



TOWN OF WOODBURY

Zoning Commission

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

7:30 P.M.

TOWN ANNEX

MEMBERS PRESENT:

Andy Peklo
Bob Travers
Jane Sandulli
Mary Connolly
Eileen Denver

ALTERNATES PRESENT:

Linda Carlson

ALTERNATES ABSENT:

Tom Amatruda

ALSO PRESENT: Catherine Adsitt, Ron Marra, Heather Kimball, Curt Smith, member of the press, 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, Travers, Sandulli, Connolly, and Denver. Reference was made to Section 8-21, Connecticut General Statutes, and Section 901 of the Woodbury Town Charter, Conflict of Interest.

2. Pending Applications

1. 10-PC-1002/Dayton/731 Flanders Road/3-Lot Family Subdivision (Tax Assessor's Map 096/Lot 011)

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

MOTION:

WHEREAS, the Woodbury Planning Commission (Commission) has received Application 10-PC-1002 submitted by Dana Dayton for a three lot family subdivision, in accordance with the Woodbury Subdivision Regulations, for property located at 731 Flanders Road (Tax Assessor's Map 096/Lot 011); and

WHEREAS, the applicant has proposed a family subdivision, exempt from open space provisions pursuant to Connecticut General Statutes Section 8-25; and

WHEREAS, the Commission has received and reviewed the reports of the Department of Public Works, dated June 8, 2010 and June 29, 2010; and

WHEREAS, the Commission has reviewed the reports of the Town Planner, dated June 1, 2010 and June 30, 2010; and

WHEREAS, the Commission has received and reviewed the reports of the Town Engineer, Land Tech Consultants, dated June 15, 2010 and July 6, 2010; and

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

WHEREAS, the Commission has received and reviewed the motion of the Woodbury Inland Wetlands and Watercourses Agency (IWWA), file 10-IW-1011, dated June 14, 2010; and

WHEREAS, the Commission conducted a public hearing on June 16, 2010 and continued on July 7, 2010; and

WHEREAS, the Commission has carefully considered all the information submitted and the record of the public hearing for application 10-PC-1002; and

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

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

NOW THEREFORE BE IT RESOLVED that the Woodbury Planning Commission approves the subdivision of property located at 731 Flanders Road (Tax Assessor's Map 096/Lot 011) as shown on the maps and plans consisting of three sheets by Ronald P. Wolff, Ronald Wolff Associates, LLC titled Subdivision of Land Prepared for Dana A. Dayton

- Sheet 1: Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan dated May 10, 2010 revised to June 24, 2010;
- Sheet 2: Site Analysis Map, Soil Testing Results, MLSS Calculations, Driveway Profiles dated May 10, 2010 revised to June 24, 2010; and
- Sheet 3: Details, Soil Report dated May 10, 2010 revised to June 24, 2010.

This subdivision approval is subject to the conditions listed below.

Conditions of Approval
A. General
1. All conditions of approval by the Planning Commission must be added to the record subdivision map submitted for endorsement in accordance with Section 3 of the Woodbury Subdivision Regulations.

PC/7/21/10

2. Deeds, easements, liens, and notices required by this approval and by Woodbury Subdivision Regulations 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.
3. Any restriction, covenant, notice, 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.
4. An electronic copy of the record subdivision map, compatible with geographic information system programs, shall be submitted with the Record Subdivision Map.
5. All outstanding technical review fees shall be paid prior to endorsement of the subdivision map for filing.
B. Notices
1. 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.
2. 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.
C. Site Development Requirements
1. There shall be no burying of any tree materials including but not limited to stumps, branches, logs, brush, woodchips or similar items.
2. 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.
3. No excavation or grading shall commence for any driveway construction or lot development until an appropriate anti-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.
D. Open Space
1. Pursuant to Section 4.9.10 of the Woodbury Subdivision Regulations, the applicant has requested that the requirement to set aside open space or pay a fee in lieu of open space be waived and requests that the Commission approve this subdivision as a family subdivision. The Commission agrees to

this request and further requires that the following language be used to create a notice to be reviewed and approved by Woodbury Town Counsel and recorded on the Town Land Records at the same time the approved Record Subdivision Map and the Site Development Plan are filed:

NO LOT CREATED BY THE WOODBURY PLANNING COMMISSION SUBDIVISION APPROVAL DATED JULY 21, 2010, WITH RESPECT TO THE PROPERTY LOCATED AT 731 FLANDERS ROAD, WOODBURY, CONNECTICUT, TAX ASSESSOR'S MAP 096 LOT 011 (THE PROPERTY) AND ANY LOT CREATED THEREFROM SHALL BE TRANSFERRED ON OR BEFORE AUGUST 5, 2015, UNLESS A FEE IN LIEU OF OPEN SPACE IS PAID INTO THE WOODBURY OPEN SPACE AND LAND ACQUISITION FUND IN THE AMOUNT OF \$15,000 FOR EACH LOT OF SAID APPROVED SUBDIVISION THAT IS TRANSFERRED OR SOLD, WITH THE EXCEPTION OF LOTS TRANSFERRED FOR NO CONSIDERATION TO A PARENT, CHILD, BROTHER, SISTER, GRANDPARENT, GRANDCHILD, AUNT, UNCLE, OR FIRST COUSIN OF THE OWNER OF RECORD OF THE PROPERTY AS OF JULY 21, 2010.

E. Bonding

1. In accordance with the provisions of Section 2.5.9 of the Woodbury Subdivision Regulations, prior to submittal of the Record Subdivision Map for endorsement, a performance bond shall be filed in the amount and form and with surety and conditions satisfactory to the Town Planner and Town Counsel, for setting of pins and monuments for the lot boundaries. No bond shall be required if a letter and an as built survey of the property prepared to A-2 standards, signed and sealed by a State of Connecticut Registered Land Surveyor and verifying the installation of pins and boundary markers, is submitted to the Land Use Office prior to submittal of the Record Subdivision Map.
2. The performance bond may be released in its entirety upon completion of all items listed in Condition E.1, above, documented by the filing of a survey prepared to A-2 standards and a letter, signed and sealed by a State of Connecticut Registered Land Surveyor, verifying the installation of boundary markers.
3. A soil erosion and sedimentation control bond shall be filed for the construction of the driveways and development of the house sites, as determined by the Land Use Office.

Made by Denver, seconded by Connolly.
Vote 5-0 in favor.

3. Other Business

2. 05-PC-5006/Marra/Scuppo Road Subdivision/Request for Extension

Ron Marra was present and submitted a receipt indicating that 10 catch basins were cleaned as requested by the Public Works Department. Mr. Marra said he is requesting a 5-year extension for the subdivision permit.

Catherine Adsitt stated that the bond is in order and there is no land use issues outstanding.

Mr. Marra stated out of 11 lots there are 5 lots remaining.

The Commission agreed to issue the extension.

MOTION:

To grant a 5-year extension, from the date of expiration, for Application 05-PC-5006 submitted by Marra for the Scuppo Road subdivision.

Made by Denver, seconded by Travers.

Vote 5-0 in favor.

3. 04-PC-4015/Blueberry Knoll/Bond Reduction

Heather Kimball was present. Catherine Adsitt stated that the as-built survey was sent to Bob Oley, Town Engineer, and Mr. Oley did not disagree with the \$36,000 bond reduction represented by the applicant's engineer. Mrs. Adsitt said an as-built survey with elevations is being requested. Mrs. Adsitt said once the Commission approves the bond reduction, the item will then be placed on the Board of Selectmen agenda for discussion.

The Commission agreed to approve the bond reduction upon receive of the as-built survey.

MOTION:

To approve the bond reduction for Application 04-PC-4015 for Blueberry Knoll, on receipt of as-built survey.

Made by Travers, seconded by Connolly.

Vote 5-0 in favor.

4. 10-PC-1003/Levine/Smith & Co./117 Painter Hill Road/2-lot subdivision with one existing dwelling and one proposed dwelling (Tax Assessor's Map 70/Lot 8)

Curt Smith, Engineer, was present for the application and explained the proposed 2-lot subdivision. Mr. Smith said the current property owner has lived at 117 Painter Hill Road since 1995, and the total property is 33.4 acres. Mr. Smith said the property abuts the Arthur Miller property and the Roxbury town line. Mr. Smith said the purpose of the configuration of the subdivision is for the main house to retain the field on the west portion of the property for a total of 24 acres. Mr. Smith said Lot 2 would be 2.3 acres in the OS-100 zone, and 7.1 acres would be open space. Mr. Smith said a link with Flanders Nature Center was discussed. Mr. Smith said the application was approved by the Inland Wetlands Agency.

Chr. Peklo asked what the status of the Miller property was. Mr. Smith said Mr. Miller died in 2001 and in speaking to the Roxbury Land Trust a portion was deeded to them and they are hoping to attain more of the Miller property.

Commissioner Jane Sandulli questioned the shape of the property line for Lot 2. Mr. Smith said it was done to keep the field portion of the property with Lot 1.

Chr. Peklo questioned if there was an easier way for the open space line to be drawn. Mr. Smith said he walked the property and wanted to include the highest spot keeping with the Plan of Conservation and Development for ridge tops. Mr. Smith said there is also a vernal pool, the area supports a lot of wildlife and is 40 feet off the wetlands, which makes it a good spot for walking. Chr. Peklo asked why a straight line could not be made. Mr. Smith said the property owners enjoy that portion of the property and wanted to make sure 24 acres was kept with the house.

Mr. Smith said the property owner's plan was to give Lot 2 to their daughter, but now they may sell the house on Lot 1 and keep Lot 2 for themselves.

The Commission agreed to schedule a public hearing. Catherine Adsitt said the town engineer will be away until July 29, 2010, and would review the application when he returned. Mr. Smith said there is also a meeting with the Roxbury Land Trust at the end of August, so would prefer the public hearing be held the first meeting in September.

MOTION:

To accept Application 10-PC-1003 submitted by Levine and Smith & Co. for a 2-lot subdivision with one existing dwelling and one proposed dwelling and schedule a public hearing for Wednesday, September 1, 2010, at 7:30 p.m. in the Town Annex Conference Room.

Made by Travers, seconded by Connolly.

Vote 5-0 in favor.

MOTION:

To add to the agenda, under Other Business, Mill Road Estates, for a 90-day extension for endorsement and filing of record subdivision map.

Made by Sandulli, seconded by Travers.

Vote 5-0 in favor.

4. Mill Road Estates/90-Day Extension

Gary Giordano was present requesting a 90-day extension for endorsement and filing of record subdivision map. Catherine Adsitt stated that the outstanding fees were paid by the applicant under protest. The Commission agreed to grant the 90-day extension.

MOTION:

To grant a for a 90-day extension for endorsement and filing of record subdivision map for Mill Road Estates.

Made by Travers, seconded by Sandulli.

Vote 5-0 in favor.

5. Referrals

None

6. Privilege of the Floor

Sharon Feeley from the Open Space Sub-Committee stated that she would like to set up a working session with the Planning Commission, Jerry Stomski, and the sub-committee regarding Woodbury open space and Mr. Stomski being adamant about not giving away Woodbury open space to other land trusts and keeping property that could be solely for the Town of Woodbury.

Chr. Peklo said the Planning Commission has always extended the courtesy to the sub-committee of forwarding applications for comments. Chr. Peklo said the choices for applicants for open space ownership is for the applicant to keep it, give it to Flanders Nature Center, keep it within the subdivision, or give it to the town.

Commissioner Travers said what makes giving the open space to Flanders Nature Center is that they monitor and fund the open space. Commissioner Travers said everyone benefits from open space, even if there are no walking rights on the property.

Catherine Adsitt said the sub-committee is working on an inventory of Woodbury open space, looking at where the open space exists and where logical connects could occur and where there are gaps. Commissioner Travers asked if the inventory should not be done first before meeting. Ms. Feeley said she wanted the Planning Commission to help with the strategy, noting she feels it is a planning issue and the Commission's input would be helpful.

Chr. Peklo said that the Commission looks favorably on open space as opposed to a fee in lieu of, unless there is no potential for the property.

Chr. Peklo said that once the inventory mapping is done, the Commission would sit down with the sub-committee.

7. Consideration of Minutes

Regular Meeting – July 7, 2010

The following changes were made:

Page 3, Para. 2 – Should read: "...a bond reduction of \$36,000 to \$75,000."

Page 2, Para. 3 – Should read: "The check was paid at the meeting."

MOTION:

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

Made by Connolly, seconded by Denver.

Vote 5-0 in favor.

3. Other Business

1. Discuss Annual Fee Review

Catherine Adsitt reported there is no feedback from Town Counsel yet.

8. Correspondence

-The Commission discussed the appointment of a Commission member as a representative to the Regional Planning Commission. Commissioner Mary Connolly said she would remain as the representative.

-Catherine Adsitt said she designed Page 1 of the Design Guidelines and distributed it to the Commission for their review. Mrs. Adsitt said the guidelines will take the wording of the regulations and explain with pictures what good planning looks like.

Commissioner Travers asked how long these documents usually are. Mrs. Adsitt said it would be no more than 20 pages, and only for the Main Street Design District at this point.

Commissioner Travers said it is his understanding that the guidelines are not a suggestion as to how to get around regulations, but how to comply with the regulations and employ good design. Mrs. Adsitt agreed.

9. Adjournment

MOTION:

To adjourn the meeting at 8:40 p.m.

Made by Travers.

FILED SUBJECT TO APPROVAL
Respectfully submitted,

Karen Blanchet, Clerk