

Beacon Falls Planning & Zoning Commission
10 Maple Avenue
Beacon Falls, CT 06403



BEACON FALLS PLANNING & ZONING COMMISSION
Monthly Meeting
December 17, 2020
MEETING MINUTES
(Subject to Revision)

1. Call to Order / Pledge of Allegiance/Roll Call

Chairman Donald Molleur called the meeting to order at 7:30 P.M.

Members Present: Donald Molleur (DM), Harold Roscoe (HR), Jack Burns (JB), Robert Starkey (RS), Marc Bronn (MB), Cody Brennan (CB)

Members Absent: Michael Rupsis (MR), Michael Pratt (MP) Tom Bunosso (TB),

Others Present: First Selectman Gerard Smith (GS), Selectman Michael Krenesky (MK), Keith Rosenfeld (KR), Mike Mormile (ZEO), Attorney Vincent Marino (VM)

2. Read & Approval Minutes from Previous Meetings

Motion made to approve and accept the Regular monthly meeting minutes from November 19, 2020 as submitted - HR/RS, all ayes.

3. Comments from the Public

Two comments submitted by email.

4. Reports

a. JB made motion to accept ZEO November 2020 report, seconded by HR, all ayes.

b. No report from Town Engineer.

c. Town Planner- brief update under various discussion topics. No formal report.

5. Old Business

a. Chatfield Farms – Performance Bond- KR: This has to do with the outstanding bond related to Skokorat Road. It was required by the vote of the Commission on October 24, 2019. The Commission asked the owner of Chatfield Farms to do a private inspection of the road before any trucks were used on it, and then an inspection afterwards. Dairn Overton of Milone and MacBroom was involved in the assessment of the road, and the road bond from the beginning, and his memos indicate that there has been no evidence of deterioration of the pavement from off-site hauling of materials. The road is in good condition. The hauling has ceased. I think at this point, it might be reasonable for the Town and the Commission to consider releasing that bond back to the owner.

HR: What notifications do we have that hauling has been completed? DM: That bond was for material coming offsite. I know that there is still material onsite, but no more hauling

onsite. I reviewed the files; I took time to ride up and down Skokorat. As far as I am concerned, it has not been impacted.

Motion made to lift Performance Bond - Matthew Gilchrist/EG Homes related to off-site hauling on Skokorat Road - RS/CB, all ayes.

DM: Keith you received correspondence related to Chatfield about fencing. Where do we stand with that? KS: There has been some controversy about the fencing that has been used at the top of the new retaining walls. I looked at it, not sure whether that information as to whether the material used is listed on plans. My suggestion is ZEO look at that and determine whether materials used are same listed in site plan.

GS: I was contacted by the Homeowner's Association. The Town Engineer that is working on it is Ron Nault. I suggest Don and Keith have a conversation with Ron about the fence and the drainage that is coming off underneath it.

- b. Pond Spring Village- Performance Bond- KR: There is a bond in place for approximately \$129,555.80. On December 10, 2020, the Town was notified by People's Bank that the bond was set to expire on February 26 2021. I have a report from Town Engineer Paul DeStefano who recommended the following completed before bond was released: All unit foundations are in and most units were built (maybe excluding 1 or 2 that need to be framed if it were going to be years until completion; and at minimum - all driveways are installed, all binder course pavement is installed, all binder course repairs are made, and all surface course pavement is installed. We need to find out if the owner is going to renew the bond, and not have it expire. If it's not his intention to renew the bond, we must look to how we secure it.

VM: If there is not a replacement bond, then prior to the expiration of this bond, we are going to have to call it. We have to be mindful of the dates, and we are going to want to get a letter out for the bond. We need to send a letter to property owner that we need a new bond in place prior to a week of current bond's expiration.

DM: Current bond has never been reduced? KR: That is what I understand. DM: Maybe have Town Engineer look at where project is at.

- c. Tiverton- KR: The Town Engineer has been working closely with Mr. Edwards on what he can do and what he cannot do. I wish he were here tonight; he would have given a very good report as he had done to the Wetlands Commission.
- d. Transition Zone – DM: I know the new Commission members have not received it, but there was an alternate plan drawn up to put a transition zone into the route 42 area by the industrial park. We will send copies of the draft materials to the new commissioners so they can look it over and have their comments ready for the next meeting.
- e. 57 Lancaster Drive – No updates.
- f. Hopp Brook Development- KR: Our public hearing is in February. I prepared a report - In my review of Hopp Brook Development, it appears to me that plans should be referred to a number of agencies and board as required by the POCD, the overall zoning regulations, and the PROD language itself. Here are my suggested referrals and the reason for them. PROD, Section, 24.A.2 states that one of the purposes of Hopp Brook Development is to preserve

open space, and have those areas consistent with the comprehensive plan, as well as the Town's plan of conservation and development. If you look up on the plan of conservation development 3.3 "Open Space Management" on page 18 of the Beacon Falls Plan of Conservation & Development, one of the main goals under open space is to help achieve open space goals. The town established the Open Space and Land Use committee which is comprised of representatives of the found land use commissions and boards. The committee is responsible for the review and coordination of all open space investments and policy. I think the application should be referred to the Open Space and Land Use Committee for review and report.

Number two, it is essential that the Planning and Zoning Commission confirms that the application that was submitted to this Commission is similar to those reviewed and approved by the Town's Wetlands Commission. This is kind of moot right now because the Wetlands commission is looking at a new or revised plan. We should really be attuned to where they are and understand that if we need more time for their decision.

Number three, although the Aquarian Water Company states in its 09/13/2019 letter that it has sufficient water supply to meet residential water demand, it is unable to provide fire flow on that 09/13/2019 date. No review, report, or approval regarding the new water storage tank has been provided either by the applicant or the water company themselves. Per the submitted plans, there are no plans to provide irrigation to either lawns, landscaping, street trees, thus Aquarian has not provided any demand. So, because of that I believe that the application should be referred back to the Aquarian water company for its review and report regarding the above issues.

Number four, which would really be number three of the referrals now- the application proposes to empty a portion of its created automobile traffic onto Miller Road in Bethany, Connecticut, I have been told in the past and this egress has been considered a negative impact by this neighboring community, and perhaps has been denied in the past because of that. The application should be referred to the Town of Bethany for its review and report regarding the above issue.

Number five, the applicant has submitted a storm drainage report, traffic impact study, development phasing study, grading, and utility plan, etc. The PROD Section 23.D.A requires that the Town Engineer provide a statement regarding the adequacy of the drainage and the ingress egress site line distances. So, because of that, the application should be referred to the Town Engineer, Paul DeStefano for his review and report regarding the above plans and reports.

Number six, Prod Section 23.D.A requires that a statement from both the Beacon Falls Fire Marshal and the Fire Chief regarding the proposal, and its ability to meet all fire standards. We have not received that, and the application should be referred both to the Fire Marshal, and the Chief for their reviews and reports regarding the above issues, and any other any conditions that they think would be valid.

Lastly, the applicant has proposed to utilize a series of community style septic systems, functioning specific each phase of the ground proposal. As with the report for a new public water system it is imperative that the PCC have their findings regarding the chosen sanitary system as soon as possible and refer that work to the Naugatuck Valley Health Department. In my notes from reading the original Wetland application, there was no Naugatuck Valley Health Department approval.

I believe these should be done before the start of the public hearing, so the applicant can have plenty of time to get the information and to bring it back to the Commission before the public even starts.

DM: I would like to add that we need a written consent from Beacon Heights Coalition that they can use their property as an emergency access.

DM: Here is our dilemma, they only submitted the new plans about four or five hours prior to the Inland Wetlands Commission December meeting. The Commission did not had a chance to review and comment on this, these new set of plans. They are going to bring them up during their next meeting. My concern is will we have enough time to act upon their recommendations or on their comments before our public hearing.

VM: This has been a unique application from a procedural posture. Originally, we had gotten things back in April, then we had gotten things in September. We have been operating based upon the statutory time period as modified by the executive order and that is why we have our February deadline for the public hearing commencement. There does seem to be an ad hoc approach to seeking approvals, which is confusing the bodies, and quite frankly, there is a lot to be done before this body can make an informed decision and for staff, including myself, to be able to properly advise this body on what your authorities are, you know what approvals are in place. Now we are getting modified site plans. Then the application was not complete when it was filed. That is not fair to this Commission. So instead of guessing and speculating and worrying about running up against a clock that may not even be ticking yet. Maybe Attorney Bellis would be willing to sit with myself and Keith. between now and Christmas, and we can figure out what is going on.

DM: My thoughts are the application is not complete. We have no supporting documents which are needed to support this application. I feel personally that the applicant should withdraw the application. We do not have enough documentation to support his application. This is a concern.

DM: Vin and Keith are allowed to speak to Attorney Bellis on behalf of the Commission regarding the status of the Hopp Brook Development Application, as to whether he will withdraw or not.

g. Board/Commission Member Training

GS: I would like to make a recommendation; I think it would be prudent because the Board is so new. Vin's law firm does trainings. I think, prior to any public hearings or public meetings it would be good and beneficial for the Board in its entirety to go through basic Robert's Rules of Order, the do's and don'ts of being a Commissioner, what your charges are as a Commissioner regarding any and all applications that come before your Commission. All the new Commissioners can be on the same page and it's probably a good refresher course for us all to know what our charges are in addition to the regular training.

DM: I will get availability from Vin and the Commissioners so we can put together a seminar with Vin. The first or second week of January. I think that would be beneficial to everyone.

h. Fire Cisterns Oakwood Drive –

Motion to table discussion of Oakwood Drive Fire Cisterns until further notice. HR/RS, all ayes.

6. **New Business** – none

7. **New Applications** – none

8. **Petitions from Commissioners**

RS: The house that is falling down with the trees that are falling down on Burton Road. Is there anything that can be done? DM: I will discuss that with our Zoning Enforcement officer.

MM: I think it should also be a building official item. I'll look into it for you.

9. **Correspondence & Payment of Bills**

JB made motion to approve and pay all invoices presented, seconded by RS, all ayes.

10. **Executive Session (if needed)** – none

11. **Adjournment**

Motion made by HR to adjourn at 8:21 PM, MB seconded, all ayes.

Respectfully submitted,

Lisa Daigle

Clerk, Planning & Zoning