PLANNING AND ZONING COMMISSION
TOWN OF CANAAN
FALLS VILLAGE TOWN HALL
108 Main Street, Falls Village, CT. 06031
October 1, 2020 via Zoom

Public Hearing ("P.H."): Continuation from P.H. Held 9/23/2020

ATTENDANCE: Chairman, Fred Laser, Tom Scott, Zoning Enforcement Officer, Regular Members, Greg Marlowe, John Morrissey, Garrett Scavotto, Vincent Inconiglios and Alice Macchi and Alternate Members, Marc Rosen and Ruth Skovron. Absent: Greg Bidou, Regular Member. Also present: Janell Mullen, Host. (Skovron seated by Laser for absent Regular Member, Greg Bidou.)

Community Attendance & Others: Daly Reville, Laura Werntz, Adam Sher, Alan Turner, Allen Cockerline, Amny Wynn, Barbara Deinhardt, Betsy Howie, Bob Whelan, Caplurnia Carter, Carole Kiser, CATV 6, Colter Rule, Dan Shaw, Dave Barger, David Berto, Denise Cohn, Dominic, Emily Jones - Civil 1, Emily Vail, Eric Carlson, Felicia Jones, George Massey, George Johanssen, Henry Todd, Jandi Hanna, Jason Losh, Jocelyn Ayer, John Allen, John Steiner, Julia McElroy, Kathy, Katy Keller, Kimberly Cornell, Kyle Wilkinson, Laurie Wadsworth, Lesley Janzen, Louise march, Mria Grusauskas, Noelle LaMuniere, Norma DeMay, Patrick Sullivan, Phillip Watkins, Rika Laser, Ruth1, Sara Laser, Stephen Koshland, Susan Odell, Toni Siegel, Tracy Atwood, Warren Whitaker.

Chairman Laser called the Public Hearing to order at 6:31 PM. "Consideration of a Site Plan Application for a Housing Development on River Road, Canaan/Falls Village, CT Map #1 Lot 3-6 by applicant Falls Village Housing Trust."

Host, Janell Mullen, gave an overview regarding procedures, ground rules, etiquette and information to those attending the zoom meeting and advised that the public hearing will be recorded.

Fred Laser advised the Planning & Zoning Commission's responsibilities for the decision would be determined based on whether or not the application meets the criteria and compliance of the IHZ regulation and commented on the format for the P.H.

Public Comments:
Dominic Caiti: N/A

Denise Cohn: Question on application approved in 2013 cited as consisting of 14 units/27 bedrooms, done by Ralph Stanton, which is less than the number of units and bedrooms being considered under the application. ZEO Scott replied that Stanton's proposal was just an example.

Colter Rule: Colter requested that his current slot be given to his wife, Katy Keller: Katy Keller raised concerns regarding financial ramifications and environmental concerns and commented on conserving the natural and rural character of the area, citing a US Dept of Interiors Habitiat study and inquired if the project had been submitted to DEEP for field verifed approval regarding conservation concerns. Emily Jones advised on having approvals from both the Housatonic River Commission and the Conservation Commission.

Commissioner Marlowe commented that he was in favor of allowing public comments to go beyond the set 3-minute timeframe in order to allow the public to finish stating their questions and concerns. (Commissioners expressed agreement.)

Emily Jones further commented that the property was not a "hit" on the National Diversity Data Base mapping, and advised that the property being developed was less than five acres (Level 1) and that they were following the DEEP guidelines.

Robert Anderson: abutting property owner: Anderson expressing concern for seasonal spring and flow of water. Emily Jones advised that the swales will collect water for runoff from the property including drainage. Question regarding buffering and screening of neighbors.

Question regarding notification of P&Z December, 2013 meeting. N/A to site plan application. C. Rule protested.

Question regarding water and well locations. Emily Jones advised that approval by DOH would be required, inlcuding water testing, and water being plentiful and safe including for the existing residents in aquifer and watershed. Laser commented on the existing water company currently at the Housatonic Valley Regional High School and noted the similar situation and regulations which would be the same criteria for this project. The question was raised as to who would take care of the Water Company? Emily Jones advised that a Certificate of Public Convenience and Necessity creates a community water company. In some cases, a Company such as Aquarian might take care of it but they have expressed no interest in doing so. The other option being to hire a licensed Operator, regulated by the State, to oversee the water company.

Question: If there is contamination found, would neighbors wells be tested? Emily Jones commented that while the neighbors may wish to have their wells tested, it would not be a responsiblityof the FVHT. Question raised regarding the neighbor's current water conditions.

Amy Wynn: N/A passed n/c.

Lesley Janzen: Colter's neighbor: Janzen questioned if there was a survey of current property owner's wells and locations within 1500 feet of the subject wells. Janzen further raised questions regarding the traffic study and if the increase of .4% was specfic to the intersection at River Road and Route 7 and commented on existing and future conditions with property developed and undeveloped and questioned the accuracy of the calculation of .4% of an increase with development. Janzen further commented on her concerns being more

safety-related than waiting-related. Emily Jones advised on the data base calculation and the DOT methodology and advised further that the traffic volume is too low for safety concerns and advised of no changes proposed to River Road. Emily Jones commented further with regard to the intersection at Route 7 noting the sensored traffic light at the intersection and advising that the project doesn't warrant additional studies or DOT investigation, as the DOT has timing and cycle elements already in place to handle the traffic flow.

Janzen questioned the buffer on the triangular piece of the property of Habitat on River Road and the railroad. It was noted that said property was not part of the subject property. George Massey indicated that the Town of Canaan has a Conservation Easement on that property.

Question by Dan Shaw: inquiry regarding landscaping buffer along River Road, overseeing of landscaping buffer and distance of buildings from the Road. The response indicated the buildings being 71' from the front of the property. Shaw indicated that screening would be necessary to ensure that the rural character of the area would not be ruined. Laser advised that the buffer and landscaping would be reviewed by ZEO Tom Scott. Question if P&Z has looked at the landscape plan. Plan has not yet been reviewed but will be looked at and will be required to conform to Town regulations. Tom Scott commented he would oversee the project including the buffering and screening and plants to be used with assistance from G. Johanssen, ensuring it would blend with the natural landscape of the area. Shaw further expressed that he felt the project should be fully screened to maintain the rural character. Emily Jones commented that preserving the rural character is not the same as creating a full screen but rather a natural screening, including the buildings, colors and design as further factors, but not to be hidden from public view. Shaw commented that he felt the colors seemed out of character and supports more, rather than less, screening.

Colter Rule: FV resident. Commented that he supports Shaw's position on screening. Rule expressed further concern regarding road safety and the traffic report. Rule commented that the Civil 1 certified traffic engineer only references flow, what about ingress, egress, sub-par sight lines with reference to the blind corner and concern for the railroad track. Rule inquired if a further traffic study could be done by a certified traffic engineer to include these added elements. Laser commented on a 150' requirement and advised that when Habitat commenced development a sight line study was done to meet State requirements. Jones commented and referenced 300'. Rule advised that DOT declined, given it was not a State Road, advising that any questions should be raised to the Town's First Selectman. Discussion regarding concerns for an increase in accidents.

Rule expressed further concern for drainage and stormwater runoff and feels that the runoff could cross his property and cited a statute and inquired about a permanent drainage easement. It was noted this was not a subdivision site plan application.

Stephen Koshland: Koshland inquired about cars and parking and questioned the plan providing for each unit having a single car garage, and inquired if the second car was expected to be in the driveway and inquired about additional parking for the overflow. It was advised that there are

18 guest parking spaces,which could be used for overflow. Koshland felt those guest parking spaces would be filled-up quickly for those units having more than 2 vehicles and for those units with tenants that might use their garage for something other than parking their vehicle. The response was that the intent of the design was for 1 vehicle to be parked in the garage and one vehicle in the driveway. Again, the question was raised as to where will the cars park for the overflow. It was advised that the Administering Agency would oversee the project in the future. It was noted that currently the Planning & Zoning Commission was designated as the Administering Agency but that the overseeing Agency and Property Manager would be responsible for monitoring.

Question regarding ingress and egress with a reference to COVID and the notation that it was more likely that there would be 14 cars coming and going, rather than the 7 projected in the traffic study. Emily Jones stated that the numbers come from the Engineers and noted the calculation as being a scaling factor and not COVID related or environmental factors.

Question regarding light pollution: comment in favor of screening for protection to neighbors for street lights. Emily Jones advised that these concerns have been addressed. Reference made to Dark Sky and no uplight or sidelight to maintain a certain amount of light around the development.

Question regarding additional septic requirements that may be applicable given the property being situated in the River Overlay zone. Emily Jones advised that the septic review is by the State and local authority (Torrington Area Health District).

Question raised regarding the IHZ draft from 2010 and a stipulation for exemption to negate the requirements for the numbness of units for density.

Commissioner Macchi expanded on Koshland's concerns for parking and questioned if there would be conditions in place with regard to accessory vehicles, sheds and outbuildings and certain other standard restrictions typically set forth in a Declaration of Restrictions as used in subdivisions?

Daly Reville: Concern for affordable housing funds going to a developer and leaving the Town with the responsibility and expenses v. Capital, given limitation on rental guidelines; Town financial concerns.

Laura Werntz: Werntz questioned the location eligibility for an IHZ. Tom Scott advised that the question was not relevant to the Site Plan application. Comment regarding concentrated development study. Question regarding traffic study concerns and Music Mountain consideration, railroad, electric bike rentals in Cornwall and student drivers.

Maria Grusaukas: Maria advised that she grew up in Falls Village, left Town and is now back in Town. Maria described herself as being an artist. Maria expressed concern for lack of rentals,

being no affordable rentals in the area, and advised if not this project, then where do other artists in the area live?

Betsy Howie: Comment regarding suburb-like density development and questioned if the project was in keeping with the rural character. Laser advised that many of the surrounding Towns have similar-type developments. Howie commented that Town properties should be considered and expressed concerns for environmental impacts and commented that the Town setting should be considered.

Commissioner Skovron commented that funding from the State is very specific.

8:17 pm. Round One of the public comments completed.

Round Two:

Katy Keller: Keller commented that the large suburban development doesn't fit into the area.

Julia McElroy: Resident on Arnott Drive. McElroy commented that she grew up in Falls Village and expressed concern for no playground for the children in the area and talked about the downtown having access to the public library and elementary school.

Kathy Clarke: resident on Music Mountain Road. Expressed that the challenges will be difficult to monitor and expressed concern for shortfalls causing financial concerns. H. Todd commented that the FVHT is the ownership entity, therefore, no financial burden to the Town.

Comment that the P&Z Commission would make a list of the conditions and make the Administering Agency aware of such conditions.

Martha Miller: Comment to address previous comments made with regard to rehabbing of homes in the downtown area and commented that other groups could be formed to achieve that.

John Allen: comment that the application is an extremely controversial subject that seems to be splitting the Town and questioned if the Planning & Zoning Commission could hold off on making a decision. It was advised that the Planning & Zoning Comission could not defer making a decision on the application.

Update on Round 2 of public comments - 5 more in que, 10 more minutes.

Katy Keller: expressed that she felt uninformed, commented on best intentions but feels it requires a broader discussion.

Dan Shaw: inquired about the status of the road being private (?) and inquired if the Town would have any obligation to plow or maintain the road. No obligation by the Town. It was so noted that any recreational vehicles and boats require screening per the current regulations.

Noelle LaMuniere: comment regarding concern for water and general questions regarding who will administer and own the water company; P&Z? It was further advised that it won't be a financial burden to the Town and the FVHT will own it and be responsible for the property with a 30-year restriction. It was further advised that the Planning & Zoning Commission does not have the capacity to be the Adminstering Agency and, therefore, the Commission would designate a professional to be the Adminstering Agency.

Stephen Koshland: Question regarding the driveway, concern for the width in the location and questioned where the children in the development would be picked-up for school; in the drive or on the Street?

Toni Siegel: Arnott Drive owner. Question regarding who decides who lives in the development and for how long? Response that the Adminstering Agency can have input, reference to guidelines for accepted tenants, and comment that such affordable housing projects are designed for local people in the local workforce.

Osama Aduib: Owner at 36 Limerock Station: Question regarding if other sites had been considered and why now and why in this location? Response that yes, other sites were considered but issues existed with either the site or the property owners. Habitat is the owner of this parcel and is in agreement with the proposed development.

Laura Werntz: question as to the next meeting date? Laser advised of a tentative date of October 15, 2020 for the continuation of the Public Hearing. Emily Jones advised that the date was a conflict for her and asked that an alternate date be considered. Chairman Laser asked for a motion to continue the Public Hearing. MOTION by Marlowe, seconded by Inconiglios to continue the Public Hearing to October 14, 2020, at 6:30 pm.; unanimous.

Adjournment: Meeting adjourned at 8:47 pm by Chairman Laser, following the Motion to continue the P.H. to 10/14/2020.

Respectfully submitted, Alice Macchi, Recording Secretary