



First land deed from the Indians
April 12th 1659

TOWN OF WOODBURY

Planning Commission

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MINUTES PUBLIC HEARING/REGULAR MEETING WEDNESDAY, APRIL 21, 2010

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Andy Peklo
Jane Sandulli
Eileen Denver

ALTERNATES PRESENT:

Linda Carlson

MEMBERS ABSENT:

Mary Connolly
Bob Travers

ALTERNATES ABSENT:

Tom Amatruda

ALSO PRESENT: Catherine Adsitt, Gary Giordano, Curt Smith, and other interested residents.

PUBLIC HEARINGS

None

1. Regular Meeting

Chr. Peklo convened the Regular Meeting of the Woodbury Planning Commission at 7:30 p.m. Seated were Commissioners Peklo, Sandulli, Denver, and Alternate Carlson. Reference was made to Section 8-21, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest.

2. Pending Applications

a. 10-PC-1001/Mackey/Giordano/Mill Road/2 Lot Subdivision (Tax Assessor's Map 010/Lot 045)

After a brief discussion the Commission agreed to approve the application.

MOTION:

WHEREAS, the Woodbury Planning Commission (Commission) has received an application submitted by R. Douglas Mackey for a two lot subdivision, in accordance with the Woodbury Subdivision Regulations, for property as Mill Road Estates, Mill Road (Tax Assessor's Map 010/Lot 045A/2); and

WHEREAS, the Commission held a duly noticed public hearing on February 3, 2010 and continued on February 17, 2010, March 3, 2010, March 17, 2010 and April 7, 2010; and

WHEREAS, the Commission has received and reviewed the reports of the Town's consulting engineer, Land Tech Consultants dated January 29, 2010, March 1, 2010, and March 24, 2010; and

WHEREAS, the Commission has received and reviewed the reports of the Woodbury Department of Public Works dated February 1, 2010 and March 16, 2010; and

WHEREAS, the Commission has received and reviewed the reports of the Woodbury Land Use Office dated January 29, 2010 and April 5, 2010; and

WHEREAS, the applicant has proposed and the Commission has accepted a fee-in-lieu of open space set aside, pursuant to Woodbury Subdivision Regulations Section 4.9.7, based on an appraisal of \$150,000 prepared by Walter J. Kloss Real Estate Appraiser dated February 12, 2010; and

WHEREAS, the Commission has received and reviewed the report of the Pomperaug District Department of Health, dated April 9, 2010; and

WHEREAS, the Commission has received and reviewed the report of the Woodbury Inland Wetlands and Watercourses Agency (IWWA) dated April 27, 2009, containing condition number 7, requiring the applicant to obtain relief from the Planning Commission with respect to Subdivision Regulation 4.7.2.b; and

WHEREAS, the Commission has evaluated the site with respect to Subdivision Regulation Section 4.18 determined that the proposal would not have applicable watershed/viewshed impacts; and

WHEREAS, the Commission has received information regarding solar access pursuant to Subdivision Regulation Section 4.7.6; and

WHEREAS, the Commission has received information regarding driveways pursuant to Subdivision Regulation Section 4.7.3; and

WHEREAS, the applicant has provided evidence that the site could be served by two driveways on Site Plan (showing separate driveways) dated February 6, 2009 revised to March 19, 2009; and

WHEREAS, the applicant has sought and the Commission has granted a waiver of Subdivision Regulation 4.7.2.b with respect to the paved driveway apron requirement; and

WHEREAS, the applicant has stated that the proposed site plan would require more than 100 cubic yards of fill, which would require approval from the Zoning Commission pursuant to Woodbury Zoning Regulations Section 3.1.2; and

WHEREAS, the Commission has carefully considered all the information submitted and the record of the proceeding in application 10-PC-1001;

NOW THEREFORE BE IT RESOLVED that the Woodbury Planning Commission approves the subdivision of property located at Mill Road Estates, Mill Road (Tax Assessor's Map 010, Lot 045A/2) shown on the maps and plans consisting of seven sheets by Gary Giordano, Professional Engineer and Land Surveyor, LLC

- Sheet 1, Title Sheet, dated December 26, 2009 revised to March 6, 2010;
- Sheet 2, Topographic Survey, dated February 6, 2009;
- Sheet 3, Property Survey, dated February 6, 2009 revised to March 17, 2010;
- Sheet 4, Site Plan, Grading, Erosion Control, dated February 6, 2009 revised to March 6, 2010;
- Sheet 5, Driveway Center Profiles, dated December 26, 2009 revised to February 4, 2010;
- Sheet 6, Detail Sheet, dated December 26, 2009 revised to March 7, 2010;
- Sheet 7, Site Plan Showing Common Driveway, Easement Area Construction, dated February 4, 2010 revised to March 6, 2010; and

This approval is subject to the conditions listed in the Table below.

Conditions of Approval
A. General
1. All conditions of approval by the Planning Commission and Inland Wetlands and Watercourses Agency must be added to the record subdivision map submitted for endorsement in accordance with Section 3 of the Woodbury Subdivision Regulations.
2. All outstanding technical review fees shall be paid prior to endorsement of the subdivision map for filing.
3. Deeds, easements, liens, and notices required by this approval shall be submitted for review and approval prior to submittal of the Record Subdivision Map for endorsement and recorded by the Applicant on the Town land records in accordance with Section 2.5.8 of the Woodbury Subdivision Regulations.
4. Any restriction, covenant or easement required as a result of this approval shall be referred to in the deed for any subsequent sale or transfer of any lot created by the subdivision approval.
B. Notices
1. Prior to the commencement of any driveway construction, the developer shall field mark the limits of all clearing and earth disturbance, flag all trees proposed for removal larger than 12" diameter at four feet above grade, mark any existing stone walls to be disturbed or relocated. The developer shall notify the Land Use Office of such marking at least five business days before commencement of any construction to permit inspection of erosion and sedimentation control measures.
2. The developer shall provide 24 hour notice of any blasting to the Land Use Office.

3. Prior to issuance of any zoning permits for construction on lots created by this approval, the developer shall provide a copy of the necessary driveway permit for the approved driveway.

C. Site Development Requirements

1. Prior to issuance of any zoning permits for site development, the applicant shall seek and receive approval from the Zoning Commission pursuant to Woodbury Zoning Regulations Section 3.1.2 “Earth materials excavation, deposition and processing activities”.

2. The common driveway on the submitted site development plan (Sheet 7 of 7) shall be constructed as shown on the plan. Any alteration of the driveway will require review and approval by the Planning Commission.

3. There shall be no burying of any tree materials including but not limited to stumps, branches, logs, brush, woodchips or similar items.

4. Any blasting, rock-crushing, screening, other processing of earth materials, or removal of earth material from the site shall be approved in advance by the zoning enforcement officer based on a plan providing locations, equipment, schedule, and any other information required by the zoning enforcement officer.

5. No excavation or grading shall commence for any driveway construction, lot development, or driveway until an appropriate tracking pad and sedimentation and soil and erosion control measures are properly installed and inspected by land use staff. Anti-tracking pads shall be properly maintained during construction.

6. Site clearing shall be limited to the area shown on the approved site development plan. Any alteration of the clearing limits shall require review and approval by the Planning Commission.

D. Open Space

1. A fee-in-lieu of open space in the amount of \$7,500 per approved building lot shall be paid to the Town of Woodbury at the time of sale of each lot and deposited in the Woodbury Property Acquisition STIF #2.

2. At the time of filing of the record subdivision map, a lien shall be placed on each approved building lot in the amount of \$7,500, which lien shall be released upon payment of the fee required by Condition D.1.

F. Monitoring, Reports, and Filings

1. Monthly construction status and progress reports shall be filed with the Town Land Use Office for the duration of the site clearing and construction of the driveway and associated drainage.

G. Bonds
1. Pursuant to Subdivision Regulation 2.5.9, prior to the endorsement of an approved subdivision map by the Commission, the applicant shall post a performance bond with the Town in an amount and form and with surety and conditions satisfactory to the Commission and the Board of Selectman.
2. Pursuant to Subdivision Regulation 2.5.9.2, the performance bond shall secure to the Town the actual construction, installation, and completion of all improvements, including inspection and monitoring fees.
3. Notice of bonds and encumbrances shall be recorded on the land records.

Made by Sandulli, seconded by Denver.
Vote 4-0 in favor.

3. Plan of Conservation and Development

Removed from agenda.

4. Other Business

a. 05-PC-5004/05-IWA-5009/Grey Fox Woods Subdivision/Weisbrich/Grey Fox Trail/Bond Reduction Request (Tax Assessor’s Map 27/Lot 11A, 12, 13)

Mr. Weisbrich was not present. Catherine Adsitt, Town Planner, stated that she spoke to Mr. Weisbrich’s engineer, Civil 1, who said a document requested by the Planning Commission would be prepared for the next meeting. The Commission agreed once the document is received, it should be forwarded to the Town Engineer for review.

5. New Applications

None

6. Referrals

a. 9 Timber Lane/Board of Selectmen Referral Regarding Driveway Approval (Tax Assessor’s Map 027/Lot 24/9)

Catherine Adsitt explained that in 2005 the house was finished and the driveway was above a 15% grade. Mrs. Adsitt said the new owner has called the bond to finalize the driveway issue so the driveway could be approved, although the homeowner has no concerns with the way the driveway currently is. Mrs. Adsitt said she went with the Town Engineer to the site. The Town Engineer prepared a letter stating that the average grade of the driveway is less than 15%. The Commission agreed that it would have been silly to tear up the driveway if the owner has no issue with it and agreed to have Mrs. Adsitt draft an approval to be submitted to the Board of Selectmen. Commissioner Jane Sandulli asked if there are any problems with the

driveway in icy weather. Mrs. Adsitt said the homeowners have been there since December 2005, and have not discussed any concerns with ice.

7. Privilege of the Floor

-Curt Smith, Engineer, was present to discuss a 33.4 acre parcel on Painter Hill Road owned by Mr. and Mrs. Mark Levine. Mr. Smith explained that the Levine's would like to give their daughter a parcel of their land. Mr. Smith said the question is what should be done in regard to open space. Mr. Smith said the Levine's would like to preserve a 24 acre area the back of the property for a charitable gift in the future. Mr. Smith said the Levine's plan is to give their daughter a lot, give the Planning Commission the open space they require, and then sell their house. Mr. Smith said there is also a brook that runs through the property that the Levine's would like preserved. Chr. Peklo said it looks as though because of the topography the back area is inaccessible. Mr. Smith said whoever has interest in the open space would have a right of access to it from Painter Hill Road.

Commissioner Jane Sandulli asked if this is the first cut. Mr. Smith said it is not and that this would be a subdivision.

Mr. Smith said the property abuts the Arthur Miller property in the back, which is unencumbered and has no open space.

Chr. Peklo said he doubts that Flander's Nature Center would be interested in the future open space on Levine's property and suggested that maybe the Roxbury Landtrust would be interested or maybe the homeowners could have half interest in the open space.

-Commissioner Linda Carlson stated that she drove on Transylvania Road by the Aisling subdivision and did see the site line area of concern and wondered who made the approval and who would be responsible to fix it. Chr. Peklo said it has been stated there is a mistake there and that the applicant and the Town Engineer at the time of the public hearing was supposed to check the site lines. Chr. Peklo said it seems that the original data represented by the applicant was faulty and the Commission approved it. Chr. Peklo said the Town Engineer's review does not necessarily include to go out to the site and verify it if the applicant's professional engineer submitted the information on the plan. Commissioner Jane Sandulli asked who checks on the project as it is in progress and didn't they notice the site line issue. Commissioner Sandulli wondered where the liability falls.

-Chr. Peklo stated that Lou DeLuca has told him that the Charter Revisions are being discussed if the Planning Commission would like to have any input and that a copy should be available on the Town website if any Commission would like to read it.

8. Consideration of Minutes

Regular Meeting – April 7, 2010

MOTION:

To approve the minutes of the Wednesday, April 7, 2010, Regular Meeting of the Woodbury Planning Commission, as submitted.

Made by Denver, seconded by Alternate Carlson.

Vote 4-0 in favor.

9. Correspondence

None

10. Adjournment

MOTION:

To adjourn the meeting at 8:05 p.m.

Made by Alternate Carlson.

FILED SUBJECT TO APPROVAL
Respectfully submitted,

Karen Blanchet, Clerk