

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

**PLANNING MINUTES
REGULAR MEETING
Thursday, September 28, 2006
7:00 p.m. Town Hall**

I. PUBLIC HEARINGS:

a. Continuation: Subdivision Application #393, 24 Lots (Gillette's Crossing), 180 Battle Street & 7 Eleanor Lane, KRL Builders (09/28)

Mr. Walton opened the public hearing at 7:01pm and seated Mr. Iadarola for Mrs. Hayward. Mr. Walton read a letter from Mr. Ric Leno (the applicant) and his attorney requesting to withdraw the above-mentioned application due to modifications being made to the Wetlands Application which would affect the subdivision application which may take more time than the state statutes allow. They ask that the Commission accept their withdrawal without prejudice and when they reapply, the Commission waive the new application fee and continue to work off the fee remaining on the original application. A review of the fee was made and the Staff and Commission feel there is a sufficient amount (approximately \$2,700) to finish a review of the subdivision upon re-application.

A motion was made by Mr. Pellissier, seconded by Mr. Bordeaux, and unanimously voted to close the public hearing at 7:05pm.

A motion was made by Mr. Bordeaux, seconded by Mr. Iadarola, and unanimously voted to accept the withdrawal of KRL Builders' Subdivision Application #393 for 24 lots (Gillette's Crossing) at 180 Battle Street & 7 Eleanor Lane without prejudice and the fee would be waived on future application.

II. CALL TO ORDER

Chairman Karl Walton called the regular meeting to order at 7:06pm. Members Cliff Bordeaux, Mike Collins, Greg Genlot, and Alternates Joseph Iadarola, Jr. (seated for Michelle Hayward), and Georgeanne Kuzman were present and constituted a quorum. Engineering Consultant Mervyn Strauss was also present.

III. OLD BUSINESS:

a. Subdivision Application #396, 14 Lots (High Ridge Estates), Hall Hill Road, High Ridge Estates, LLC (11/16)

Not all Staff comments have been received to date. Mr. Strauss believes that he would have something in writing for the Commission by next week. The Open Space Committee will be reviewing this application

on October 4 and the applicant, Mr. Leaska, has been notified that all information is not in yet.

b. Other

First Selectman, Dave Pinney, wished to discuss with the Planning Commission the memo of December 19, 2003: 8-24 Referral: Discontinuance of Roads in Town. He wanted to reaffirm by consensus the discontinuance of those roads listed in the action. It should be made clear that this was NOT another 8-24 referral; rather a consensus that this list is still valid. Mr. Walton mentioned that he felt three of the roads listed on the memo – Bailey Lane and Eleanor, King Road Extension, and Starr Road should be omitted from the list. He believes that the other streets are still valid and should be pursued by the Board of Selectmen.

Mr. Iadarola inquired what happens when a road is discontinued. Mr. Walton explained that when a road is discontinued it is spit down the middle and becomes the private property of the abutters on either side of the town road and easements are given to the property owners to pass over the former town road.

Mr. Walton also mentioned that he speaks only for himself but that he thought that many of these roads had some real liability issues for the town. The initial discussion came about during the revision of the Town's Plan of Conservation and Development. Some streets may already be discontinued due to lack of use, being overgrown for over 40 years, and may not even be listed on a map.

From the Town Attorney's point of view, Mr. Pinney stated that where there are decades of non-involvement, it constitutes abandonment and discontinued. Mr. Pellissier added that if the Commission and Board of Selectman where to take the Town Attorney's point-of-view, the town then occurs little or no expense in abandoning the road with only the expense of a public notice, but if this view was to be tested, it could cost a significant amount of money to determine whether the town actually has a responsibility for that road.

Mr. Pinney stated that the Town would take actions to discontinue those roads. If this were done formally, the liability may still be tested, but there would be much less significance of liability because there were formal actions taken to do so; adding that the other issue is that some owners may perceive that if their road is discontinued, their property may be less valuable. Mr. Strauss then added that there is a difference between the word "abandonment" and "discontinued." These subtle differences may lead to bigger issues. And the Commission needs to reaffirm and take some positive steps of dealing with this issue. Mr. Walton stated that the Commission's position is in favor of supporting those steps which benefit the town as a whole as opposed to the minor benefits of an individual property owner. Mr. Walton also mentioned that not on any of the roads listed are there approved subdivisions. Initially, there was a question about Old Hampden Road having approved building lots, but that was researched and disproved.

Ms. Kuzman recalled that when this referral was placed on the agenda in 2003, there were individuals that attended the meeting and expressed their disagreement with the idea. She and other Commission members, as well as Mr. Pinney, thought it would be best to limit the number of specific streets per town meeting.

IV. NEW BUSINESS:**a. Reconfiguration of Lots, 39 Battle Street & 72 Springfield Road (Map 05, Block 61 & Map 08, Block 104A), Schlaf**

This property is on Battle Street next to Woodcrest, extending to Springfield Road and Stebbins Road. There are two lots to start and two when the reconfiguration is completed, so no new lot is created. The remaining land will be donated to the Northern Connecticut Land Trust. There were three representatives from the Northern CT Land Trust which stated that approximately 38 acres would be kept in agriculture. Mr. Walton mentioned that was very kind of Mr. Schlaf to donate such a beautiful piece of land to the Trust.

A motion was made by Mr. Bordeaux, seconded by Mr. Pellissier, and unanimously voted to approve the reconfiguration of property of Gordon A. Schlaf and Leethie L. Schlaf at 39 Battle Street (Map 05 Block 61) & 72 Springfield Road (Map 08 Block 104A), as shown on map entitled, "Compilation Plan Prepared For Gordon Schlaf, Battle Street, Cooley Road & Stebbins Road, Somers, Connecticut", dated: 9-6-2006, 1 sheet. This reconfiguration does not constitute a subdivision because no new lot is created.

b. Other – There was no other Old Business.

V. DISCUSSION: PLAN OF CONSERVATION & DEVELOPMENT – No new date has been set and at this point.

VI. STAFF /COMMISSIONER REPORTS

Mr. Strauss has been working on various applications and has had meetings in regards to North View Farms and Mr. Leaska's application. In addition, he has had a job meeting for Jalbert Heights off of Mountain View Road in an effort to pave this year.

Mr. Iadarola had a question regarding the Town meeting in which there was discussion about the town giving land to the Somers Housing Authority to expand the Elderly Housing. He stated that someone mentioned that the process doesn't need to go through Planning and Zoning. Mr. Walton stated that it does have to go through Planning and Zoning and that it had already. When there was a feasibility study done, the Commission was sent an 8-24 referral and the Commission thought that doing a study was appropriate and an 8-24 referral approval was given at that time for the study portion. With that said, they would still need to come before the Commission again before any construction, preferably before plans are finalized.

Mr. Collins mentioned that there was a CRCOG report and movement in the farm area for which Ms. Augur will be contacting Ms. Carson. Also, Mr. Smyth, who is a lighting policy individual, has a 10-15 minute tape that Mr. Collins felt would be beneficial for the Commission to obtain and view for improving the street lighting. Mr. Collins presented Mr. Walton with a number in which Ms. Carson could contact him to obtain the tape.

VII. AUDIENCE PARTICIPATION – There was none.

VIII. CORRESPONDENCE AND BILLS – There were none.

IX. MINUTES APPROVAL: September 14, 2006

A motion was made by Mr. Pellissier, seconded by Mr. Genlot, and unanimously voted to approve the minutes of September 14, 2006 Planning Commisison meeting as written.

X. ADJOURNMENT

A motion was made by Mr. Bordeaux, seconded by Mr. Collins, and unanimously voted to adjourn the September 28, 2006 Planning Commission meeting at 8:04pm.

Respectfully submitted,

Jennifer Boudreau
Recording Secretary

Bradley Pellissier
Board Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING.