

PLANNING AND ZONING COMMISSION
TOWN OF CANAAN
FALLS VILLAGE TOWN HALL
108 Main Street, Falls Village, CT 06031
Regular Meeting

March 28, 2024, 6:30 p.m. or to immediately follow the public hearing (Hybrid)

Regular Meeting:

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). Absent: Regular Member, Vincent Inconiglios. Also Present: Keith Bodwell, Engineer and Dave Mallison.

Acting Chairman Marlowe called the Regular Meeting to order at 7:52 p.m.

AGENDA:

1. Call to Order & Approval of the Minutes: A. Regular Meeting minutes - February 22, 2024: MOTION by Macchi, seconded by Koshland to approve the Regular Meeting minutes of February 22, 2024, as presented; approved unanimously. B. Special Workshop Meeting minutes - March 7, 2024: MOTION to approve the Special Workshop Meeting minutes of March 7, 2024; discussion; comment by Koshland that a change was needed: adjournment was by Acting Chairman, Greg Marlowe and not by Chairman, Fred Laser; Motion by Koshland, seconded by Mahoney to approve the Special Workshop Meeting minutes of March 7, 2024, as amended; approved unanimously.
2. Public Comments: Comment by Susan Kelsey regarding memo from Janell to Conservation/Wetlands Commission questioning regulatory authorities and establishment of Conservation Commission, which Susan responded to and provided documentation to ZEO Mullen. Further comment regarding concerns for Beebe Hill drainage and pleased that the PZ will be addressing this in the future. Marlowe advised that the goal is for the PZ to work together with the other Commissions.
3. New Business: A. Proposed Subdivision - Beebe Hill Road (Map 4, Lot 15-2): Overview by Laser with inquiry of ZEO regarding list of outstanding items for review of the application and any concerns brought up at the Public Hearing? Looking for documentation to be provided prior to the next meeting. ZEO Mullen provided her list: 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). Marlowe commented as to struggling as to how to possibly act on the application tonight and referenced the fees in lieu of open space, in essence, it's set by the Commission to set the fee, what is that based off? Discussion. Comment regarding future purchasers would incur a fee in lieu of open space. In addition to addressing the fee, also other amendments to subdivision regulations to be reviewed by the Commission. ZEO Mullen noted that the subdivision approval would be based on conditions, fee in lieu to be established by the Commission, drainage reports to be

reviewed and to be made a part of the record. Cohn made comment on the concerns discussed and expressed leaning more on the side of being more restrictive for future protection. Marlowe concurred and felt it was awkward to approve a subdivision but felt the approval was the idea of it (in concept) and the proposed lots and how does that affect the proposed size and number of the lots. ZEO Mullen advised that any changes to the number of lots and reconfiguration of lots would be a re-subdivision and the specific map would be referenced with the subdivision approval. ZEO Mullen provided an explanation on the Commission's role in the decision of the application. Chairman Laser commented on the regulations noting that if the applicant meets the regulations, the Commission has to look favorably on approval. Chairman Laser further commented that it would be incumbent on the developers of the lots to provide the engineering for the lots, and the applicant has addressed all the issues that are under the regulations and wonders if there are any other issues that are strictly zoning issues required by the applicant that would preclude the Commission from moving forward on considering an approval? Laser commented that he feels the applicant has met the criteria. Further, this is not an idea, but a concrete plan, set of site plans, application, real and if it meets the regulations there is an obligation as a Commission to look favorably on the application. Laser feels it's important to focus on that aspect and when the developer comes to the Commission, then additional stipulations for drainage can be looked at, speculating on adding additional considerations, but noting that we have to deal with what is in front of us and determining if the applicant has met the subdivision regulations. Koshland commented on the exceeded grade on one of the driveways and making a stipulation to address that. ZEO Mullen commented in the event that building occurs, all zoning regulations are satisfied. Pursuant to statute 8-25 subdivision of land which governs the decision making, the applicant needs to demonstrate that the land to be subdivided shall be of such character that it can be used for building purposes without danger to health or the public safety, that proper provision shall be made for water, sewerage and drainage, including the upgrading of any downstream ditch, culvert or other drainage structure which, through the introduction of additional drainage due to such subdivision, becomes undersized and creates the potential for flooding on a state highway, and, in areas contiguous to brooks, rivers or other bodies of water subject to flooding, including tidal flooding, that proper provision shall be made for protective flood control measures and that the proposed streets are in harmony with existing or proposed principal thoroughfares shown in the plan of conservation and development. Mullen noted that given no proposal for any streets, there is no need to get into intersections, but essentially what applicant is providing is that the lots being created can be used for building purposes without danger to health or the public safety and proper provisions have been made for water, sewage and drainage. Discussion regarding the criteria has been met. Marlowe commented/asked, for discussion purposes, subdivision regulations strongly revert back to the POCD, seeing that POCD was just completed, does anyone see any issues from any information in the POCD to the application? Koshland commented that preserving open space and farmland are important and feels that at least the two very large lots in the subdivision preserve the look and he feels it meets the Town's wants and desires based on how they see the Community. Discussion and comment. Question by Mahoney regarding reg re-evaluation of subdivision regulations and would subdivision approval be under current

regulation as they stand now or after regulation re-evaluation; it would be under the current regulations. MOTION by Laser to approve the subdivision with conditions and ZEO Mullen will lay out the conditions (see below) and would like the Commission to approve those conditions and any other concerns should also be included in the approval; Marlowe commented that the conditions would be those set forth by ZEO Mullen earlier, being: the Commission will receive the 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), and added subsequent steps that the fee in lieu of open space shall be established by the Commission, discussion, and in advance of any sale, the shared driveway of lots 2, 3 and 4 shall not be developed until the Planning and Zoning Commission has reviewed and approved in accordance with 2.6(d5), shared accessway standards, (and it's associated drainage measures), and in accordance with storm drainage standards 5.10, as amended; further discussion, motion seconded by Skovron, unanimously approved by individual vote.

4. Old Business: A. Village Center Parking Plan - Sidewalk Standards - Janell advised on two different property owners in the Village Center expressing interest in potentially making changes to the sidewalks. Janell commented that in the past things have occurred and that it should be noted that the sidewalks are part of the public right of way and Town property and that sidewalks are not for private property owners to extend their front yard. Discussion regarding establishing a standard that the public right of way is the purview of the Town and that we will keep our sidewalks intact as to the best of our ability; discussion. Marlowe read the current Standard to the Commission, which seems to be poorly written and in need of revision. Conclusion (consensus): it's Town property and it can't be moved; public, Town owned property. (Consensus to remove 5.5 from regulations.) Discussion. Janell read the email from one of the property owners to the Commissioners. Further discussion. B. Subcommittee on P&Z Membership - P&Z Guidelines: update by Koshland; April meeting canceled. Next meeting in May. Handout of sheets by Koshland for consideration for inclusion in pamphlet (2 sheets planning, 2 sheets zoning and 1 sheet prepared by Janell) for review and further comment.

5. ZEO Report: Next workshop meeting scheduled for April 10th should be canceled and rescheduled due to absences. Regulation review moved to April Regular Meeting, which will also address other regulations for discussion. ZEO Report included Zoning permits issued, Zoning Inquiries, Zoning Complaints/Potential Violations, Misc. and Training Opportunities. Questions/comments/discussion. By consensus, the Zoning Report (copy attached) was accepted as presented.

6. Public Comments & Official Correspondence: None (Chairman Laser commended the Commissioners on the Beebe Hill Subdivision application).

7. Other Business to come Before the Commission: None

8. Adjournment: MOTION by Marlowe, seconded by Koshland, to adjourn the meeting; approved unanimously. Acting Chairman Marlowe adjourned the Regular meeting at 9:02 pm.

Respectfully submitted, Alice Macchi, Recording Secretary

ZONING REPORT

Town of Canaan (Falls Village) Planning and Zoning Commission
108 Main Street | Falls Village, CT 06031

Prepared for and issued regular meeting of March 28, 2024

Zoning permits issued:

1. 64 Route 7 N - garage (36' x 24') to comply with zoning setbacks
2. 80 Under Mountain Road - addition
3. 88 Route 126 - garden shed and ground-mounted solar array
4. 118 Beebe Hill Road - retaining walls & other hardscape improvements

Zoning Certificates of Compliance:

1. 40 Music Mountain Road - Single family & outbuildings renovations as well as various site improvements

Zoning Inquiries:

1. 55 Beebe Hill- Phillip & Thomas - conversation involving lot line, future project, etc
2. 61 Route 7 N - conversation w Vanessa Periera involving possible home busine
3. RT 63 (Map 5, Lot 47)- inquiry regarding ability to subdivide this 25 acre parcel
4. Yelping Hill & Music Mtn intersection - conversation w Atty Riiska regarding ownership, access, and the discontinuation of Yelping Hill Road in Falls Village
5. 92 Main Street - question regarding removing and replacing sidewalk

Zoning Complaints/Potential Violations:

1. Selectman Kinsella relayed drainage concerns regarding subdivision location on Beebe Hill Road - no zoning complaint form or official correspondence has been received
2. Concerns from applicants regarding ZBA process and understanding of their authority- also delayed reimbursement due to ZBA error
3. Applicant concerns regarding IWCC agenda and understanding of their jurisdiction (eg Beebe Hill subdivision)
4. CTDOT encroachment concerns on Route 7 near Under Mountain Road

Misc:

1. Beebe Hill subdivision (Coolidge Property Map 4/15-2) ZBA has denied the variance outside of their parameters for denials. P&Z has received the application for a subdivision that complies with the current zoning regulations and are scheduled to hear it on March 28th at 6:15 PM.
2. IWCC - dual function as Conservation Commission - after concern around an understanding of their jurisdiction, it was brought to my attention that the Commission discusses "Conservation" items. ZEO has requested that this role gets communicated to the P&Z so that we are made aware of this function and understand how to best collaborate.

Training Opportunities:

See OPM Hand-out dated March 2023

****Please use planningandzoning@canaanfallsvillage.org as my address email for all functions associated with Planning and Zoning and the Town of Falls Village.****

*Respectfully submitted,
Janell M Mullen, Planning Consultant*