

**TOWN OF SOMERS
PLANNING COMMISSION
P.O. BOX 308
SOMERS, CONNECTICUT 06071**

**PLANNING MINUTES
REGULAR MEETING
Thursday, August 3, 2006
7:00 p.m. Town Hall**

I. PUBLIC HEARING

a. Continuation Subdivision Application #393, 24 lots (Gillette's Crossing), 180 Battle Street & 7 Eleanor Lane, KRL Builders (09/07)

Chairman Karl Walton called the public hearing to order at 7:10 p.m. and Mrs. Carson read the legal notice. Members Mike Collins, Cliff Bordeaux, Karl Walton, and Alternate Members Greg Genlot (seated for Brad Pellissier) and Georgeanne Kuzman (seated for Michelle Hayward) were present and constituted a quorum. Town Planner Patrice Carson and Engineering Consultant Mervyn Strauss were also present.

Mr. Leno explained that due to previous staff comments he and his team tried to reconfigure the roadway from the initial "z" formation to a more gradual curved roadway to aid emergency vehicles access, lessen road maintenance, and address public safety issues.

In order to reconfigure the roadway, two current landowners, Mr. Rush and Mr. Dauphin, would need to alter their current property frontage. Mr. Leno mentioned that he offered land exchange, money, property and improvements in exchange for their cooperation, but in the end, the landowners were not interested. Mr. Leno spent much of his time addressing the reconfiguration of the roadway to the subdivision adding that no attention was given to map changes since most of the changes would need to be made after any agreements were finalized.

As for the other open issues, Mr. Leno stated that divvying up the open space would just be a matter of drawing some lines, dividing it, and adding it to the abutting lots. Currently there is an open issue with the names of the roads as well.

There was also an issue with access to the abutting Lamb property - the different road configuration would affect that access. It was difficult to address other issues that would be affected by the road configuration.

Mrs. Carson mentioned that the latest plans that the town has on file are dated June 9, 2006, and that the town would need to see updated plans that reflect changes that have been made due to staff comments since that date. She also mentioned that Mr. Leno presented her with certified postal receipts which are required by the regulations. The open space appraisal has not yet been received. The Conservation Commission approved the wetlands application.

Comments had also been received from the Somers Fire Department who feel that a hydrant should be placed 45 feet to the west of the corner of proposed Battle Street and "Brookside". This issue would need to be addressed. In addition, the Fire Department believes that the name "Brookside" is too close to Brookfield when dispatched over the radio and would not be a good name choice.

There will be three lots on Battle Street which will not be serviced by public water.

The state reviewed the sight lines in the field both east and west coming out onto 190 and felt there were no issues, but added that because it is a town road coming onto a state road, if there were any sight line issues, it would be the town's responsibility to do the clearing, or whatever needed to be done to address the issue. Mr. Strauss mentioned at that time that he thought it would be important for town staff to investigate a current shrubbery line that may not hinder traffic sight line, but would pose a safety issue for those pedestrians crossing the area in question.

Whether or not sidewalks would be installed was questioned. The Subdivision Regulations only require the Commission to consider sidewalks if the subdivision is within one (1) mile of any town school property as measured along the street pattern, so sidewalks were not required in this subdivision.

Mr. Walton opened the discussion to those audience members who were in favor of the subdivision. There were none.

Mr. Walton called for those audience members who wished to speak in opposition of the proposed subdivision.

Gary Godbout, 43 Deerfield Road, inquired about drainage issues which he felt were currently insufficient and how it will be dealt with once the subdivision is completed. He mentioned the noise of the construction trucks, the narrow width of Battle Street and the ability to handle construction trucks, environmental protection of wetlands.

Mr. Walton mentioned that all town meetings are posted and open to all. The meetings are posted for all Commissions such as the Conservation Meetings which address wetland issues and they are also open to anyone who wishes to attend. He added that Wetlands are flagged by an independently hired wetlands scientist and verified by the Town's Soil Scientists. He also noted that the Planning Commission is comprised of citizen volunteers of the town which have no direct involvement with the developers.

Greg Simmons, 100 Battle Street, inquired whether Battle Street would be widened, where the three well lots would be located, whether there is a requirement to see if there is enough water supply to support the three additional houses, and would there be additional public hearings on this matter. Merv Strauss replied that Battle Street would be widened along the full frontage of the subdivision and there would be drainage added at that time. Sandy Aeschliman indicated where the Battle street lot wells would be located. Mrs. Carson stated that wells are not required to be dug prior to construction, but if a well is dug and there is not an adequate potable source, then the house could not be occupied.

Ben Aleks, 159 Turnpike Road, asked about the widening of the road due to additional traffic flow, how

the Open Space would get divided, would the brooks, wetlands and floodplains be protected, and where is the entry road to the subdivision located. Mr. Leno stated that the open space land would be divided between those individuals purchasing the lots, no activity is taking place in the brooks, wetlands or floodplains, and the entry into the subdivision would be just south of the gravel pit road with a retention pond on the left side as you drive in.

Dick Borio, 49 Deerfield Road, stated that two of the proposed lots, 16 and 17, will abut his property where there is a substantial tree line – will the trees be left. Mr. Leno responded that due to the wetlands and the distance between lots, at least 40 or 50 feet from the property line, the trees would be left.

Robert Dwight, 36 Deerfield Drive, stated that when the state widened Turnpike Road the speeds doubled and safety decreased and this is a concern as well with the widening of Battle Street. He also mentioned that the brook has moved over the years so how is the water table being addressed. Mr. Aeschliman stated that the water will be routed away from Deerfield Road and would be directed to the water retention area.

Mike Bidmead, 111 Battle Street, wanted to know if there is an existing home across from the proposed subdivision road, and there is an existing home, but it is further south and not directly across from the road. He also wanted to know if the line of sight was checked on Battle Street. Mr. Strauss stated that it was and it meets “AASHTO” requirements. Are there streetlights planned for this development? The Subdivision Regulations state that this is not the Planning Commissions decision but would be that of the Board of Selectmen. Mr. Bidmead stated that he thought sidewalks would be beneficial along Battle Street which would be off of Mr. Leno’s property, and it was responded that he should discuss this with the Board of Selectman to have a sidewalk. He also wanted to know how soon after if the project is approved would construction begin to which Mr. Leno replied approximately two months.

John Rush, 22 Bailey Lane, wanted to note that his unwillingness to have the proposed road go through his front yard was not considered “uncooperative” on his part.

Nancy Cook, 16 Bailey Lane, asked if Bailey Lane would be widened. Mr. Strauss replied there is no plan to widen Bailey Lane. She requested that a traffic study be done for Bailey Lane. When she purchased her home 2 years ago, she bought it for the cul-de-sac feature and feels now that the value of her home will depreciate due to the street now being a through way. She stated that the current wildlife will be disturbed, and also wished to note that she felt there were issues mentioned in Mr. Strauss’ initial December letter that have fallen through the cracks.

Eric Young, 15 Rye Hill Circle, stated that his relatives live on Bailey Lane and he has safety concerns with them backing in and out of their driveway. He also felt the “Z” road formation is not acceptable. He stated that there was information missing from the subdivision plans, including a 15-foot spruce and a tree line (solid vegetation) on the Rush’s property, which directly affects the sight line. The Traffic Study located in the file was dated January 24, 2005, received on June 13, 2006, and was done for Battle Street, Stebbins Road, and Isabella Lane, not Bailey Lane. Mr. Young offered a solution to the “Z” road formation for the Commission to consider, suggesting a cul-de-sac thereby eliminating the connection to Eleanor Road. Mr. Young questioned whether a sworn statement as to the beneficiaries of the trust which

owns the Legienza property (which is part of the subdivision) will be filed in accordance with the State Statutes section regarding “Disclosure of beneficiaries of real property of a trust”. He also mentioned that he had some difficulty locating this subdivision file at the Town Hall saying it was “locked up” while Mrs. Carson was on vacation. Ms. Carson stated that the office follows the Freedom of Information Requirements and there are no files locked up – everything is open to the public for viewing. It was unfortunate that she was unaware of his intended visit. Had she been made aware of his desire to view the file prior to her leaving for vacation, she would have informed the appropriate staff individuals and had it readily available for him.

Lee Oswell, 127 Battle Street, wished to see exactly where the new road would be coming out onto Battle Street. He also mentioned the drainage issue and the potential for flooding.

Linda Borio, 49 Deerfield Road, stated that she does not want the Deerfield Road cul-de-sac opened up.

Norma Skiliman, 15 Bailey Lane, feels things would change greatly if this subdivision goes through and does not want Bailey Lane turned into a thru-street, and she loves the current wildlife.

Charlotte Stenlake, 30 Deerfield Road, foresees a concern with the brook which currently runs along her property. She has tried to fix the water situation on her property in the past spending \$2,000 dollars of her own money to fix the issue to no avail. She is now receiving monies from the Small Business Association to address the water and the severe drop on her property.

Mr. Strauss stated that it was his opinion that staff review Mr. Young’s proposed resolution to the “Z” road formation as well as any existing traffic studies on record related to Battle Street or surrounding street/s. In addition, he felt that it is normal survey practice to locate the tree line or edge of any wooded area and any select trees, and this should be done on the edge of Eleanor Lane and added to the plans for staff review.

The next regularly scheduled Planning meeting to continue the public hearing to is Thursday, September 14, 2006, which is beyond the statutory 35-day time limit the Commission has to finish the hearing. Mr. Leno granted an extension to the Commission until September 14, 2006 in order to continue the public hearing.

A motion was made by Cliff Bordeaux, seconded by Georgeanne Kuzman, and unanimously voted to accept the applicant’s extension of time for Subdivision Application #393, until Thursday, September 14, 2006, and continue the public hearing for this application to that date beginning at 7:00pm in the Town Hall.

Mrs. Carson informed the audience that the town of Somers Website (somersnow.com) lists all Board and Commission meeting agendas and minutes.

II. CALL TO ORDER

Chairman Karl Walton called the regular meeting to order at 8:53 p.m. Members Mike Collins, Cliff

Bordeaux, Karl Walton, and Alternate Members Greg Genlot (seated for Brad Pellissier) and Georgeanne Kuzman (seated for Michelle Hayward) were present and constituted a quorum. Town Planner Patrice Carson and Engineering Consultant Mervyn Strauss were also present.

A motion was made by Cliff Bordeaux seconded by Mike Collins, and unanimously voted to take up **NEW BUSINESS** before **OLD BUSINESS** on the agenda.

IV. NEW BUSINESS

a. Subdivision Application #395, 2 Lots (Eleanor Road Subdivision), 23 Eleanor Road, Eleanor Road, LLC (09/28)

Becky Myers, an associate at Design Professionals, presented for the applicant. This parcel is located on the north side of Main Street and is an existing 24.9 acre parcel between Bailey Lane and Wells Road. Eighteen acres of the parcel are considered buildable. There is a large wetland area which has been reflagged since the initial flagging in 1987 and the soil scientist's signature will be on the final plans.

A ZBA variance was granted on July 12, 2006 which allowed for a driveway to pass over a portion of a property line in order to avoid crossing a wetland. A Wetland Permit was approved on July 11, 2006. The plan is to have two residential building lots with the remainder of the area as additional land for the owners.

Lot #1 has no wetlands. Lot #2 has a little bit of wetlands on the edge, and the remaining land 22.5 acres will remain undeveloped. The residential lots will be served by public water and will have private septic systems. The majority of the drainage will be dispersed to the pond and brook. The developers will deed a drainage right of way (30' x 15') as shown on the plans to the existing catch basin.

The developers did receive a letter from the Fire Department mentioning that they foresee no issues at this time. Comments were received from Steve Jacobs back in May of 2006 which were addressed, and a letter from Mr. Strauss was also presented to the developers which has also been addressed. Some staff members have yet to present their comments.

The Commission unanimously agreed that no public hearing would be held under their policy due to there being only 2 lots involved in this plan. The Town Planner will notify the applicant appropriately.

The applicant agreed to donate a fee in lieu of Open Spaced and the Commission accepted. The Town Planner will arrange for the Open Space appraisal.

Ms. Myers stated that she would present a letter which addresses Staff questions/concerns as well as modify the existing site plans (omitting Lot #3 verbiage) prior to the next scheduled meeting.

b. Release of Maintenance Bond, Bittersweet Hill, Leaska

Mrs. Carson reported that all the items needed for release of the Maintenance Bond have been taken care

of.

A motion was made by Mike Collins, seconded by Cliff Bordeaux and unanimously voted to approve the release of AnneMarie Leaska's bond of \$43,920.00 for Bittersweet Hill in the Bittersweet Hill Subdivision in accordance with recommendations from the Town Attorney, Town Engineer and Public Works Department.

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c. Other

A motion was made by Greg Genlot, seconded by Mike Collins, and unanimously voted to add to the agenda under **NEW BUSINESS b. Other - Reconfiguration of Lots, 40 Wells Road (Map 06 Block 12) & 744 Main Street (Map 26 Block 05), Town of Somers & Davis**

The Commission reviewed the map and after a brief discussion, a motion was made by Greg Genlot, seconded by Cliff Bordeaux and unanimously voted to approve the reconfiguration of property of the Town of Somers and Donna R. Davies at 40 Wells Road (Map 06 Block 12) & 744 Main Street (Map 26 Block 05), as shown on map entitled, "Lot Line Reconfiguration Prepared For The Town of Somers, Main Street – Conn. Route 190, Somers, Connecticut", dated: 7-25-2006, 1 sheet. This reconfiguration does not constitute a subdivision because no new lot is created.

III. OLD BUSINESS

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a. Discussion/Possible Decision: Subdivision Application #394, 3 Lots (Whitaker Property), Wells Road & Mountain View Road, Town of Somers (08/03)

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 The Conservation Commission approved a Wetlands Permit for this subdivision on August 2, 2006. All of the staff concerns have been addressed with one condition about a monument.

After a brief discussion, a motion was made by Greg Genlot, seconded by Georgeanne Kuzman, and unanimously voted to approve the Town of Somers' 3-lot subdivision, application #394, in accordance with the plans known as "Subdivision Plan Prepared For The Town of Somers, Wells Road & Mountain View Road, Somers, Connecticut", dated: 5-11-2006, revised: through 7-25-2006, 3 sheets, which is conditional on the following:

1. The applicant has met the open space requirement by deeding over 10% of the land in the subdivision to the Northern Connecticut Land Trust to be protected as Open Space in perpetuity in accordance with the Town Subdivision Regulations and State Statutes.
2. A town monument shall be set at the P.C. of the curve 366.53 east of the Brockway corner, and within 90 days of this approval all iron pins and monuments shall be set and certified in accordance with the plans and the Town Subdivision Regulations.
3. The signatures of the Town Engineer and Town Sanitarian shall be on the plans signifying their approval of the plans in accordance with Section 213-19 of the Subdivision Regulations.
4. All appropriate seals and signatures of the design professionals for this plan shall be on the plans.

The Planning Commission finds with these conditions the plan meets the requirements of the Somers Subdivision Regulations.

b. OTHER – There was none.

V. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT

Mrs. Carson mentioned that she would send out an email confirming which date (September 11th or 18th) worked best for all parties involved.

VI. STAFF/COMMISSIONER REPORTS

Ms. Carson informed the Commission that there will be a meeting within the next few weeks which would discuss the outcome of the engineering that was done to the Mill floodplain. The bridge does need to be fixed; DOT states that there are no issues currently, but further investigations/findings state otherwise.

Mr. Walton asked how it would be possible to educate the general public as to the role of the Planning Commission. He went on further to state that he felt that the Commission was treated as if it was the developer for the subdivision discussed at tonight's Public Hearing. He understood the feelings of the individuals who spoke, but felt the community should understand that the Commissioners on the Board are citizens of Somers and are volunteers and should not be accused of some of the things that they have been accused of at various meetings.

Mrs. Carson asked if he felt a flyer or a pamphlet should be provided. Would people read it? If information about the Commissions was broadcast on TV, would people watch it? The only option would be to open every Commission public hearing with an explanation of the role of the Commission members and the Commission as a whole.

VII. AUDIENCE PATICIPATION

A general comment was made by an individual who mentioned that he was pleased that the town sent him a letter which informed him of the public hearing for the subdivision which was being proposed across from his home. He added that he does not watch a great deal of TV or subscribe to a paper and would have not known of the public hearing otherwise.

VIII. CORRESPONDENCE AND BILLS

Transfers were made to balance out last year's budget.

Mr. Walton stated that it would be nice if the cell phone fees were in line with what the Planner actually used.

IX. MINUTES APPROVAL: July 13, 2006

A motion was made by Greg Genlot, seconded by Mike Collins, and unanimously voted to approve the minutes of July 13, 2006 as presented.

IX. ADJOURNMENT

A motion was made by Cliff Bordeaux, seconded by Georgeanne Kuzman, and unanimously voted to adjourn the August 3, 2006 Planning Commission meeting at 10:05 p.m.

Respectfully submitted,

Jennifer Boudreau
Recording Secretary

Bradley Pellissier
Commission Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.