

APPROVED Minutes
BROOKFIELD PLANNING COMMISSION
THURSDAY, March 15, 2012 7:30 PM
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD

1. Convene Meeting: Chairman J. Van Hise convened the meeting at 7:30 p.m. and established a quorum of members: Chairman J. Van Hise; Vice Chairman A. Kerley; Secretary D. Frankel; Regular Member R. Baiad; Alternate L. Taylor.* Also present: Town Director of Public Works R. Tedesco.

*L. Taylor was appointed a voting member.

Absent: Regular member P. Conlon and Alternate N. Tolmoff.

2. Review Minutes of Previous Meetings: 03/01/12: A motion was made by A. Kerley to approve the Minutes of 3/1/12 as amended*. Motion seconded by R. Baiad and carried 4-0-1 (J. Van Hise abstains: not present at 3/1/12 meeting).

**Amendment: Add the number "10" to denote one of the lots no longer in the application for Whispering Glen (under Public Hearing discussion).*

A motion was made by D. Frankel to add as item 3.a.: **Old Business: Drainage and property line discussion of 12 High Meadow Road.** Motion seconded by R. Baiad and carried unanimously.

3. Old Business:

a. Informal Discussion on 12 High Meadow Road: Chairman Van Hise noted that at the February 2, 2012, meeting, the Commission had entertained a discussion for a possible land swap between neighbors. The objective was to make a non-conforming situation better to alleviate a drainage situation. At that time, the Commission had asked the Land Use Office to send a memo to Town Attorney Marcus, asking his opinion on the matter. At this point, there has not yet been a reply and the Commission would like to have a follow-up from the Town Attorney.

4. New Business:

a. Del Mar Drive #201200187: 8-24 Referral - Water Line

- 1. Del Mar Drive Waterline Extension dated 02/27/12 prepared by CCA, LLC**
- 2. Map showing five wells and 20,000 gallon storage tank received in the Land Use Office on 03/12/12**

No one present. Per an item of correspondence, the applicant has asked that the Commission discuss this at its next meeting on April 5, 2012. **A motion to continue 8-24 Referral for Del Mar Drive, application #201200187 to the next regular meeting was made by J. Van Hise, seconded by A. Kerley and carried unanimously.**

5. Minutes of Other Boards & Commissions: The Commission reviewed the following minutes:

- **02/23/12 Zoning;**
- **02/27/12 Zoning;**
- **03/03/12 Special Inland Wetlands: Will hold a public hearing on Whispering Glen;**
- **03/05/12 Zoning Board of Appeals**

6. Correspondence:

a. Memo from K. Daniel to the Planning Commission dated 03/02/12 Re: Public Hearing Presentations and Late Submission of Materials

K. Daniel's memo outlined procedures for new information submitted for public hearings, which call for said materials to be in the Land Use Office the Monday prior to the hearing, so they can be sent to the Commissioners on Tuesday morning.. Chairman Van Hise relayed this information to Mr. Young, of

Whispering Glen subdivision (below). He also indicated that all drawings and materials presented must be made visible to the public (such as with easel, or if they're digitized, presented in that manner).

- b. Memo from K. Daniel to the Planning Commission dated 03/02/12 Re: Memo regarding proposed regulation changes Section 242-308F - Liquor Outlets, 242-504 Subsections C, N & O – Major Shopping Centers:** *Please note: The Commission addressed the first part of this Correspondence item prior to the public hearing, with the remainder discussed afterwards.* Chairman Van Hise noted that the Zoning Commission will hold a public hearing on March 22, 2012, and they would like the Planning Commissioners' comments on two proposed regulation changes. Chairman Van Hise read the changes for Section 242-308F – Liquor Outlets, which provided clarification of the distance separation requirements for liquor establishments. A. Kerley said it would be helpful to clarify the two dimensions: linear and radial. **A motion was made by J. Van Hise to send a memo to the Zoning Commission stating that the Planning Commission favors the proposed changes to Section 242-308F. The motion was seconded by A. Kerley and carried unanimously.**

At this point, a motion was made by D. Frankel, seconded by L. Taylor, to reopen the Public Hearing Continuation. Motion carried unanimously.

CONTINUED PUBLIC HEARING: 7:45 pm

101 Obtuse Hill Road #201101091: 8-lot subdivision – “Whispering Glen Section II”

(PH Close Date 05/05/12)

Chairman Van Hise asked for correction of the number of lots on the agenda from 8 to 6.

P. Young present for Finmark Custom Homes, LLC. (Mr. Young promised to have the maps in the required format at the next hearing).

Mr. Young recapped the project which is for a six-lot subdivision: three individual parcels of land (lots 11, 9 and 12), and one parcel to be converted into three lots (5,6, and 7) all fronting on a town road, all meeting Zoning and Planning regulations, and all conforming to Wetlands regulations. Mr. Young explained that their attorney, J. Saffi, contacted the attorney for the prior owner of this property, who stated he no longer is involved with this project. The matter has now been referred to Attorney Marcus. Mr. Young was told to ask the Planning Commission how to deal with the Open Space: donate it to the town or have it taken over by the property owners in the subdivision? J. Van Hise asked what was done in the original application and was told it was never conveyed to anyone, including present property owners. J. Van Hise noted that the Commission's general rule of open space is that it prefers the open space be in an area that is contiguous to other open space so it can have passive recreational use such as green trails. Unless the Conservation Commission feels otherwise, this location would be best kept under private ownership. Chairman Van Hise suggested Mr. Young (or his attorney) contact the Conservation Commission for its opinion, but either way there needs to be a deed reflecting ownership of the open space. The applicant also needs to submit a common driveway easement, which will be provided by the next meeting. A. Kerley asked for the rationale for the common driveway, since he thought it was earmarked as a road on the original subdivision's plans. Mr. Young stated that it was a common driveway before (for lots 5 and 6), but at the time Lot 6 was six acres. Due to wetlands on Lot 7, some land was taken from Lot 6 (approved by this Commission), then added to Lot 7. The common driveway is 690 feet, and each driveway off of it is less than 150 feet. A letter was received from the Water Source Committee about the fire tanks.

The 400-scale map was questioned last time, so the Chairman brought a copy of a previously-approved subdivision featuring a 400-scale map. Mr. Young promises this for the next meeting. Chairman Van Hise asked about remediation efforts to address drainage concerns. Mr. Young replied that the Town has since modified the basins, once it called the bond. Artel Engineering has done a drainage analysis since the drainage has been done. The Wetlands Commission has recently requested that a drainage analysis be

done by an independent engineer. Mr. Young added that on each proposed dwelling, there is an underground water storage system for the roof drains.

The Chairman opened the discussion for Commissioner questions, which included concerns raised by the public at the last meeting regarding construction noise. Mr. Young stated that there is a “completely different” company doing this now and will make accommodations accordingly, as well as be sensitive to existing subdivision neighbors. D. Frankel wanted assurance on behalf of the neighbors regarding pre-blasting inspections. The safeguards are already on the plan. R. Tedesco stated that he had walked the site a few days ago, and he is reviewing the bond estimate and working on his own estimates.

Public comments were raised by L. Miller, 115 Obtuse Hill Road, who is voicing his concerns as a private citizen. As an abutter, he stated that since this property has gone in, they’ve had nothing but flooding. They had tried to work with the previous developer to no avail. He cited breaches of the retaining wall that has since completely been eroded. Sediment and debris created a “big mess” in the pond in the back of their home. The 24-inch culvert between his and his neighbor’s (119 Obtuse Hill Road) property needs to be looked at by the Commission, since it can’t handle the flow and also gets clogged by debris. Mr. Miller alleges there have been “multiple violations” since that property went in, and he is frustrated by not getting results. He appealed to this Commission to “fix this thing” and give some consideration to the environmental impact of this project. There have been breakouts, he alleged, adding that the stream has caused the siltation of Lake Lillinonah. He challenged the assumptions and mathematical models of drainage calculations vs. the “real world” experience of flooding. No remedial plan has been offered and he asked that no further development be approved on this site until this issue is resolved.

When the original application came before the Commission, the site was found to have a high water table (by his independent consultant), and he is concerned that blasting may cause fracture of bedrock which may exacerbate this present situation. Mr. Miller further asked the Commission to consider the proposed removal of the tree canopy, which prevents all the rainfall from going to the ground, or at least slows it down. With this removed, he worries, the flooding and runoff situation may be made worse.

D. Frankel asked him if he had any suggestions, and Mr. Miller felt that increased drainage on the site would be a start.

J. Miller of 115 Obtuse Hill Road, has resided there for 20 years and for the past 10, based on her actual observations, she does not believe that the drainage calculations match the results seen in the real world. Her family has had to invest \$20,000 of its own money in building a retaining wall, with possibly more to be invested if the development is approved.

Current Whispering Glen resident, Stan Setula, of 10 Tree Farm Lane, has resided there nearly two and one-half years. He has the vacant house next to him, and would like to see that finished, since there has been some dumping on site. Taxes for those new homes would help the town, he stated. He added that he is unaware of the drainage situation outlined by the Millers, and urged that this development “get done the right way.”

J. Van Hise clarified that there are more materials to come in, so this hearing will continue.

P. Young then rebutted the public comments with the following information: Lot 5 has been cleaned of any dumping and it is now chained off. Addressing Mr. and Mrs. Miller’s concerns: they are working on the road with the Wetlands Commission, and making efforts to assure that no new water will be added to the brook. He further maintained that this development is 16% of the watershed that feeds this brook, with the new portion before this Commission being only 6% of that watershed. They are working diligently to control the water from leaving the site.

Mr. Miller took issue with looking at the overall watershed (“irrelevant”) and likened the installation of the road as a “water slide”, calling the drainage inadequate.

A motion was made by A. Kerley to continue Application #201101091, 101 Obtuse Hill Road Whispering Glen II Subdivision, to 7:45 p.m. on April 5, 2012. Motion seconded by R. Baiad and carried unanimously.

At this point, the Commission returned to item 6b:

6. **Correspondence:**

Part of this item had been discussed prior to the public hearing and the Commission now returned to complete the discussion:

- b. Memo from K. Daniel to Planning Commission dated 3/2/12: Section 242-504 Subsections C, N and O: Major Shopping Centers:** The proposed changes included: No more than one package store in a shopping center; eliminated requirement that accessways to shopping centers connect to Route 7; added “public water supply” as an option for fire suppression: **A motion was made by J. Van Hise, seconded by A. Kerley, to send a memo to the Zoning Commission stating that the Planning Commission has no problem with the proposed regulation change: Section 242-504 subsections C, N and O, and by a split vote, would like to see it clarified that there be only one liquor establishment per shopping center. Motion carried unanimously.** D. Frankel and L. Taylor felt that the previous regulation requiring distance would make this part of the regulation unnecessary, and felt the regulation should remain. A. Kerley on the other hand, felt that these changes were “reasonable” as did Chairman Van Hise and R. Baiad.
- c. Letter from R. Papenfuss to the Planning and Zoning Commissions dated 03/07/12 Re: Whispering Glen, 101 Obtuse Hill Road #201101091** (*This item of correspondence was referred to during the public hearing*)

7. **Informal Discussion:**

- a. Town Center District Volunteer:** J. Van Hise spoke at length with Katherine Daniel on this matter, and since he had spent considerable time already with this consulting firm, combined with his years of land use experience, Jon was asked to be the volunteer from this Commission. As the study progresses, there will be surveys and presentations, and he hopes the Commission will take advantage of any invitations for public participation.

Added comment:

A. Kerley added that he feels town should be moving to digital records: digitize presentations for paperless record keeping, and digital presentations to facilitate public viewing. He also requested that developers reference the checklist item on the map. (This may necessitate a regulation update).

8. **Tabled Items:** There were none at this meeting.
9. **Adjourn:** A motion to adjourn at 8:45 p.m. was made by A. Kerley, seconded by D. Frankel and carried unanimously.

J. Van Hise, Chairman