

APPROVED Minutes
BROOKFIELD PLANNING COMMISSION
THURSDAY, April 5, 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 members: R. Baiad and P. Conlon; Alternates L. Taylor and N. Tolmoff.

2. **Review Minutes of Previous Meetings: 03/15/12:** A motion to approve the Minutes of March 15, 2012, as submitted, was made by A. Kerley, seconded by D. Frankel and carried 4-0-1 with P. Conlon abstaining: not present at this meeting.

At this point, the Commission addressed Old Business items prior to the continuance of the Public Hearing:

3. **Old Business:**

b. **Informal Discussion: 12 High Meadow Road**

1. **Letter from N. Marcus to J. Van Hise dated 03/29/12 Re: 12 High Meadow Road**

No one present. Chairman Van Hise noted that Attorney Marcus had responded to the Commission's question on this matter, stating in his letter that the Planning Commission "cannot approve a lot line revision that reduces the size of a non-conforming lot even where it may increase the size of an adjacent non-conforming lot." Attorney Marcus added further that "the property owner can (create) a drainage easement without the necessity of the grant of variance or a Planning Commission sign off." J. Van Hise stated that this issue is now resolved. *Please be sure the property owners receive a copy of Attorney Marcus's opinion letter.*

3. **Old Business:**

a. **Del Mar Drive #201200187: 8-24 Referral - Water Line: Martin Handshy, Water Consultant to Board of Selectmen, present.** Mr. Handshy explained that the water main has been completed to 360 Federal Road, and the 13 commercial/industrial property owners on Del Mar Drive approached the First Selectman asking if the nearby water main could be extended an additional 1,300 feet down Del Mar Drive. The estimated cost of \$397,800 was unanimously approved by the Board of Selectmen, next by the Board of Finance, and finally at a Town Meeting last night. The "missing piece" was coming to this Commission for the required 8-24 Referral.

The Planning Commission took issue with how out of sequence this was handled: the 8-24 Referral should have been in the initial phase, not now at the end. The Chairman called it a "moot point" since the project has received approval at the Town Meeting. Mr. Handshy apologized as Chairman Van Hise outlined the procedure for future reference.

Mr. Handshy continued with outlining the project: the 13 business owners will pay for the project, and the plan is to do the work over the summer, simultaneously with work on the southern water line. Carroccio-Covill and Associates will do the engineering work on this project which "is not that involved," Mr. Handshy indicated. He also noted that there is a nearby aquifer which may be beneficial to the Town.

This discussion continued after the Public Hearing.

At this point, the Public Hearing needed to resume:

CONTINUED PUBLIC HEARING: 7:45 pm

101 Obtuse Hill Road #201101091: 6-lot subdivision – “Whispering Glen Section II”
(PH Close Date 05/05/12)

1. **Letter from the residents of Whispering Glen to the Brookfield Planning Commission and the Inland Wetlands Commission dated 03/17/12
Re: 101 Obtuse Hill Road #201101091 – Whispering Glen Section II**
2. **Vicinity Map prepared by CJOJ, LLC received in the Land Use Office on 03/29/12**

P. Young, present. The 400-scale map was submitted and received by the Commissioners. Mr. Young also stated he’s been before the Wetlands Commission, with two sets of engineering calculations. A third-party engineer has been hired to review the site as well, and those findings and subsequent report are still pending. He’s also been before the Conservation Commission, with Chairman Van Hise reporting that he received an informal e-mail from that Chairperson. He read the reply which indicated that at its meeting of April 4, 2012, that Commission voted unanimously to accept the conservation easement as Town-owned property. A copy of the e-mail was submitted into the record. A formal letter from that Commission will follow. The Conservation easements will be reviewed by the attorneys from both parties. The Town Director of Public Works, R. Tedesco, was unable to attend this meeting, so his report is pending. Mr. Young said he’s reviewed the bond with Mr. Tedesco. A letter with signatures from residents of six existing dwellings of Whispering Glen strongly stating their support of the project and their desire to see it completed.

D. Frankel asked where the true north arrow was on the 400-scale map, and Mr. Young said he’d revise that plan with a title block as well as the north arrow.

A motion was made by P. Conlon, seconded by R. Baiad, to continue this public hearing to the meeting of April 19, 2012, at 7:45 p.m. Motion carried unanimously.

A motion was made by R. Baiad, seconded by D. Frankel, to return to the discussion on Del Mar Drive, as well as the Informal Discussion on the Water Line/M. Handshy. Motion carried unanimously.

3. Old Business:

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

7. Informal Discussion: a. Marty Handshy – Water System Update:

Martin Handshy, Water Consultant to Board of Selectmen, present. Mr. Handshy outlined the present and proposed water line: from Four Corners to the Hearth: reconnects to the Barnbeck Line to Route 133. Silvermine Road has been added (400 condos tied in); Town Hall was then added, along with a pump station at the corner of Silvermine and Pocono Roads. The tank in Meadowbrook Manor holds 157,000 gallons and features five pumps in the pump station, capable of pumping up to 1700 gallons a minute. This station at the Quarry “covers the whole town” and provides the main pressure. The one on Pocono Road provides the pressure for that

area, and now there's another pump station near the Congregational Church (a "booster station") to serve the Greenridge area. Mr. Handshy described the system as "complex."

Mr. Handshy explained that when the total supply and demand was reviewed, it was deemed that the best approach would be to convert it to a gravity system. The main pump station at the quarry will provide enough pressure to fill tank at 540 Federal Road: pressure will be maintained and when it reaches a certain level, the pumping station would no longer have to pump. This would mainly take place at night as a cost-savings measure.

The Town was looking for a location with an elevation of about 500 feet, and 540 Federal Road was selected, being central to the whole system and allowing access in all four directions. In addition, some of the infrastructure that the developer of that site was putting into the roads would be beneficial to the water line project. The Aquarion Water Company is able to install the tank and all of the 190,000 customers will share all costs.

This tank is proposed to be located in the conservation easement set forth by this Commission upon its original approval of the 540 Federal Road (Oak Meadows) subdivision. Chairman Van Hise stated that the Commission approved a plan that featured individual wells on site, after carefully reviewing reports that the development could handle the water on site. Mr. Handshy said that the DPH is pressuring people to tie into public water systems due to the difficulty involved in monitoring smaller systems.

J. Van Hise said that the approved plan does not have this tank in this conserved area, though Mr. Handshy said he believed that Attorney Sienkiewicz stated that the tank would be a permitted use there, given its benefit to the town. The proposal is to have a green tank, to blend in with the wooded area where it will be located. A site line study was done to see how much the tank would be visible to nearby property owners, as well as from Federal Road.

Mr. Handshy has brought this new easement before this Commission for its review. He maintained that this is not the developer's easement, but rather from Aquarion, on behalf of the Town. Chairman Van Hise noted that the road to the tank appears very steep, adding that the Commission has slope limits for driveways. Mr. Handshy stated that it wouldn't be a roadway subject to traffic. Mr. Frankel expressed a concern about possible noise, and asked whether any surplus water could be sold. Mr. Handshy did not believe noise would be an issue, and added that the Department of Public Health requires considerable excess supply in the event of drought. He also clarified that the water tank is not a tower, standing 33 feet with a dome and ladder adding seven more feet. It has a diameter of 56 feet and a capacity 607,000 gallons.

The Commission took issue with how far this project has proceeded without this Commission being asked its opinion throughout the process, especially since this impacted a development which had received considerable review by the Commission (540 Federal Road). State law requires an 8-24 Referral for a project such as this, and Chairman Van Hise was very upset that this project had not been presented to this Commission. They need to address the procedural issue: how can it be corrected?

Jeff Sienkiewicz is the attorney who drafted the Conservation Easement from the original approval of the original easement. The Commission is being asked to approve a revision of the conservation easement and agreed that they can't vote until the next meeting, at which time they would have to review the original easement and hear from the Attorneys.

9. **Adjourn**: A motion was made by A. Kerley, seconded by P. Conlon, to adjourn at 9:20 p.m. Motion carried unanimously.

J. Van Hise, Chairman