

DRAFT MINTUES
Town of Canton
Canton Planning Commission
Regular Meeting
Monday, July 1, 2013, 7:30 p.m.
Library Community Center, Room F
40 Dyer Avenue, Canton, CT

CALL TO ORDER: Chairman Aldridge called the meeting to order at 7:34pm.

ROLL CALL:

Present: Rosemary Aldridge, Michael DiPinto, David Evens, Andrew Magnan (Alternate), Bruce Mortimer

Absent: David Freeman

Also Present: Roland Klee, Asst. Town Planner; Atty Daniel Bloom; Lori Savino

REGULAR MEETING

OLD BUSINESS:

NEW BUSINESS:

- 1. File #541; 58 High Valley Drive; Assessor's Map 12; Lot 3020058; Zone AR3; Request modification of Conservation Easement; Lori Savino, applicant/owner.**

Mr. Klee summarized the issue. He stated that the homeowner built a tennis court that encroached an easement many years ago. Now they are looking to sell the property and they are petitioning to swap 1000 sq ft of a different part of the property in order to keep the tennis court. The Board of Selectmen approved the amendment to the conservation easement and referred the issue to the wetlands agency. Wetlands approved the swap and stated that the tennis court is not in a wetlands area.

Daniel Bloom attorney for the homeowner also reviewed the issue. He stated that the problem surfaced 3 years. He advised that the placement of the tennis court encroaching the easement was an innocent mistake, and the homeowner has offered a conveyance to the town for the encroachment area. He advised that the encroached area is 316 sq ft, and they have offered to give 1461 sq ft to town in exchange for the amendment. Mr. Bloom noted that this is just to update the maps, no construction will take place. He reminded the Committee that the issue has been presented and approved by Wetlands and the Board of Selectmen.

Mr. Bloom advised that the abutting properties are privately owned. When the homeowners sold the abutting lot, there was an error in the sale. The "triangle" area in question should have stayed with the homeowners as they have been paying the taxes. However, in the paperwork, the triangle was sold to the neighbors.

Lori Savino, the homeowner, described the area of the tennis court as flat and the corner of the easement is a gradual slope. The Committee stated they would like to review the topography plans. She also noted there are not any hiking trails on the property.

Mr. Bloom noted the width of the easement as it crosses the property line is 14.35 ft. x 10 ft.

Mr. Klee noted he did not have any background information on the easement.

Mr. Bloom advised that 2.5 years ago the homeowners received suggestions from the Planning Committee and Wetlands Committee on how to layout the tennis court. Fran, the town building inspector at the time was out to the site and did not notice the encroachment.

Were plans submitted to Wetlands show topography? Yes

Was tennis court superimposed on a topography map? No

Ms. Aldridge asked if the topography plans were submitted to the Wetlands. Mr. Bloom advised they were. She then asked if the tennis court was superimposed on the topography plans. He stated they were not. She expressed concern that the town wasn't aware of this issue during the construction and that builder didn't adhere to easement lines.

The Commission expressed concern that the easement was encroached upon and the possibility that it could be again.

Mr. Klee agreed to look for the existing topography plans.

Ms. Aldridge clarified her request, she would like to see the plan presented tonight superimposed on the topography plans.

Mr. Bloom noted that the Conservation Commission reviewed the issue and was agreeable informally. The Planning Commission will review the minutes of the meeting.

Mr. Magnan suggested the Commission approve the modification based on drawings presented. He agreed with Mr. Bloom that this is very simple exchange.

Mr. Bloom offered a covenant in the sale agreement to protect the conservation easement from construction in the future.

Mr. Aldridge stated she would accept the Conservation Commission's recommendation.

MOTION: Mr. DiPinto moved to approve the modification of the conservation easement in accordance with evidence of a favorable response from the Conservation Commission based upon their informal review provided to the Planning Commission. **XXX** seconded the motion. The application passed unanimously, 5-0-0.

2. Referral #374; Connecticut General Statutes Section 8-3a Review and Report; Zoning Regulation Amendment; Amend Section 9 Definitions to add Donation Drop Box and add to Section 8 Additional Standards, Section 8.7 Donation Drop Boxes; Canton Zoning Commission, applicant.

Mr. Klee advised the Commission that there is a request to add a new zoning regulation for the large dumpster like donation boxes for charities. Mr. Klee will have to locate all the boxes and inspect them each year. The Commission felt that protection from eyesores and maintenance should be addressed in the regulation. The Commission also discussed possible fees for obtaining a permit for the dumpster and the administration fees.

MOTION: XXX moved to recommend the requested zoning regulation with the provision to add terms to ensure the donation boxes meet reasonable aesthetic standards, are maintained in good condition and request a photo of the box with any new applications. Mike seconded the motion. The motion passed unanimously, 5-0-0.

OTHER BUSINESS:

1. Acceptance of minutes of 5-6-13 meeting.

The minutes were reviewed and approved with changes by the Commission.

2. Review of “Approved Guidelines for the Modification of Tree Clearing Limits for Undeveloped Lots, Sweetheart Mountain” - Discussion on recent requests for guidance from owners of “Developed” lots.

Mr. Klee advised that the town has received two more requests for tree cutting guidelines and they expect more. The Commission discussed the proper process to review these requests. It was noted that the intent of the tree subcommittee is to ensure conformity to the spirit to the original plans, but not overburden property owners. Circumstances that do not require subcommittee review are if a tree is dead or dying naturally (not because of construction), if the clearing of the tree doesn't affect view from Collinsville or if tree does not provide privacy on property lines or across the street. The Commission agreed the process for homeowners is to go to the homeowner association first, then to Land Use staff, and then to the tree subcommittee. The subcommittee will review the requests and provide a determination.

Ms. Aldridge noted that if a tree poses a danger, the homeowner has the right to take the tree down, but warns to document it well because the town can make the homeowner replace the tree.

The tree subcommittee currently consists of Mike DiPinto and Bruce Mortimer as an alternate. It was noted that they do not have to meet at the same time. They can meet individually and discuss the issue at a later time.

MOTION: Mr. Mortimer moved to add Dave Evans to the tree clearing subcommittee. Mr. Magnan seconded. The motion passed unanimously, 4-0-1, with Mr. Evans abstaining.

The subcommittee will review Lot #1 for a possible replacement tree. Mr. Klee will forward the information to the subcommittee.

3. File #532; 686 Cherry Brook Road; Discussion of creation of an additional lot by foreclosure.

Mr. Klee advised that the bank foreclosed on this property and divided the lot. There are 20 acres in the back that are unbuildable, and the bank planned to deed them to town for open space preservation. Ms. Aldridge noted that there should not be any signs or MLS listings on this property. Mr. Klee noted that Neil Pade is trying to coordinate communication with the town, bank and 3rd party attorneys. It was noted that the Commission has no actionable items at this time other than to ensure the site is not being marketed.

4. Discussion of Draft Zoning Regulation Re-write The next meeting is 7/10

5. Discussion of Plan of Conservation and Development Update

6. Staff Report

The town has received a complaint that the high school track & field project does not have adequate erosion controls in place. Mr. Klee will follow-up with Jeff Shea.

ADJOURNMENT:

MOTION: **XXX** moved to adjourn the meeting at 9:18. Mr. Magnan seconded the motion. The motion passed unanimously, 5-0-0.