

TOWN OF HEBRON
PLANNING & ZONING COMMISSION
March 10, 2009 – Public Hearing
Town Office Building

RECEIVED

Members Present: L. Hinman, F. Zitkus, N. Wood, B. Raymond, J. Podell

2009 MAR 17 P 3:36
Carol A. Pomroy
HEBRON TOWN CLERK

Alternates Present: B. Casoni, G. Gotowala (7:18 p.m.)

Staff Present: M. O'Leary, Town Planner

Guests: Attendance Sheet on File

The public hearing was called to order at 7:00 p.m.

Petition 2009-2 Application of McCarthy Developers, LLP, for approval of a Subdivision and a Special Permit application to permit a 4 lot Mini-Estate Subdivision submitted under the provisions of the Hebron Subdivision Regulations and Sections 8.1 and 8.17 of the Hebron Zoning Regulations on a 52.53 acre parcel of land premise located at 190 West Main Street (Assessor's Map #23, Lot #1) R-1 District; T. Crawford noted that the changes to the plans are the addition of a conservation easement over portions of the open space and over areas of steep slopes on Lots #1 and #4. In addition, there is a conservation easement on Lot #2, which covers the entire wetland area on that lot and 50 feet of the upland areas. Also, there is a revised cul de sac. T. Crawford indicated that 44% of the property will be covered by conservation easements.

T. Crawford stated that the applicant is proposing to name the road HH Farms Road, which is Hebron Homes.

M. O'Leary noted that there is an updated report dated 3/10/09 received from the Town Engineer. Also, a report dated 3/10/09 was received from S. Knauf.

M. O'Leary went over his report dated 2/20/09. M. O'Leary stated that he spoke to the Town Attorney regarding the private conservation easement and public open space. The Town Attorney noted that the Town will have an enforcement issue and it will be more of a liability for the homeowners than it would be for the Town. In addition, this would be more of an administrative issue if this was public open space.

G. Gotowala arrived at 7:18 p.m.

F. Zitkus questioned if an easement could be put on the west side of the driveway. B. McCarthy stated that would be fine.

The public hearing on Petition 2009-2 closed at 7:20 p.m.

The public hearing adjourned at 7:20 p.m.

Tricia Schiavi
Tricia Schiavi
Board Clerk

**TOWN OF HEBRON
PLANNING & ZONING COMMISSION
March 10, 2009 – Regular Meeting
Town Office Building**

RECEIVED

2009 MAR 17 P 3:36

W. A. Raymond
HEBRON TOWN CLERK

Members Present: L. Hinman, F. Zitkus, N. Wood, B. Raymond, J. Podell

Alternates Present: B. Casoni, G. Gotowala

Staff Present: M. O'Leary, Town Planner

Guests: Attendance Sheet on File

The public hearing was called to order at 7:20 p.m.

Approval of Minutes - February 24, 2009 – Public Hearing: It was noted on Page 3, 6th paragraph, "M. O'Leary" should be "L. Hinman. Also the following should be added to the end of paragraph 6, "M. O'Leary suggested that a conservation easement overlay be applied to the proposed area of private open space."

F. Zitkus moved and N. Wood seconded a motion to approve the minutes of February 24, 2009 Public Hearing as amended. The motion passed with B. Raymond abstaining.

February 24, 2009 Regular Meeting: It was noted on Page 1, 2nd paragraph, last sentence should read, "F. Zitkus stated that the applicant could propose a zoning amendment for the Commission's consideration."

F. Zitkus moved and N. Wood seconded a motion to approve the minutes of February 24, 2009 Regular Meeting as amended. The motion passed with B. Raymond abstaining.

The Commission recessed at 7:25 p.m.

The Commission reconvened at 7:30 p.m.

L. Hinman seated G. Gotowala for B. Raymond because G. Gotowala attended the public hearing on Petition 2009-2.

Action on Pending Applications:

Petition 2009-2 Application of McCarthy Developers, LLP, for approval of a Subdivision and a Special Permit application to permit a 4 lot Mini-Estate Subdivision submitted under the provisions of the Hebron Subdivision Regulations and Sections 8.1 and 8.17 of the Hebron Zoning Regulations on a 52.53 acre parcel of land premise located at 190 West Main Street (Assessor's Map #23, Lot #1) R-1 District: F. Zitkus stated that if the pond were entirely on the site that would make a connection to the open space then he would be in favor of it being public open space. The applicant has agreed to conservation easements above and beyond.

It was the consensus of the Commission that it would be a good idea for the pond to be in private open space. The Commission requested that the applicant take the name Holman Pond Road under consideration.

F. Zitkus moved and N. Wood seconded a motion to waive the minimum paved width of the proposed private roadway from 22 feet in width to 18 feet and 16 feet wide pavement sections, as depicted in the proposed subdivision plans, for the following reasons: 1) as recommended by the Inland Wetland Agency for the purpose of reducing impacts to the wetlands and watercourses on this site; 2) to minimize additional construction of the dam on the property which would directly impact wetland soils; 3) to reduce the width of grading and site disturbance on the sites steep slopes; to reduce the amount of impervious surfaces and stormwater discharges on a unique site. The motion passed unanimously.

F. Zitkus moved and N. Wood seconded a motion to approve Petition 2009-2 Subdivision Application of McCarthy Developers LLP for a 4 lot subdivision and a Special Permit Application for Mini-Estates Subdivision under Section 8.17 of the Zoning Regulations subject to the following conditions:

1. A performance bond for site improvements in an amount acceptable to the Town Engineer shall be submitted to the Town in a form acceptable to the Town Attorney. The Bond shall be submitted prior to the filing of subdivision mylars or the subdivision mylars shall contain a notation that no lots may be sold and no building permits shall be issued until the bond for the incomplete work is submitted.
2. An erosion and sediment control bond in an amount acceptable to the Town Engineer shall be submitted to the Town in a form acceptable to the Town Attorney prior to site work.
3. Prior to the filing of the subdivision mylars with the Town Clerk, the subdivision inspection fee as required by Town Ordinance shall be submitted.
4. Prior to the filing of subdivision mylars, all deeds for the roads and open space as well as all easements as shown on the subdivision plans shall be fully executed and submitted to the Town for approval and filing on the land records.
5. A preconstruction meeting shall be held with the Town staff, the engineer of record, and the site contractor prior to site work, and after final plans addressing all conditions of approval have been submitted to the Town for signature.
6. The edge of all open space parcels and conservation easements shall be marked in the field each 50 feet with plaques provided by the Town, prior to any further site disturbance.
7. The Open Space shall be identified on the plans as private open space owned by the homeowners association consisting of the owners of the 4 lots within this subdivision.
8. The deed describing and transferring the open space shall contain the following restrictions as set forth in Section 6.10 of the Subdivision Regulations: a) the open space shall be left in its natural state by the subdivider, except for improvements as may be

approved by the Commission, and shall not be graded, cleared, disturbed, or used as a repository for stumps, brush, earth, building materials, or debris; b) the deed transferring interest in the property shall be in a form acceptable to the Town, and shall provide, at a minimum: i) That all such covenants or restricts shall be binding upon and inure to the benefit of all present and future owners of the land within the subdivision; ii) That such covenants or restrictions may be enforced by each present and future owner of land within the subdivision and also by the Town by appropriate action in court for damages or for affirmative or negative equitable relief; iii) That the rights and duties created by such covenants or restrictions shall not in any way be modified or amended without the prior written approval of the Commission; iv) That if at any time maintenance, preservation or use of such open space area shall not comply with or fulfill the provisions of such covenants, or restrictions, the Town may, at its election, take any and all such action as may be necessary or appropriate to assure or enforce compliance and to assess against the owners of land within the subdivision, either jointly, or severally, all costs incurred by the Town for such purposes; and, v) that the Commission shall approve any transfer of title of interest of the open space parcel to any successor entity.

9. The plans dated March 5, 2009 shall be modified to extend the Conservation Easement to cover the entire private open space area (except for the area disturbed by drainage and the storm water quality basin).

10. The subdivision plans to be filed in the Land Records shall contain a notation that the subdivision roadway is private and shall remain private in perpetuity; and, all the deed transferring lots within this subdivision shall contain an obligation on the owners of such lots to maintain the private road in perpetuity.

11. All modifications required by the Commission shall be included on the final plans and copies of all letters of approval from all land use agencies shall be added to the final plans prior to signature by the Commission. One mylar copy and four blueprint copies of the entire set of plans shall be submitted to the Town Planner for signature by the Commission.

12. The procedure of inspections of improvements required by the Town as set forth in the “Town of Hebron, CT Standard Plan Notes,” is an integral part of this approval.

13. The name of the private road to be determined at a later date.

The reasons for this approval are the approved subdivision will provide an extended area of preserved land that would abut the site’s wetlands and protect steep slopes while minimizing impervious surface.

The motion passed unanimously.

L. Hinman unseated G. Gotowala for B. Raymond.

New Business:

Set Public Hearing Dates:

Petition 2009-5 Application Carolyn Bogue for Subdivision and Special Permit approval for a rear lot, Gilead Street, R-1 District: It was decided to hold a public hearing on 3/24/09.

Petition 2009-6 Application of Joseph Morin for Special Permit approval for conversion to year-round, 5 Elsmere Road, AL District: It was decided to hold a public hearing on 4/28/09.

Nature Conservancy Meeting re: Stormwater Quality and the Salmon River: M. O'Leary stated that there is a study being conducted with the Nature Conservancy in cooperation with all of the Towns in the Nature Conservancy. M. O'Leary indicated that Hebron has put in \$5,000 in the budget which was used as a matching grant. A consultant was hired who is reviewing all the land use regulations from each town as well as trying to understand Town maintenance practices for the roads that affect the quality of the wetlands and ultimately the Salmon River. They are looking to make recommendations to the Towns for the regulations. The consultant is planning to meet with each Town. They are coming to Hebron on March 25, 2009 between 12-2 to sit down and talk to staff and some land use commission members.


Other New Business:

Letter from Marlborough dated 2/24/09 regarding application for a subdivision on Papermill Road: This subdivision will be within 500 feet of the Hebron town line. There is an agreement between Public Works Directors where Marlborough plows this portion of Papermill Road.

The Commission reviewed the plans and noted that a conservation easement within the regulated area up to 100 feet should be added. The Commission recognizes that the Fawn Brook is one of the most sensitive areas in Town. Also, connect Lot #6 driveway to the common driveway.

M. O'Leary stated that a memo was received from C. Eaton regarding Xtra Mart requesting the addition of a kerosene dispenser island to the Route 66 site. M. O'Leary indicated that he sent this to the Fire Marshal and Town Engineer for their review. The Commission indicated that they were fine with the kerosene dispenser.

The meeting adjourned at 8:18 p.m.


Tricia Schiavi
Board Clerk

