

PLANNING AND ZONING COMMISSION  
TOWN OF CANAAN  
FALLS VILLAGE TOWN HALL  
108 Main Street, Falls Village, CT. 06031  
Public Hearing, March 28, 2024, 6:15 p.m. (hybrid)

Present: Chairman, Fred Laser (remote), Zoning Enforcement Officer, Janell Mullen, Vice Chairman, Stephen Koshland and Regular Members, Greg Marlowe, Doug Cohn, Matt Macchi, Kim Mahoney and Ruth Skovron and Alternate Member, Marc Rosen (remote). Also Present: Allen Cockerline, Dave Mallison, Susan Kelsey, John Allen, Tim Kinsella, Chris Kinsella.

Acting Chairman Marlowe called the Public Hearing to order at 6:15 p.m.

AGENDA:

1. Consideration of a Proposed 4-lot Subdivision - Coolidge Property - Beebe Hill Road (Map 4, Lot 15-2). Presentation by Engineer, Keith Bodwell. Questions/comments/discussion. The following needs to be received from the applicant: list of abutters, copies of return receipts of mailing, soils report and a separate sheet with their notations on the map, TAHD approval (documentation with Julie Prue), Power Of Attorney authorizing Keith Bodwell to act as a representative of the owner(s). Discussion regarding fees in lieu of open space to be established by the Commission in advance of a sale. Further noted, the shared driveway of lots #2, #3 & #4 shall not be developed until the Commission has reviewed and approved in accordance with 2.6D5 (Shared Accessway Standards) and in accordance with Storm Drainage Standards (5.10, as amended). Discussion regarding driveway requirements. Driveway grade - steepest point (18%), as reported by Bodwell. Marlowe referenced the max slope amount of 15% set forth in the regulations. Marlowe also commented on a performance bond for driveway compliance. Lots will be sold off individually, all will have separate site plans for approval, per Bodwell. Marlowe made mention of the Subdivision regulation packet. Marlowe made further comments on the following: driveways and best use of natural terrain, contours, preservation and enhancement of community resources, protection of agricultural lands (plan for preservation?). Marlowe further referenced provisions being made for stonewalls, scenic views, ridge lines, ridge tops, prominent hill sides but a specific call out for agricultural lands. Further comment on conservation development, providing driveway access to buildings on the lots, concern again for grades during construction and final material and erosion control. Bodwell made reference to gravel driveways, silt fences and rain gardens, and swales to run into rain gardens on the steeper slopes. Marlowe asked for these to be shown on the map. Marlowe asked if there was a document that showed what the rain garden consisted of (construction and capacity). Bodwell advised that he did not have such a document. Further discussion regarding drainage. Marlowe inquired as to the rain garden and the soils. The steeper slope area includes some wooded area, which will also address run-off, per Bodwell. Bodwell feels a rain garden is the best option to address run-off/storm water management. Marlowe inquired as to open space reservations. Bodwell advised on alternate option of a fee in lieu of open space, which will be requested. Marlowe inquired as to storm drainage and the standards and applicability to subdivision. Marlowe made further reference to the subdivision regulations and how storm

drainage will be addressed. Discussion regarding infiltration swales and measures to slow down the drainage (no piping). Marlowe commented on Section 5.4 - soils and the requirements. No soil reports previously provided by Bodwell. Bodwell noted the soil map overlay as being on the plan. Marlowe inquired as to site conditions and inquired if there were any existing stonewalls? Bodwell advised, no, no actual noticeable stonewalls. Bodwell noted there were no wetlands other than an agricultural pond (not a wetlands area). Drainage report set forth on narrative. Bodwell advised that he is still waiting on TAHD approval. As previously discussed, as lots are sold individually, new owners will come back to the Commission. Skovron inquired as to the common driveway and how that will be addressed by the individual owners as to future applications. ZEO Mullen advised on the requirements for the common driveway and made reference to items that would need to be addressed for approval of future applications. Mahoney inquired if the Commission would need to address driveway concerns as to each of the lots or is it considered approved once the first lot is developed? The driveway will be a consideration as to the development of each of the lots. Marlowe asked for Bodwell's authority to act on behalf of the property owner(s) (needs to be provided). Mahoney inquired if there is recourse if measures that are put into place do not capture the storm water? ZEO Mullen advised yes. Marlowe inquired if requirement changes could be imposed by the Commission if things were to change, including drainage, once the lots are developed? Yes, per ZEO Mullen. Chairman Laser commented, any Public Comment or questions from the public and if Public Hearing closed, the timeline; per Janell, a timeline to close the public hearing is within 65 days and decision to be made within 35 days. Public comment by John Allen regarding rain gardens, will they be installed by the developer or by future homeowners... Bodwell advised that the install would be by the developer. How does the water get from the Road to the Housatonic River, noting the rain gardens will not stop the flow? Drainage issue critical and felt a full engineering report should be done for further analysis. John Allen commented further on the wetlands off the property and will this affect the wetlands on that property and the wildlife (adverse effect on Facchin Street)? Marlowe further inquired as to where does the water go that's captured in the rain gardens? Bodwell commented on the rain gardens slowing the water down and sheet flow to spread out and across the wooded area for a larger area to infiltrate. Bodwell commented further on the minimal development of a large tract of land. Marlowe commented that he felt there's a need for a second Engineer to look at this, hired by the Town, funded by the Applicant, to make a further review. Marlowe commented that wetlands on Facchin St., if not contiguous, as being a moot point. Facchin is far enough away and Facchin is in a different water shed, as noted by ZEO Mullen, and noting further that the upland review area as being well outside of the parameters of the subdivision. Further comment by John Allen as to the rain gardens and spreading out toward Red Fox Farm, which already has huge drainage problems and further comment for concern for future purchasers of the lots and the development, as it relates to conflict with the other parcel owners and a requirement for a more detailed plan by the developer to address such future concerns? Discussion. Inquiry by Tim Kinsella, when was it perc tested and was it today after all the rain? Bodwell addressed the question, noting that perc testing is not dependent on rain/weather because holes are pre-soaked, creating the same conditions when the septic system is installed or drainage installed. Bodwell estimated that the perc testing was done approximately 3-4 months ago (specific date not available). Modeling is modeling, no change based on rain/weather, with further explanation of procedure for perc

testing explained by Bodwell. Comment by Susan Kelsey of concerns and issues from Inland/Wetlands and material shared with ZBA, advising that the Beebe Hill drainage issue has been a topic of concern for at least the past 40 years. Kelsey advised on a past detailed engineering study done and options for draining to be addressed; however, nothing was or has been done by the Town to address the drainage issues on Beebe Hill Road. Kelsey reported on continuing concerns over the years and an ongoing very significant issue to our Town. Kelsey referenced a drainage ditch through the woods, noting George Anastasia's concerns for drainage, which would have run through the woods behind the Mahoney property. Kelsey reported on a prior communication relating to the drainage and erosion issues, resulting from future construction, reiterating the extensiveness of concern being on the Town radar. Marlowe questioned Bodwell on any visible erosion today around the swale work; per Bodwell, not on the soils and Bodwell commented that he feels that the development of the lots will help with erosion and allow for the Commission to come up with requirements. ZEO Mullen commented on two letters received from Allen Cockerline, questioning availability of plans online or at Town Hall, supports the driveways and inquiry of the regs support, and ZBA decision on driveways and indicated support of the application. ZEO Mullen responded and he responded to voice his support for an approval and even more supportive after reviewing the plans provided by Mullen. Cockerline indicated encouragement of extensive rain gardens and much of the farmland appearing to remain. Comment by Marc Rosen, thanking the presenter for being thorough and helpful and doesn't find anything to object to at this point.

Close of Public Hearing: **MOTION** by Laser to close the public hearing with caveat that the requirements being requested be presented prior to the next meeting to have the opportunity to discuss further after the meeting is closed or at the next meeting, with additional comment that the Public Hearing presentation was very thorough and helpful. Laser commended Marlowe for being so thorough relating to the subdivision and property conditions and drainage issues appropriately addressed for subdivision regulations and further commented that when property owners come before the Commission the drainage issues and driveway issues can be looked at again at that time. Marlowe asked if there's any other public comment. PC: Chris Kinsella commented on topography and issues mitigated early on back in the early 1970's and how sensitive it can be, and expressed concern for liability if not correctly addressed? Question by Kelsey, if the public hearing is closed can additional information be received; no per Janell. Kelsey referenced additional letters and other documentation. Mullen advised that she would be in favor of receiving such letters and other documentation, as staff, for potential future development. John Allen reiterated his comment on procedural perspective as to the more work that the current owners do on the property in terms of drainage, the better off for the Town, rather than addressing it with 4 landowners with more technically difficult drainage issues in the future. It was so noted that the owners will not be taking on the addressing of any additional drainage measures. Motion of Laser seconded by Skovron; discussion; there being none, the Commissioners voted to close the Public Hearing; unanimous by individual vote. Acting Chairman Marlowe closed the Public Hearing at 7:52 pm.

Respectfully submitted, Alice Macchi, Recording Secretary