

Planning and Zoning Commission
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**PLANNING AND ZONING MEETING MINUTES
APRIL 7, 2011**

Chairman Ackerman called the meeting to order at 7:00 p.m. at Mallory Town Hall. Commissioners present: Chairman Barbara Ackerman, John Dwyer, Jeannene Burruano, Neil Volkmar, Ted Hollander, Mark Weber, and alternates Monty Clark, Bruce Hoag and Jill Finch. Also present was Michele Battaglia, Clerk. Absent was Paul Voorhees and Ronald Cooper, Zoning Enforcement Officer. There was no audience member recording or video taping the meeting.

Public Hearing

- 1. Proposed Amendment to Zoning Regulations: Add a Section 374 - Estates:** Chairman Ackerman commented that this application has been in front of the Commission since December, that the application has changed substantially from the original due to comments made from the public and the town attorney, and that the applicant withdrew the application at the last meeting, and has now resubmitted it. Mr. Paul Szymanski, P. E. was in attendance representing the applicant, Mr. Daryl Hall. He stated that since the last meeting, Mr. Meissner (representative for Mr. Hall) has met with the neighbors and that he and Mr. Meissner are planning on getting together to discuss the neighbor's comments and concerns. He respectfully requested that the public hearing be kept open until this meeting could take place. Mr. Szymanski stated that at this time he did not want to go into any detail on the proposed amendment, but would like to hear the comments and concerns of the public. Marge Josephson read a letter expressing her concerns and submitted it into the record. She was concerned about the amount of road frontage; the restriction of 180 days of residency and how it would be enforced; how a pool house would fit into the regulation; why there is a separate section for a studio; the size of the various dwellings; no art/music studio to be open to the public for a fee – makes it impossible to have a showing or fund raising event; why have a restriction on only one home occupation; etc. Mr. Tom Joyner stated that he did not have an issue with some of the goals being addressed, but he did have some concerns. He questioned the enforcement aspect; the fact that in the future the property could change hands and possibly be subdivided; and the fact that a property owner who owns 15+ acres can put additional dwellings on their property, but not a property owner who only owns 2 acres. Mr. Gary Albert agreed with Mr. Joyner and questioned the maximum number of bedrooms and bathrooms in the caretakers/guest dwellings. Dr. Peter Rostenberg opposed the regulation stating that it would have an adverse environmental affect and it would damage social and community bonds. Mrs. Ann Chiaramonte stated that as a realtor she looked into how many 15+ and 30+ acre properties there were in town, and stated that this regulation would cater to a very elite group. Mr. Thomas Piel submitted a letter into record and stated that he supported Mr. Joyner. He questioned the fact that if a property was developed into an estate, what would happen to the different dwellings if the family split up and would the town inherit the problem. Mr. Joseph Chiaramonte stated that there is the option of subdividing. Ms. Kate McConaghy said that many of the existing regulations provide adequate options for applicants. Ms. Catherine Cooke was in support of the concept of a caretaker's cottage, but questioned why it has to be on 30 acres and stated that it was an elitist idea. Ms. Marianne Tarby concurred with all that had been stated.

Commissioner Dwyer motioned to continue the public hearing until May 5, 2011. Commissioner Hollander seconded the motion. All voted in favor.

Old Business

- 1. Proposed Amendment to Zoning Regulations: Add a Section 374 - Estates:** Public hearing will be continued on May 5, 2011.
- 2. Proposed Amendment to Zoning Regulations: Section 321.7 Septic Systems for Accessory Buildings:** Application withdrawn and is now a part of the proposed Section 374 – Estates amendment.

New Business

- 1. Request for a Section 8-24 review: Spring Lake Road:** Mrs. Andrea O'Connor, First Selectman, was in attendance. She stated that Spring Lake Road (from Taber Road intersection to the curb at the Korsant property – approximately 2 miles) is in bad shape and will need to be repaved. In doing so, new drainage will be put in, all the core material in the roadbed will be replaced, and parts of the road will be moved back to its original position, where it has shifted onto private properties. There are 5 or 6 properties that will require easements. A site walk has been set for April 30, 2011 at 9:00 with Joe Wren, the engineer on the project.
- 2. Request for a review under the Scenic Road Ordinance, Section 6 (3-4) - Spring Lake Road:** Mrs. O'Connor requested that the Commission review the plans for Spring Lake Road under the Scenic Road Ordinance. She stated that the Standards for Alteration as outlined in Section 6, Part 4 have been considered in the design of the reconstruction. They are as follows: 1. The curves will remain the same; 2. The grade of the road will remain the same, except for a short section at the Rhodes property, where it will be lowered 1-2 feet so it is not on top of the house; 3. The width of the road will be 20 feet, except along the Korsant property, where it will be 18 feet; 4. There will be no change to adjacent slopes; 5. The vistas will not be interrupted; 6. Every effort will be made to preserve the vegetation and trees that line the road; 7. All stone walls will be protected; 8. Some stockpiling of materials may be necessary, but will be removed at the conclusion of construction. A site walk has been set for April 30, 2011 at 9:00 with Joe Wren, the engineer on the project. A public hearing has been set for May 5, 2011.
- 3. Request for a Section 8-24 review: Munch Meadows:** Mrs. O'Connor has requested the Commission to review proposed improvements to Munch Meadows, which include the creation of a raised bed garden for use by Sherman School children. Munch Meadows was purchased with Land Acquisition Fund monies and is preserved as open space. The proposed improvements are as follows: 1. Replacement of grass between existing raised beds and provide walkways between these beds; 2. Installation of two additional raised beds; 3. Installation of permanent fencing around the garden area; 4. Installation of a small shed to house gardening equipment; 5. Creation of a crushed stone turnout from Route 37 East and parking area to accommodate a small school bus; 6. Installation of a well pump in the adjacent wetlands as a water source along with irrigation drip hose to garden beds. It was discussed that the walk from Sherman School is dangerous, and that is why a small parking area is proposed. Commissioner Dwyer stated that having a parking area in the front of this property goes against what open space is all about. He also stated that the Sherman School does not have any small school buses; therefore the parking area requested for a small school bus would not be adequate. The Commission decided that a site plan needs to be submitted and a walk will need to be scheduled.
- 4. Review of Landscape Plan for the Firehouse:** A site walk will need to be scheduled.

Additional Items

- 1. Audience Participation:** Marge Josephson stated that through the Housatonic River Restoration Project the Town has received monies to build a boardwalk, kiosk and picnic shelter on the Wimisink property (the corner of Route 39 and Route 55) with wheelchair accessibility. She was told by Ron Cooper, ZEO that there are strict regulations in regards to building an accessory structure without having a principal dwelling.

Mrs. O'Connor stated that Attorney Mark Branse has developed a similar regulation like this for another town. She suggested that certain structures need to be put on these special properties and that there should be something in writing to this affect. Other examples of this taking place throughout the town are the pavilion at the town beach, the guard shack, and the gazebo; they all do not have a primary dwelling.

2. **Minutes:** Commissioner Dwyer motioned to accept the meeting minutes of March 3, 2011 as amended. Commissioner Burruano seconded the motion. All voted in favor.
3. **Correspondence:** The correspondence included the March 2011 Iroquois Report, as well as a letter from Lawrence Gorham of Ledyard, Ct regarding Affordable Housing Law 8-30g.
4. **Zoning Enforcement Officer's Report:** Ron Cooper, ZEO was not in attendance, however, the March 2011 ZEO Report was handed out and reviewed. There was a question as to why the old business from a few years ago is still being shown on the report.
5. **Committee Reports:** Chairman Ackerman stated that at the mid-month meeting on March 24, 2011, a representative from Planimetrics presented the Commission a report on what his company could do in the writing of the POCD. She also had met with Julia Pon to review what she could do. She wanted the Committee to continue updating the POCD, and in the future will present both people with the POCD to get pricing.
6. **Chairman's Report:** There will be a mid-month meeting on Wednesday, April 27, 2011 to discuss the POCD.
7. **Commissioner's Comments:** There were no Commissioner's comments.

Commissioner Clark motioned for adjournment. Commissioner Hollander seconded the motion and all voted in favor. Meeting was adjourned at 8:58 p.m.