the percentage of the property with steep slopes and wetlands soils. Mr. Clark noted that a soil scientist had flagged the entire site, and that information was contained in the Overall Plan and Site Development Plan. However, he had not computed the exact percentage of wetlands and steep slopes for the entire site as the applicant was not proposing development of the southern two-thirds of Lot 3.

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Blake Levitt, 355 Lake Road, again addressed the Commission to question whether any vernal pools were present onsite. Mr. Clark stated that the soil scientist did not locate any. She questioned what time of year the soil scientist had visited the site, and Mr. Clark stated that it had been in May 2013.

Elizabeth Chandler, 71 Tanner Hill Road, then addressed the Commission. Ms. Chandler noted that the view from the top of Tanner Hill Road had been very clearly designated as a scenic area to be preserved. She stated that every appeared to concur that the site would be well protected if it remained in Ms. Bates' possession; however, she was concerned what would happen if the property was eventually sold. Ms. Chandler stated that she believed it would be shortsighted to make a decision with long-term consequences based on the present ownership of the property. She asked the Commission to consider implementing a scenic view easement.

Jack Baker, 20 Hardscrabble Road, again addressed the Commission to observe that the fact that a lot was currently unbuildable should not be used to validate an open space waiver.

Blake Levitt, 355 Lake Road, addressed the Commission again to note that the site had several significant rock formations, and that should also be considered as a part of the conservation and open space discussion.

Hearing no further comments from the public, the Commission then discussed continuing the public hearing, as well as what items that they would like to receive from the applicant prior to the next meeting date. Mr. Bolte expressed a desire for additional information regarding wetlands onsite. The Commission asked Mr. Clark the reason for the waiver request for putting wetlands information on the Subdivision Map. Mr. Clark explained that due to the size and shape of the lot, the Subdivision Map was already two pages. Putting additional information on could potentially clutter the map, which already has survey information throughout. However, he expressed willingness to add this information onto the Subdivision Map if that is what the Commission preferred.

Mr. Brodhead stated he would like to have the applicant submit a proposal for a possible open space offering as well as information regarding the percentage of steep slopes and wetlands soils present onsite, so that the Commission had a better idea what they were being asked to waive. Ms. Sefcik noted that the Commission would also want to have information regarding the easement for the hydrant and the shared well. Mr. Clark explained that there did not appear to be records from the installation of the hydrant; an official easement would simply state that it exists across both lots and that it covers fifteen feet on either side of the pipe. Mr. Clark said this was also the case with the shared well, as there was not specific information about the location of the water line. Mr. Lethbridge explained that residents owned the fire hydrants in Warren.

At 9:00PM, the Commission agreed to continue the public hearing to the Tuesday, February 10, 2015 regular meeting.

REGULAR MEETING:

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

The regular meeting was called to order at 9:00PM. All regular members present were seated for the meeting.

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2. OPPORTUNITY FOR PUBLIC COMMENT.

No business was discussed as no one expressed a desire to speak.

3. APPROVAL OF MINUTES:

A. November 18, 2014 Public Hearings.

B. November 18, 2014 Regular Meeting.

MOTION Mr. Lethbridge, second Mr. Miller, to table approval of minutes to the February 10, 2015 regular meeting; unanimously approved.

4. OLD BUSINESS:

A. Susan Bates, 76 Tanner Hill Road – 3-Lot Resubdivision.

The Commission agreed to table this matter to the February 10, 2015 regular meeting.

5. NEW BUSINESS:

No business was discussed.

6. CORRESPONDENCE.

Information from the Northwest Hills Council of Governments regarding the proposed dates for 5th Thursday programs was distributed to Commission members. The next 5th Thursday program was scheduled for January 29, 2015.

Information regarding the biannual Land Use Law Workshop sponsored by the Connecticut Bar Association was also distributed. The program will be held on Saturday, March 21, 2015 at Wesleyan University. The cost includes a box lunch and a handbook prepared by the attorneys speaking at the workshop.

7. ZONING ENFORCEMENT OFFICER'S REPORT.

The Commission reviewed Ms. Sefcik's report for the period from November 18, 2014 through January 13, 2015.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

No business was discussed.

MOTION Mr. Lethbridge, second Mr. Miller, to adjourn the meeting at 9:05PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik, CZET
Zoning Enforcement Officer