

## PLANNING & ZONING COMMISSION REGULAR MEETING OCTOBER 11, 2016

**Present:** Regular members David Colbert, Jill Cutler, Peter Kalmes, James LaPorta, Stephen Saccardi (out 7:30PM), Anna Timell, alternate member Ginny Potter and LUA/ZEO and Commission clerk Karen Griswold Nelson.

**Absent:** Dermot Woods.

Chairman David Colbert called the meeting to order at 7:03PM. All members were allowed to participate in the evening's proceeding.

**Motion** made by Mrs. Cutler seconded by Mrs. Timell, to amend the agenda to act on agenda item **4A - Pending applications** prior to all other business; unanimously approved.

### 4. PENDING APPLICATIONS:

#### A. Site Plan for - Eversource Energy owner/ Housatonic Valley Association applicant (HVA) - Activities within the "inner corridor" of the Housatonic River for the "River Bend" project in West Cornwall – 36 Lower River Road.

Information made part of the record.

- Mapping entitled "Housatonic River Access Improvement Project at the Bend Permit drawings (not for construction) prepared HVA by Kleinschmidt revised to October 10, 2016
- October 11, 2016 information from HVA re: Recreational Access Enhancements at the Bend, West Cornwall.
- Draft "Stormwater Facilities Operation and Maintenance Plan" for the Bend prepared by Kleinschmidt.
- October 11, 2016 email from the Northwest Conservation District.

Mr. Michael Jastremski, HVA Watershed Conservation Director was in attendance to address the application. Note was made that the plans being presented were being considered by the Housatonic River Commission (HRC) at their 7:30PM meeting and that the file as of yet did not contain a report from the HRC. It was noted that the approval of the site plan could be continued until the next meeting based on agreement between the Land Use office and HVA so as to receive the HRC report.

There was general discussion of the revised site plan as supplied, with note made that the impervious surface equation, as referenced in the regulations, "*The maximum total footprint of all impervious surfaces including buildings, paved and unpaved driveways for the portion of a lot within the Inner Corridor shall be not more than 10% of the total area of that portion of a lot within the Inner Corridor*" could have posed issues had the plans failed to comply with the minimum stated standard as stated. Mr. Jastremski addressed the difference between directly-connected impervious area and disconnected impervious areas and the relationship to the stormwater managements structures provided for in the plans.

With agreement that all concerns had been met and based on the timing of the application, it was agreed that the Commission would table action on the application until the next meeting, with the application's request for an additional 30 days as stated part of the record of the evening's discussion.

**Motion** made by Mrs. Timell, seconded by LaPorta to amend the agenda to act on 6A prior to all other business: unanimously approved.

## **6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

### **A. Validate Subdivision Map for the Einar Lindholm subdivision.**

Attorney Michael Sconyers was in attendance to represent the Lindholm family. Attorney Sconyers and Griswold Nelson addressed recent meetings and communications with involved parties to resolve the matter of the Subdivision map through a re-approval validation process. Note was made (Sconyers/Griswold Nelson) that the two parcels had already been split and being taxed as separate parcels, and that a number of the conditions of the original subdivision had already been addressed, including:

- The \$7,250.00 "Fee in lieu" of open space had already been paid and accepted by the Town (Condition 1)
- Improvements to Old Waller Road as shown on the site development map had been done under the supervision of the Land use office (Condition 4)
- And that the necessary "Easement and right of way agreement" and "Common Driveway Maintenance Agreement" had been approved by commission counsel, finalized and filed on the Land Record" (Condition 6").

It was agreed that a mylar incorporating the Volume and Page of the two documents, as referenced in Condition 6, had not been submitted and filed within the proper time and that such mylar with the references incorporated was in process of being prepared and submitted to the Land use office for signing.

Steve Saccardi out

**Motion** made by Mrs. Cutler, seconded by Mr. LaPorta to re-approve and validate **App#701 – Einar Lindholm/Einar and Patience Lindholm owners – 1 Lot subdivision – 238 River Road** as per the site plans submitted, "Proposed subdivision plan for Einar and Patience Lindholm – River Road, West Cornwall, prepared by Mathias Kiefer, dated March 12, 2007 as revised and "Site Development, Grading and Erosion and Sediment Control Plan" prepared for Einar and Patience Lindholm, 238 River Road, West Cornwall" by Berkshire Engineering, dated 2/27/2007, sheets 1 and 2 revised to 6/30/ 2008 and to incorporate by reference the conditions of the permit as listed,

1. The applicant, in lieu of 15% of land on the subdivision site for suitable open space, park or playground use as stated in the standards set forth in Section 5.7 of the Subdivisions regulations, as amended, shall pay a fee to the Town of Cornwall, a fee determined to be, as stated in the oral testimony of the November 13, 2006 public hearing with supporting documentation made part of the file, of \$7250.00. The fee shall be paid prior to or at the time of the filing of the subdivision maps.
2. Construction and acceptance of the driveway(s) to the single family residence shall be in accordance with Section 5.4 of the subdivision regulations and all applicable town requirements.
3. The name of the person or entity responsible for erosion and sedimentation shall be designated on the sedimentation and erosion control plan. The plan shall follow the guidelines as set forward in the State of Connecticut DEP 2002 Guidelines for sedimentation and erosion control and incorporated into the map on file. Adequate bonding for the Erosion and Sedimentation Control Controls as

specified in the plans can be required by the discretion of the Zoning Enforcement Officer.

4. The applicant shall make improvements to Old Waller Road, at the applicant's expense, according to the details as shown on the map "Site Development, Grading, and Erosion and Sedimentation Control Plan" prepared for Einar and Patience Lindholm, 238 River Road, West Cornwall by Berkshire Engineering, dated 2/27/2007 revised to 6/30/2008. During the improvements to the road, at least one lane of the road shall remain passable for motor vehicles at all times. As part of the improvements to the road, the receipt of July 7, 2008 correspondence from Robert Sheldon to the Town of Cornwall is made part of the record.
5. Landscaping buffering to prevent vehicle headlights from the driveways from going into the Rolo/Furness residence shall be provided at the expense of the applicant and under the supervision of the Land Use office.
6. All necessary documents including "Easement and Right of Way agreements" and "Common Driveway Maintenance Agreement" as reviewed and approved by Commission counsel shall be finalized and filed prior to the recording of the mylars and references to the volume and page of the said documents shall be incorporated into the mylars to be filed.

The application for the one lot subdivision, with the 6 conditions, as listed in accordance with the site plan provided, is approved according to the Cornwall Subdivision Regulations. The Commission has determined that the intent of the subdivision regulations has been met as provided with the subdivision regulations.

As part of the approval, mylars of all maps made part of the application including the record subdivision map and the site development map as referenced shall be filed with the Town Clerk within the proper statutory times.

Unanimously approved.

#### **1. APPLICATIONS FOR ZONING PERMITS.**

**ZBA Appeal: # 331- Michael Feder - Variance from Article 15.4 - Rebuild of an existing non-conforming structure - 57 Dark Entry Road. Appeal granted.**

**App#985- Modifications to zoning permit for the construction of additional temporary structures for the operation of the Northwest Lumber yard - Kent Road.**

**App#987 - Adam and Charlotte VanDoren owners - 10' x 10' shed - 54 Bradford Road. Subject to wetlands and TAH approval.**

#### **2. APPROVAL OF MINUTES. September 13, 2016 regular meeting minutes.**

**Motion** made by Ms. Cutler, seconded by Mrs. Timell, to approve the minutes of the September meeting as presented; unanimously approved

#### **3. NEW APPLICATIONS: None.**

#### **5. CORRESPONCE AND COMMUNICATIONS RECEIVED.**

#### **7. LUA/ZONING OFFICER'S REPORT.**

Griswold Nelson addressed her attendance at the September 29<sup>th</sup> Fifth Thursday COG meeting and distributed handouts received at the meeting.

**8. PLANNING WORKSHOP** to include but not limited to discussion of the Zoning and or subdivision regulations in compliance with the recommendations in the Town Plan of C&D, report from the Village Center subcommittee and other zoning/subdivision regulatory matters.

Village Subcommittee members addressed regulatory matters under consideration, including signage (LaPorta) and farms stands (Timell). Mr. Colbert addressed correspondence received regarding the HouBike trail and the matter to be placed on the November meeting agenda.

**9. ADJOURNMENT.**

**Motion** made by Ms. Cutler, seconded by Mrs. Timell to adjourn at 8:25PM; unanimously approved.

Respectfully submitted,

Karen Griswold Nelson