

HAMPTON PLANNING & ZONING COMMISSION
Monday, March 26, 2012 7:30PM
Hampton Town Hall 164 Route 97

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PUBLIC HEARING

Application for a 1 lot subdivision composed of 10 acres to be split from a 200 acre parcel on the north side of Windham Rd at the Canterbury town line, property of Robert J. and Deborah A Darigan. Parcel is identified by the Hampton Assessor's Map 4-12 Block 27 Lot 13, RA-80 Zone.

Chairman Grindle opened the Public Hearing at 7:30pm. Members present were Langer, Grindle, DeCarli, DeCesare, Hyde and alternate Thompson.

As a continuation from the public hearing from last month, Terry Chambers, engineer with KWP Associates, passed out revised plans to the ~~Commission~~board. Chambers stated that he had met with the Hampton Conservation Commission a few weeks ago to discuss the proposed conservation easement. The revised plans distributed to the board included the entire lot with topography, with the house and driveway location. ~~He and~~ ran through the notable changes with the revised plans:

Additional changes

1. Increased lot size from 10 acres to about 10.8 acres. On the smaller map, it shows the entire lot and it provides for 40% open space (total of 4.33 acres).
2. Pulled the house down towards the road, to decrease amount of driveway and still maintain~~ing~~ privacy while still utilizing the septic area that has~~ve already~~ been ~~already~~ tested.

Mr. Chambers stated that Pat Sullivan (prospective purchaser) wanted an open space behind the house; this is a variation of what was discussed with the Conservation Commission, however Mr. Sullivan has had discussions with ZEO Martha Fraenkel and the Conservation Commission since the initial proposal. Mr. Chambers turned the floor over to Mr. Sullivan to describe the revised plans further.

Pat Sullivan thanked the ~~Planning and Zoning Commission~~Commission for letting him speak and passed out a colored map to the Commission. Mr. Sullivan stated that he was ~~surprised~~ ~~by a bit taken aback about~~ the 40% ~~open space requirement~~easement and has since tried to work with those requirements of the Conservation Commission and ~~Planning and Zoning Commission~~PZC. The agreement that was approved at the emergency meeting was an easement that cut diagonally through the property, which did not work for the Sullivans, and they have since ~~modified~~developed this proposal:

- 300-400 feet of frontage that is protected open space
- Creates a wildlife corridor up the east side of the property through the wetlands to the north, where there is 500 acres of undeveloped land
- Swamp area protected as well

This proposal is still ~~is~~ 40% of the total property when the house is moved down towards the street to shorten the driveway.

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Mr. Sullivan described specific areas of the colored map previously distributed, and the proposed easements that would be granted on each area:

- ~~Pink~~ Section A: standard wetlands easement
- ~~The~~ two B sections: (discussed with and approved by the Conservation Commission) agricultural use (pasture/ barn/ fruit trees). Mr. Sullivan would like that area to be open enough that he ~~could be able to~~ utilize it ~~for as~~ a light recreational area ~~for prospective grandchildren and erect a non-permanent structure like a tee pee.~~

Mr. Sullivan stated that ~~he felt like they've listened carefully, and that~~ the proposed plans correlate with the intentions of both the Conservation Commission and ~~PZC~~ Planning and Zoning Commission to protect open space, while still giving the prospective buyers a certain amount of freedom to utilize the property for generations.

Chairman asked the audience for any input. ~~Not~~ no one spoke.

Chairman thanked Terry Chambers, Pat Sullivan and Bob ~~Darrigan~~ Darigan for being present and representing the application, and working with the Conservation Commission and the ~~Planning and Zoning Commission~~ PZC. Chairman asked regarding section A, the wetlands easement, on the northeast side of that- how does that area correspond with the wetlands area? ~~Doesn't want the Planning and Zoning Commission to create an easement / grant the ability to do something that you're already negated from doing because it is within that 100 foot wetland review area.~~

Engineer responded that it does not correspond exactly with that 100 foot wetland review area, and showed an area on the colored map that diverges from that 100 ft area; any activity in that area would require a permit from IWWA.

~~Chairman stated that his question was a cautionary note, just wants to make sure they are aware of that situation.~~

Engineer elaborated on what was being proposed in area A: no excavation, no filling, no structures, no motor vehicles, and no clear cutting would be allowed, although selective cutting/ trimming would be allowed for the health of the area.

In area B (~~yellow~~) agricultural uses would be allowed: pasturing, animal husbandry, a barn, crops, however no residential buildings or dwellings.

Chairman stated that the plans for area B ~~are consistent~~ falls in well with the ~~P~~ plans of Conservation and ~~De~~ development, ~~subdivision~~ planning and zoning regulations encourage agriculture use everywhere possible.

~~Activities proposed fall in well with preservation, however the proposed barns and buildings fall into agriculture use, but not open space and asked for other commission members input regarding that area.~~

Langer likes the idea, preserving the upper part is reasonable, because it's not wetlands and is good land, would like to allow some flexibility to build a barn, but to restrict size.

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DeCarli asked if multiple buildings were being proposed/ thought of.

Mr. Sullivan's indicated that ~~family members both his wife and daughter in law~~ ride horses, and he might want to put in a riding ring or barn in that area down the road.

DeCesare asked ~~why~~ Mr. Sullivan ~~asked~~ why that area had been selected, and not just north of that, in the B area?

Sullivan stated he did not want to overly restrict the use in area B; ~~suggesting he may ultimately if there was a grandchild down the road he would not want to not be able to want to use the area for light passive recreation such as picnics and children's play activities. put a tree house, tee pee (not a permanent structure) there. It is about 20-30ft wide and would want to keep it as a lawn area for picnics.~~

DeCesare inquired to whom the easement would be granted ~~to~~.

Chambers indicated that the grantee would be the Town of Hampton acting through the Conservation Commission, but ~~agreed~~ ~~conceded~~ that was not a legal requirement.

DeCesare clarified his question and asked Sullivan for confirmation that he understood that he can grant the easement to others ~~whomever he chooses~~, including setting up his own trust and granting the easement to that trust.

Fraenkel indicated that typically a barn would not be allowed on a conservation area, however in an agricultural easement area it is part and parcel of certain agricultural activities.

Fraenkel suggested that if an agricultural easement was granted, that ~~the they~~ consider ~~Commission consider allowing Sullivan to retain some rights to place some smaller structures, while~~ placing limits on the footprint of that building.

Hyde asked about the Canterbury boundary, and Chambers stated that the property had been surveyed, and the boundary had been located, but the marker stone is now missing.

Hyde also pointed out that the south-east section of "B" on the colored map is also not part of the upland review area, and additional restrictions would be placed on that.

Sullivan stated that the plans for that south east section "B" would not include a permanent structure, but perhaps a tree fort in the future.

Thompson (alternate) brought up that in the northern area of B on the colored map, that if there was a barn, there would be fences, and as far as open space, fences would restrict the idea of open space.

Grindle stated that the Commission seems comfortable with the idea of a barn, but that the size of the potential barn is still a question.

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Chambers asked Sullivan what the size of the barn was on his property (2400 sq ft), Chambers indicated that a barn built in the future might be 2500-3500 square feet.

Hyde asked Sullivan what his intentions were for the property.

Sullivan stated that it was hard to know at this time, as he is looking generations again, and respectfully requested as much flexibility as possible.

Hyde stated that the flexibility is granted on the other 60% of the property that doesn't have conservation or wetland restrictions, and likes agricultural buildings on the edge of the property.

DeCesare asked if Sullivan would have to come back to the Commission to build the barn, ~~anyway.~~

Fraenkel stated that if the building was under 2000 square feet, it would not go before the ~~Planning and Zoning Commission~~PZC and she ~~would~~ permit it herself. A larger building would have to be authorized by the Commission.

DeCesare suggested ~~that the existing regulations are sufficient to regulate the building; no additional restrictions are needed, leaving the 2000 square foot limit not having to come back to Planning and Zoning, and any building proposed 2001-5000 square foot~~

~~Asked the audience if there were any comments or questions, and heard none.~~

Grindle asked a final question regarding area B in the southeast area, if the ~~metes~~ and bounds of that area would be in straight lines. Chambers stated that it would indeed be described using straight lines.

MOTION: Chairman Grindle moved to close the public hearing at 8:15pm. Motion was seconded by DeCarli. All in favor, MOTION PASSED UNANIMOUSLY.

Public Hearing was closed at 8:15pm.

REGULAR MEETING

Chairman Grindle called the regular ~~Planning and Zoning Commission~~PZC meeting to order at 8:15pm

Roll Call

Chairman K. Grindle, G. DeCesare, W. DeCarli, G. Langer, E. Hyde, and alternate R. Thompson, and new, with all members present, including alternate Sue Hochstetter was present to observe.
Staff: M. Fraenkel

Additions to the Agenda

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~~None~~

Audience for Citizens

Randy Thompson stated that the Conservation Commission is having a special meeting this Thursday (7pm, Community Room), with people from Pomfret coming to present how they have protected open space, and how Hampton might follow suit.

Approval of Minutes- February 27, 2012

MOTION: Hyde moved to approve the ~~Planning and Zoning Commission~~PZC minutes from the February 27, 2012 meeting. Grindle seconded. No discussion followed. All in favor; with one abstention (DeCarli). Motion carried.

Old Business

1. Application for a 1 lot subdivision composed of 10 acres to be split from a 200 acre parcel on the north side of Windham rd at the Canterbury town line, property of Robert J. and Deborah A Darigan. Parcel is identified by the Hampton Assessor's Map 4-12 Block 27 Lot 13, RA-80 Zone.

Hyde moved to **APPROVE THE APPLICATION OF ROBERT J. AND DEBORAH A. DARIGAN FOR A 1 LOT SUBDIVISION FOR 10.82 ACRES FROM A 200 ACRE PARCEL LOCATED ON WINDHAM ROAD JUST WEST OF THE CANTERBURY TOWN LINE, RA-80 ZONE, ACCORDING TO PLANS ENTITLED "SUBDIVISION PLAN PREPARED FOR ROBERT J. DARIGAN & DEBORAH A. DARIGAN WINDHAM ROAD/ RAYMOND SCHOOLHOUSE ROAD, HAMPTON & CANTERBURY, CONNECTICUT" DATED 12/8/11 AND REVISED TO 3/26/12, PREPARED BY KWP ASSOCIATES, POMFRET CENTER, CT, 3 SHEETS, WITH THE FOLLOWING CONDITIONS:**

1. Prior to filing the final plans, all pins and monuments for the lot boundary and the easement areas shall be set ~~by~~ at the applicant's expense pursuant to Subdivision Regulations Section 11. Pins shall be placed no more than 300 linear feet apart. The final plan shall indicate that monumentation has been completed.
2. A deed conveying the road right-of-way along the respective lot to the Town of Hampton shall be approved by the First Selectman and shall be submitted ~~to~~for the Zoning Official for recording in the land records no later than at the time the ~~the~~ final plans are filed in the land records.
3. The conservation easement shall be drafted by the applicant, and language shall be approved by the ~~Planning and Zoning Commission~~PZC or its agent, prior to execution by both the Grantor and the Grantee. The executed easement shall be submitted to the Zoning Official for recording in the land records no later than at the time ~~of~~ the final plans are filed in the land records.
4. In order to conserve Hampton's natural resources, topsoil excavated during lot development shall be stockpiled for reuse and shall not be removed ~~from~~of the respective lots.

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5. Signature block shall read **"Approved"** instead of "Recommended" to provide better clarity, and **"Date of Approval"** shall replace "Date". The signature block shall appear on each sheet.
6. Note on plans: "Driveways shall meet the requirements of Subdivision Regulations Section 9 and Zoning Regulations Section 6.13. Driveways which exceed ten percent over any segment of their length shall be paved to a width of ten feet, with maximum driveway apron grade of 5%. Driveways shall be graded so as to shed runoff into the respective lots and to prevent off-site runoff. An engineer's certification of fulfillment of this condition is required prior to issuance of a certificate of zoning compliance at the time of development."
7. Note on plans: "Before the soil is ~~disturbed~~distributed, the silt fence and other erosion control measures as needed shall be properly installed, and the zoning official shall be contacted for approval of installation."
8. The final approval motion shall be placed on the final plans on sheet #1 and sheet #2.
9. The rear lot line shall be shown on the site development plan.
10. Side yard setbacks shall be revised to reflect the requirements of the 20 foot minimum and 50 foot aggregate (30 feet for the other side yard).

Grindle seconded the motion, with amendment of a photograph for the record.

Decesare asked why item two was necessary.

Fraenkel stated ~~it~~ she believed it was required per the Planning and Zoning regulations, but also that it is standard practice to ~~require~~ask for a deed to ensure town ownership of the road right-of-way for clarification of who owns what along the frontage.

~~Decesare~~DeCesare asked if ~~the Darigans~~Sullivan would be deeding ~~property~~property they~~he~~ now owns without compensation.

Chambers explained the history of the requirement for deeding the strip along the road frontage to the Town. He said the area would be transferred to the Town by a why the roads are not deeded, and would be quit claim ~~deeded to the town~~ from the center of the road to the lot property line.

All in favor; motion passes unanimously.

2. Budget FY 2012-13

MOTION: DeCesare moved to approve the requested budget. Hyde seconded.

Fraenkel requested 3 additional hours per month to allow for meeting preparation on the Thursday before the meeting and for~~pointed out the only change were~~ a 3.5% wage cost of living increased, noting there has been no raise ~~(No COLA since '08-09)~~. Additionally, a color

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copier ~~wasn't budgeted for, but~~ is needed. A \$1600 line item was kept in the budget for that ~~purpose~~ ~~cause~~.

First Selectman Allan Cahill stated that ~~IT staff~~ ~~Brian (IT)~~ would be coming forward with some proposals for copier upgrades.

All in favor; MOTION PASSED UNANIMOUSLY. (see attached)

3. Preapplication: property of Ben and Jane Cornell, 75 Lewis Rd in the RA-80 Zone for a possible 1 lot subdivision, with a new parcel to be composed of approximately 5.8 acres.

There are no developments. The ~~Cornells~~ are working with the DEEP at this time.

New Business

1. Referral from Board of Selectman under CT General Statutes Section 8-24: Parker Road ~~discontinuance, east end.~~

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Chair read a letter from First Selectman dated March 23, 2012, ~~proposing to reverse~~ ~~reversing~~ a November 29, 1983 decision to ~~re~~open a portion of Parker Road as an unimproved road. ~~Fraenkel distributed~~ ~~Martha passed out~~ an assessor's map showing the area that would be discontinued.

Grindle clarified that this would reduce ~~the~~ portion of Parker Road that is an unimproved road from 1850 feet to 600ft.

~~Hyde asked if where the portion from the west stops presently (stops at Deveneys or just past it).~~

Hyde outlined why the Commission would support the effort to discontinue a portion of Parker Road: ~~r-~~ Road no longer serves a useful ~~purpose~~ (superseded by Route 6), ~~and~~ has only been ~~en~~ing used as a logging road for the last few generations, ~~and~~ agriculture stopped there in the 1950s.

DeCesare questioned the wording of the Board of Selectmen's wording in their request, Fraenkel suggested the ~~ex~~ ~~tracess~~ wording was ~~just~~ to clarify the portion of the road in question.

Thompson ~~said the road segment--it had been~~ ~~was~~ reopened because a house was ~~proposed~~ to be built ~~and needed access, to bring vehicles~~

DeCarli questioned ~~what~~ the benefit of discontinuing Parker Road. ~~It, it~~ was clarified that ~~discontinuance~~ ~~it~~ would reduce liability for the town, ~~and~~ preserve wetlands, ~~and preserve the~~ ~~and~~ historical significance of the stone walls that would have to be disturbed if the road was ever to be upgraded. Hyde mentioned the ledge on the western side does not support the easy construction of a road bed.

The property owners that abut Parker Road would retain rights to access their properties.

Discussion followed of regarding how the discontinuation of the road would affect the town and abutting neighbors.

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MOTION: Hyde moved that the Planning and Zoning CommissionPZC support the discontinuation of Parker Road from 1850 feet to 600 feet. Motion was seconded by DeCesare. All in favor; MOTION PASSED UNANIMOUSLY.

Zoning Official Report

Zoning Official Fraenkel reported that there was a renewed zoning problem with ATV use on an undeveloped lot on South Bigelow Road that was being addressed.

Communications

1. WINCOG Report

No report

2. Minutes Conservation Commission 3/24

3. Notice of public hearing: application for a Certificate of Environmental Compatibility and Public Need for the Interstate Reliability Project, consisting of a new electric transmission and associated facilities. Comments may be give 4/18 (Lebanon), 4/19 (Brooklyn), 4/24 (Storrs).

Dates are also on agenda, and in the packet distributed to Commission members.

Adjournment

MOTION: With no further business before the Board, Hyde moved to adjourn the March 26, 2012 Planning and Zoning CommissionPZC meeting. The motion was seconded by DeCesare. All in favor; MOTION PASSED UNANIMOUSLY.
Meeting was adjourned at 9:20pm

Respectfully submitted,
Elizabeth Stillman
Recording Clerk

PZC BUDGET FY 2012-13

	<u>FY 2011-12</u>	<u>Allocated by Town</u>	<u>Proposed 2012-13</u>	<u>Notes</u>
<u>Salaries</u>		<u>no cola given</u>		<u>3.5% cola</u>
<u>zoning official</u>	<u>13,735</u>	<u>13,400</u>	<u>15,036</u>	<u>add 3 hours/mo</u>
<u>recording clerk</u>	<u>1,250</u>	<u>1,250</u>	<u>1,290</u>	
<u>office manager</u>	<u>1,250</u>	<u>1,250</u>	<u>1,290</u>	
<u>Legal & Engineering Fees</u>	<u>4,000</u>	<u>4,000</u>	<u>4,000</u>	
<u>Planning Services</u>	<u>2,500</u>	<u>2,500</u>	<u>2,500</u>	

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<u>Training:Comm and staff</u>	<u>500</u>	<u>500</u>	<u>500</u>
<u>Mileage</u>	<u>150</u>	<u>150</u>	<u>150</u>
<u>Supplies</u>	<u>1,600</u>	<u>1,600</u>	<u>1,600</u>
<u>printer purchase</u>			
<u>Publications</u>			
<u>Planning Journal</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Legal Journal</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Legal Notices</u>	<u>2,000</u>	<u>2,000</u>	<u>2,000</u>
<u>Professional Affiliations</u>			
<u>CT Federation of PZCs</u>	<u>85</u>	<u>85</u>	<u>95</u>
<u>CT Assoc. of Zoning Off.</u>	<u>25</u>	<u>25</u>	<u>50</u>
<u>American Planning Assoc.</u>	<u>150</u>	<u>150</u>	<u>0</u>
	<u>\$27,245</u>	<u>26,910</u>	<u>28,511</u>

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