

**PLANNING & ZONING COMMISSION
WINDHAM, CT
MINUTES**

April 25, 2013

The Windham Planning & Zoning Commission held its meeting on April 25, 2013 in Town Hall. Chair Paula Stahl called the meeting to order at 7:00 P.M. Members present were Scott Lambeck, Jean Chaine, Juan Montalvo, Dan Lein, Claire Lary, and Paula Stahl. Michael Graff was excused. Also present was Zoning Enforcement Officer Matt Vertefeuille

1) Approval of Minutes

a) The minutes of February 28, 2013 were amended as follows: Pg 3, para 3, line 4...**103** & 107 Babcock Hill... Pg 5, para 4 delete entire paragraph..., Pg 5, Para 3, Ms. McCabe said we offer camp **for 8 weeks** in the summer. Dan Lein made a motion to approve the minutes as amended and Jean Chaine seconded the motion. Voting in favor of the motion were Dan Lein, Jean Chaine, Claire Lary, and Paula Stahl. Scott Lambeck and Juan Montalvo abstained. The motion carried.

b) The minutes of March 28, 2013 were approved. Motion made by Dan Lein and seconded by Juan Montalvo. Voting in favor of the motion were Dan Lein, Juan Montalvo, Jean Chaine, Claire Lary and Paula Stahl. Scott Lambeck abstained. The motion carried.

c) The minutes of April 11, 2013 were approved. Motion made by Claire Lary and seconded by Scott Lambeck. The motion carried.

2) New Business

a) John and Patricia Donahue, 460 Boston Post Road, North Windham – Site Plan application to continue existing earth excavation.

Joseph Boucher, P.E. with Towne Engineering, came before the commission and presented a preliminary plan to continue an existing earth excavation on Boston Post Road. He said these permits are renewable every 5 years. He said we are addressing some wetland issues and should be able to come back before the commission next month. He reviewed some history of the operation. Commissioner Jean Chaine asked where they would be continuing the earth excavation. ZEO Matthew Vertefeuille identified the location on the plan. Commissioner Jean Chaine said he was surprised there was not more vandalism at the site. ZEO Vertefeuille said several of the neighbors keep an eye on it. When I was there four different people came down and asked what I was doing there.

A brief discussion ensued. Chair Paula Stahl said because of the neighboring wetlands the Inland Wetlands Commission will have to take action on the request before the P&Z can vote on it.

b) Brian & Amy Saucier, 596 Jerusalem Road, Windham, CT - Preliminary application for a two lot subdivision.

David Held, engineer with the firm of Provost & Rovero, Inc. said we are proposing a 2-lot subdivision on Jerusalem Road. The applicants currently own two adjacent parcels on Jerusalem Road which were part of an earlier subdivision. He said they have their home on a 4-acre parcel located at 586 Jerusalem Road and they also own the 35-acre parcel identified as 558 Jerusalem Road which they would like to subdivide into two lots.

What we are looking to do this evening is to show what we are planning to do and address any comments or questions that the commission may have. He said we have completed the boundary survey and have flagged the wetlands. He then went on to review the soils maps. We haven't done soils testing yet, but based on what we see we have no reason to believe that we would have a problem locating the septic systems. The second page of the plan is the constructional site layout which demonstrates the topography of the building that is there, the building along the road.

He referred to the overall site concept map. We are showing several things on the map; its contact with the Shetucket River, and the subject property for the subdivision including the concerns for the Shetucket River.

Mr. Held said we are also proposing to redraw the property lines. We are suggesting that the easterly portion located between the 4-acre parcel and the 35-acre parcel be redrawn part way up the westerly edge of the larger parcel. As a result of this adjustment, the two original parcels would be modified creating two different parcels; a 10-acre parcel and also a 28-acre parcel. We will then propose to subdivide the 10-acre piece into two parcels; a 2.7 acre parcel (future location of their parent's home) and also a 7.7 acre parcel which could then be developed in the future. The assessor's records identify this land as developable land, he said. Once the lines are changed, frontage would be established for all three lots, but a driveway could not be accommodated in this location because of neighboring wetlands. He said we would provide a shared driveway to access all the parcels.

A general discussion ensued regarding boundary lines and frontage. Commission members expressed some concerns with the amount of frontage and the reference to the project as a 2-lot subdivision. It appears that you will be taking two parcels and creating three parcels, said Chair Stahl. Mr. Held explained that it would be considered a 2-lot subdivision because it will be dividing only the newly created 10-acre parcel.

The discussion continued on the proposed lot line changes. Commission members were not comfortable with the proposed lot line adjustments. Chair Stahl said what you are proposing is far more substantial than a lot line adjustment.

Mr. Held felt the proposed changes were in accordance with the regulations. Chair Stahl said it might behoove the applicants to proceed with a flexible design subdivision. She said actually the flexible design subdivision would be required for subdivisions of properties having more than 15 acres.

Mr. Held said the flexible design subdivision process would cost more money for surveying and other work, and felt the process could be accomplished as proposed. It's a significant extra expense for the applicant when all they want to do is to create a lot for their parents. Chair Stahl said the way this is cut up currently it is making all this property in the back completely and totally un-developable. She asked, what do you see as possibly ever happening to this land back here fifty years from now? She said nothing could happen back here. Mr. Held said is that a bad thing? Chair Stahl said, no, that is not a bad thing, but that is what they are doing to themselves. Mr. Held said they absolutely understand that. Chair Stahl said if the purpose is to do just these two lots, it seems like there are other ways to design the lot lines so that the two lots function better.

After some discussion, ZEO Matt Vertefeuille agreed to work with Mr. Held to review the zoning regulations to determine if the plan, as presented, would be allowed, or if another approach might be possible to achieve the intended results. He said one way or another we will figure it out.

Mr. Held agreed to work with ZEO Matt Vertefeuille and return to the commission at a later date with a conceptual plan or a completed application.

3) Regulation Revisions to Sign Regulations

a) Draft Revisions to Sign Regulations – Chair Stahl suggested deferring discussion on the proposed revisions until a future meeting. She said the scheduled workshop meeting did not work out as intended and a new meeting is scheduled for next Wednesday.

4) Old Business

a) Report from Zoning Enforcement Officer. ZEO Matt Vertefeuille said at the last meeting I was asked to give an update on John Walker's pole sign. He said he went to see Mr. Walker and found that he had been on vacation. Mr. Vertefeuille said he did some research on Mr. Walker's property and found that he received 2 special permits. One is renewable every five years and that is for the pole. There are some issues with what was allowed there. There are signs that are related to real estate and there is actually only one sign on the post that actually qualifies for what is supposed to be on the pole. Another issue relates to the banner on the building which we granted him a special exception on. He said he would investigate further and report back to the commission

As there was no further business the meeting was adjourned.

Respectfully submitted,
Lillian Murray, Clerk