

**TOWN OF SOMERS
PLANNING COMMISSION
P.O. Box 308
Somers, Connecticut, 06071**

**REGULAR MEETING
THURSDAY, JULY 16, 2009
7:00PM TOWN HALL
MINUTES**

I. PUBLIC HEARINGS:

a. SUBDIVISION APPLICATION #407, 3-LOTS, 380 FOUR BRIDGES ROAD (HALL HILL ESTATES), LIPTON – Vice-chairman Clifford Bordeaux opened the hearing at 7:04 p.m. Mr. Lipton presented his plan for consideration of the Commission. He stated that he had, as required, notified all abutters of the subject property by certified mail, return receipt, and presented the receipts for the record. He explained that the wetlands review and sanitarian review of the plan were complete and signed off. Mr. Lipton also stated that there should be something in the record from the Town Engineer noting that his concerns and requirements related to the plan had been addressed. Mr. Lipton has an issue with the Open Space Fee in relation to the Town's Appraisal being too high, essentially amounting to nearly \$6,000 on each of the three lots. Compared with his development on the west side of Four Bridges Road where the Open Space Fee amounted to about \$2,000 per lot, Mr. Lipton believes the Town's appraisal is too high. He contends that only about 5 acres out of the 12 are actually usable after the town's drainage easement, detention pond and setback. Mr. Bordeaux and Mr. Pellissier had a brief discussion about how Mr. Lipton's concern might be addressed. Mr. Bordeaux concluded that the Commission now had 35 days to accept any other documentation Mr. Lipton wished to provide in relation to this application, as well as to consider how to address Mr. Lipton's concern about the valuation and that the appraisal was tabled at this time

Mr. Pellissier expressed concern about the existence of the agricultural building on lot three, and whether creation of this subdivision would be in conflict with residential Zoning regulations requiring that a residential building must be the primary structure on this type of lot. Town Attorney, Carl Landolina addressed this concern stating that agriculture was permissible in any zone in Somers, and since this was the primary structure on the lot it would not be in conflict with any Zoning regulations, the appropriate use of the building as being agricultural notwithstanding. At this time Mr. Lipton commented that it was not necessary to table the Town's appraisal; that he would go along with it.

Mr. Bordeaux asked the commissioners if they had any other questions for Mr. Lipton at this time, and there were none.

Mr. Bordeaux noted receipt of the following documents for the record:

- Note from Town Engineer Bob Cafarelli dated 7/10/09;
- Sanitarian Steve Jacobs' note to Planning Commission 7/9/09;
- Note to Bob Cafarelli from Dave Askew regarding the erosion control evaluation dated 7/9/09;
- Correspondence dated 7/3/09 from Town Engineer to Aeschliman's Land Surveying, P.C.;
- Correspondence dated 7/7/09 from Aeschliman Land Surveying in response to Town Engineer's 7/3/09 request;
- Subdivision Review Checklist addressing plan revision dated 4/15/09;
- Correspondence from LBM Engineering, LLC to Aeschliman Land Surveying, P.C.
- Correspondence from Stewart Appraisal Services

Mr. Pellissier asked if the Town Engineer's review of the current plan had been submitted to the Planning Commission. Mr. Lipton said that he and the Town Engineer had spoken

and that all the issues had been addressed in the current revision. Mr. Pinney said that Mr. Cafarelli was not present due to a long-planned vacation, but that Mr. Cafarelli confirmed to him verbally that the package reflected his review of the current plan revision, and that it appeared that only the plan revision date on the Subdivision Review Checklist had not been updated to reflect that fact. Mr. Pinney confirmed that the Town Engineer had indicated to him that there would be no other conditions that would be presented to the Planning Commission. Mr. Pinney pointed out that Mr. Cafarelli had confirmed this fact in his cover memo, dated 7/10/09, that the applicant has addressed all of the concerns of the Town Staff in the 7/7/09 submittal and that in his opinion the Four Bridges Estates Subdivision submittal with a final revision date of 7/7/09 is in conformance to the Somers Subdivision Rules and Regulations.

Mr. Bordeaux asked the commissioners if they were comfortable with Mr. Cafarelli's opinion. Mr. Pellissier asked if Mr. Cafarelli was qualified as a Professional Engineer at this point in time to give this opinion. Mr. Pinney offered in response that, (1) yes, Mr. Cafarelli is qualified; and (2) do the Somers Subdivision Regulations require that the opinion be rendered by a licensed professional engineer. Mr. Sutter asked if Mr. Cafarelli was a licensed or not. Mr. Pinney responded that he did not know the status of Mr. Cafarelli's license at this time, only that Mr. Cafarelli had taken the steps necessary to reinstate his license. Mr. Pinney once again asked if the Somers Subdivision Regulations required that this type of opinion be rendered by a licensed professional engineer. Mr. Bordeaux asked if the Town Attorney could address this question; Mr. Landolina replied that he could not do so at that moment, but that he would get an answer for the Commission. Mr. Bordeaux stated that, as long as the hearing was open, the Commission could continue to receive information in this regard.

Mr. Pinney asked if Mr. Bordeaux could review the timeline for the subject application for the record. Mr. Bordeaux stated that the 35 day hearing clock began with the opening of this public hearing. Mr. Pinney stated that he understood the original application had exhausted the first 65-day review period, and an extension period of 65 days had been applied, which extended the review period to August 4, 2009. Mr. Bordeaux responded that the 35 day hearing clock was now underway. Mr. Landolina commented that, since we had not used the full number of days in the 65 day extension period, that the unused days could be applied for continued review if necessary after the hearing was closed.

Mr. Bordeaux asked the commissioners if there was any further comment. There was further conversation about the commissioner's comfort level with whether or not the Town Engineer was licensed, what liability might be incurred by the commissioners and the Town if they accept opinions from an unlicensed engineer. Mr. Sutter and Mr. Pellissier stated that they wanted to do business with a licensed engineer. Mr. Bordeaux asked if Mr. Landolina could provide an answer to these questions prior to the next meeting, and Mr. Landolina replied that yes, he would answer the following two questions within the context of Somers planning regulations and State of Connecticut statutes:
Is Mr. Cafarelli qualified to provide an opinion regarding this subdivision; and
Is Mr. Cafarelli qualified to speak to the Planning Commission as an engineer on general matters.

Mr. Bordeaux asked the commissioners if there was any further comment. and, there being none, opened the hearing for public comment.

PUBLIC COMMENT – none brought forth. Mr. Bordeaux closed the public comment portion of hearing.

Mr. Bordeaux asked the commissioners if there was any further comment, and, there being none, **MOTION by Mr. Pellissier, SECONDED by Mr. Salka, and UNANIMOUSLY CARRIED to continue the public hearing on SUBDIVISION APPLICATION #407, 3-**

LOTS, 380 FOUR BRIDGES ROAD (HALL HILL ESTATES), LIPTON, to be reconvened at the next regularly scheduled Planning Commission Meeting on August 6, 2009, 7:00 p.m. Somers Town Hall.

II. CALL TO ORDER – Vice Chairman, Clifford Bordeaux, called the meeting to order at 7:51 p.m. Present, other than Mr. Bordeaux were Bradley Pellissier, Scott Sutter (seated for Karl Walton), and William Salka (seated for Greg Genlot). Also present were First Selectman David Pinney, Selectman Joseph Tolisano, Town Attorney Carl Landolina, Marcia Mitchell as recording secretary, and one interested citizen.

III. OLD BUSINESS:

a. SUBDIVISION APPLICATION #407, 3-LOTS, 380 FOUR BRIDGES ROAD (HALL HILL ESTATES), LIPTON – continued until next meeting.

b. DISCUSSION ON PROVISIONS FOR PLANNING CONSULTANT – Mr. Bordeaux stated that he had begun outlining requirements for a planning consultant and would have a document available for review at the next meeting. Mr. Pellissier stated that on the advice of the CRCOG planning department he had sent a request for advice on the Planning Commission's lack of a staff planner to a state planning association list serve, and that he had received several responses. He will prepare a summary of the responses for the commission's review at its next meeting. Mr. Pinney introduced Town Attorney, Carl Landolina, and explained that the reason for Attorney Landolina's presence was to clarify the roles and responsibilities of the Commission and the First Selectman as they relate to the hiring of staff and consultants. Attorney Landolina explained that the applicable statute CGS 8-22, when taken with the Town Charter, authorizes only the First Selectman to hire and fire staff. The Planning Commission is authorized to hire a Planning Consultant only if funds are appropriated for that purpose. If funds are not appropriated for that purpose, the Planning Commission can request that the Board of Finance authorize a transfer funds from another account to the Consultant account; if the amount requested exceeds \$20,000, the transfer must be approved by action of a Town Meeting. Mr. Tolisano suggested that the Planning Commission outline what their needs are as related to a consultant, and that a group consisting of a Planning Commission member, a Land Use staff representative, a Board of Selectman representative and the Chief Financial Officer be convened to determine what of the Planning Commission's needs may be addressed by staff, what funds may be available for transfer to a consultant line, etc. Mr. Tolisano commented that a joint transfer request from the Planning Commission and the Board of Selectman will be viewed more favorably by the Board of Finance. The members of the Planning Commission generally agreed with this proposal, but said they wanted the opportunity to complete the research they have already begun. Attorney Landolina commented at this time that the Planning Commission would be hiring the consultant, and he wanted to be certain that they understood insurance requirements, etc. necessary for using an outside contractor. Mr. Bordeaux said that they would consult Mr. Landolina for draft contract language when they reach that point.

IV. NEW BUSINESS:

- a. SUBDIVISION APPLICATION #408, 3-LOTS, 145 HIGHLAND VIEW DRIVE, MACCORMACK – after brief discussion, the Commissioners agreed that there was not enough information from staff to make comment on this application at this time. They will expect a staff update at the next meeting
- b. RECOMMENDATION TO APPROPRIATE \$137,500 FROM OPEN SPACE FUND FOR PURCHASE OF TRAPPE PROPERTY – **MOTION by Mr. Pellissier, SECONDED by Mr. Sutter and CARRIED by 3 votes for and one abstention, to appropriate \$137,500 from the Open Space Fund for purchase of the Trappe Property.** On discussion, Mr. Salka abstained from voting, since this property backs up to his property.

V. STAFF/COMMISSIONER REPORTS – none presented.

VI. AUDIENCE PARTICIPATION – none.

VII. CORRESPONDENCE AND BILLS – **MOTION by Mr. Pellissier, SECONDED by Mr. Sutter and UNANIMOUSLY CARRIED to approve for payment two Journal Inquirer bills for legal**

notices and one reimbursement request from Patrice Carson for food purchased for an open space committee meeting in October of 2008. One piece of correspondence was received for the record from Assistant Treasurer, Lisa Coope that the Open Space fee of \$3,913.04 for 45 Bailey Lane had been received.

VIII. MINUTES APPROVAL: MOTION by Mr. Pellissier; SECONDED by Mr. Sutter and CARRIED 3 votes for and one abstention (Mr. Salka abstained as he was not present at the subject meeting) to accept the minutes of the June 25 2009 Planning Commission meeting as written.

IX. ADJOURNMENT – MOTION by Mr. Sutter, SECONDED BY Mr. Salka and UNANIMOUSLY CARRIED to adjourn the meeting at 8:34 p.m.

Respectfully Submitted,

Bradley Pellissier, Secretary
Marcia Mitchell, Recording Secretary

MINUTES ARE NOT OFFICIAL UNTIL APPROVAL AT A SUBSEQUENT MEETING