

**PLANNING BOARD
MINUTES
December 18, 2013**

Chairman Johnston called the Meeting to Order at 7:08 P. M with the following members present: Mr. Dwight Anson, Mr. Ken White, Ms. MaryLou Fitzgerald, arrived at 7:10 P. M., Mr. Chris Maron, arrived at 7:17 and recused himself at 7:21 P. M., regarding the Matthew Foley project, Mr. Brian Houseal, Alternate and appointed as a voting member for this meeting. Also in attendance, Mr. George Hainer, Building/Codes Zoning Officer, and Secretary, Barbara Breyette. Guests in attendance, Mr. Kevin Hall, Land Surveyor - Mr. Hall submitted maps to be signed by Chairman Johnston and left at the beginning of the meeting. Mr. Matthew Foley, Riverat Electric.

Minutes: The Minutes of the November 20, 2013 Planning Board Meeting were approved on a motion by Mr. White, second, Mr. Anson, all in favor, carried.

Chairman Johnston - We're up to approve the "language" on a couple of resolutions, and Brian, you haven't been here that long. We have a procedure here that's evolved over time, where we will approve something at a meeting, but we won't actually have the exact language of the resolution worked out, because sometimes there's discussion preceding the approval where issues are raised that end up being included in a condition of the approval and, so forth. So, what we do is draft a resolution following the meeting and what we're approving is the "language" of the resolution.

Mr. Houseal - Ok.

Chairman Johnston - The projects are approved, we're just approving the "language" of the resolution. The first one here is the Requadt/Updike Resolution and there is a correction that needs to be made in this resolution. I don't know if Barbara crossed it out on your copy or not, but the second sentence, should be crossed out, struck out, it's not a "Class B" project.

Mr. Houseal - What kind of project is it? It fall under the jurisdiction of the Town?

Chairman Johnston - Yes, it's in the Hamlet for one thing.

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Mr. Houseal - Ok, thank you.

Chairman Johnston - It's neither an "A" or a "B" project. In this particular case, what we were doing really was designating the project as a "Minor Division", it wasn't even a subdivision, it was a situation where boundary lines were being jockeyed around. We have a provision in our Subdivision Regulations that if something is a minor division, we can deem it a minor division and that's the end of the process, no further requirements apply.

Mr. Anson - So you said, "it wasn't a Class B"?

Chairman Johnston - No, it wasn't a "Class B".

Mr. Houseal - Because, within the Hamlet, it doesn't fall within the APA jurisdiction.

Chairman Johnston - Yes, so that second sentence, just strike it out. Would someone like to offer a motion to approve the language of this resolution? (Requadt/Updike).

Mr. Anson - So move.

Mr. White - Second.

Chairman Johnston - Any discussion? (None voiced). All in favor, carried.

The next resolution, very similar, in that it's a "Minor Division", again, a boundary line is being moved on a piece of property and again, that sentence, that second sentence, should be struck out, --

Mr. Anson - Stephens?

Chairman Johnston - Yes. This piece of property is not in the Hamlet area, but because of the nature of the project, it is neither an "A" or a "B". May I have a motion.

Mr. White - I move we accept this Resolution with the change of the sentence (Class B).

Mr. Anson - Second.

Chairman Johnston - No discussion, all in favor, carried.

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Now, we also have resolutions that I wrote yesterday, and these are resolutions for the projects, "special permits", that were approved in October, when I was away. I wanted to take a minute so you can read these, these are slightly more involved resolutions. What I attempted to do in these resolutions was to reflect the discussion that took place at the meetings. There were a couple of issues that were raised. Why don't we start with the first one, which is the Rusch Resolution and the second one would be the Liberi Resolution. The Planning Board silently read the two resolutions.

Mr. White - I think that captures the --

Ms. Fitzgerald - I wasn't here, but it sounds good.

Chairman Johnston - Ok, Ken, are you offering a motion to accept the, approve the language of that (Rusch) resolution?

Mr. White - I'll so move.

Mr. Houseal - Second.

Chairman Johnston - All in favor, carried.

Let's take a look at the Liberi Resolution.

Again, the Planning Board read the resolution in silence.

Chairman Johnston - This is more or less, all after the fact and George they have located the building such that the set-backs can be achieved, correct?

Mr. Hainer - Yes, in this district, set-backs are right to the property line, it's legal.

Chairman Johnston - You mean there is no set-backs --

Mr. Hainer - As deep as it is, but they are maintaining approximately 10 feet on either side of the lot, the narrow end of the -

Mr. Houseal - So, you've already subdivided?

Chairman Johnston - No, there's a second dwelling being constructed on a lot -

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Mr. Houseal - As I recall, it had to do with the utility ROW, as the impediment.

Chairman Johnston - That was an issue, whether they ran the utility lines across the first house or whether they found some way to run the utility lines without crossing that property.

Mr. Hainer - Now the water line is direct to that property, if they subdivided, the sewer line is not, the sewer line crosses in front of the first house, on.

Mr. Houseal - You're confident this language provides for that ROW should it be needed -

Mr. Hainer - I think the hardest part is tying this, because if we don't have a way to file this, tying this 10 years down the road, making sure that somebody finds it, this document -

Mr. Houseal - Right.

Mr. Hainer - it's not like the APA, you can go out to the County, file it, do a search, and it shows up, I can copy that CO on the back, here again on a search -

Chairman Johnston - If, in the future, they want to create separate lots for these two houses, that would be a subdivision and the Planning Board at that time, without this, should have, should realize that they can't approve the subdivision unless they require an easement. This is a way of kind of alerting the Planning Board that an easement is needed.

Mr. Houseal - I understand. Back to George's point, should this document or it's amendment be attached to one of the deeds, as they subdivide, so that it's a reminder?

Mr. Hainer - Yes.

Chairman Johnston - I don't know, I don't know how you do that.

Mr. Hainer - There's one property owner now -- I talked to one lawyer on this, it's a difficult thing to do. Can't you just put this with the deed, file it? They said, "no". She owns the property and she would be giving the easement

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to herself and that's not an easement.

Mr. Houseal - Ok.

Mr. Hainer -- Hopefully between the water and sewer department at the time when this comes about, if they ever do subdivide -

Mr. Houseal - It's a reminder, if they divide the second property, pay attention.

Mr. Hainer - Right.

Chairman Johnston - Ok. Mr. White, you look like you want to offer a motion.

Mr. White - Absolutely, motion made.

Mr. Anson - Second.

Chairman Johnston - All in favor, carried.

Secretary's Note: The two (2) Minor Division Resolutions and the two (2) Special Permit Resolutions are filed in their respective files.

We're up to Matt's subdivision. **Matthew Foley - Riverat Electric - Tax Map No. 57.1-1-12.000 - Three-Lot Subdivision** -- Between last meeting and today, Peter Gibbs has done some testing on the property. Has everyone seen the report?

The entire report was emailed to the Planning Board. George, could you summarize this.

Mr. Hainer - I think Matt would be better off summarizing it.

This is the time Mr. Maron recused himself and left the meeting.

Mr. Foley - The Park Agency has been to the site, twice. I don't have the report. (Mr. Foley was handed a copy of the report). Peter Gibbs came around, he dug some holes, the property on the North side of the brook, we were not too successful finding any disposal sites, so far. He detailed all this stuff (the report is included in Mr. Foley's file). His conclusion is, (page 2, of Mr. Gibbs'

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letter) his opinion is the west lot, that's on County Route 10, and the east lot, that's the one on the North side, far side of the brook, "that there are adequate soils for onsite sewage treatment on these two lots for at least one home site. Access from Town road and water from onsite deep wells could be sited and designed with minimal effort." He also included a map, but that's not -

Chairman Johnston pulled the map from Mr. Foley's file.

Mr. Foley - Anyway, there's a Pit 10, indicated on here (Map of October 29, 2013). This is from the Park Agency, they identified an area approximately there, which they thought was worthy of further exploration. This is Peter's map, these are the locations of the holes he dug, he dug them with a shovel, he couldn't get down too far, but the soils he found were adequate and that's the basis of this letter and he was actually following the lead from the Park Agency people who were there and dug some holes and thought it was better than we did in the past. I also was at the last Town Board meeting and I think you have a copy (attached, Page 6A), of the resolution.

Chairman Johnston - So, this is a resolution from the Town Board, which Chairman Johnston read from Page 6A.

Ms. Fitzgerald - Well, for future development, that doesn't sound too definitive.

Mr. Houseal - There were test pits dug, that had to do with potential for septic systems and now there's another proposal to tie into the --

Chairman Johnston - that's for another parcel, another piece of the land.

Mr. Houseal - Ok.

Chairman Johnston - George, do you have the map.

Mr. Houseal - So, there are two options.

Chairman Johnston and Mr. Hainer were viewing the test pit map. Matt is this the latest proposal.

Mr. Foley - Well, yes.

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Committee would reconsider using the Town's brand-Westport Simply The Good Life. I contacted the members again and the feeling remained the same, which this is a one-time special event and we really wanted our own logo that was separate from the Town's brand. Not saying that we would not use the other one in conjunction with ours on a banner or something.

RESOLUTION #239
BICENTENNIAL LOGO

On a motion by Councilman Tyler with a unanimous second it was approved after discussion to use Option #3 logo designed by Ingrid Roemischer for the 2015 Bicentennial.

5 Ayes Tyler, Paquette, Sherman, McCormick, Connell
0 Nays

HIGHWAY GARAGE UPDATE – Councilman Sherman reviewed the timeline that had been set for the project. There will be a committee meeting on December 16th at 5:00 p.m. and the DPW and Fire District will also meet before at 4:00. A public meeting will be held on January 13th at 7:00 p.m.

WADHAMS WASTE WATER TREATMENT – The Engineer is doing their work on the grant application.

PLANNED UNIT DEVELOPMENT LAW (PUD) – Bill Johnston has been having discussions with the lawyer and is getting ready for the public hearing.

NEW BUSINESS

MATT FOLEY REQUEST – The Clerk read the request of Mr. Foley for permission to allow him connection points for sewer hookups to the Wadhams sewage collection and treatment system.

RESOLUTION #240

*** FOLEY APPROVAL FOR SEWER CONNECTION**

On a motion by Councilman Sherman seconded by Councilman McCormick and approved on a roll call vote.

5 Ayes Tyler, Paquette, Sherman, McCormick, Connell
0 Nays

RESOLVED to authorize Matt Foley to hook in to the Wadhams sewer collection and treatment system conditional on the plant having the capacity and all costs will be the responsibility of the landowner.

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Chairman Johnston - At this point, are you proposing a two-lot or a three-lot subdivision.

Mr. Foley - I'm not sure actually. The problem is this lot here.

Mr. Hainer - It's not contiguous with the other half, right?

Mr. Foley - No, it's not.

Mr. Hainer - No.

Mr. Foley - This is the Hamlet line,

Mr. Hainer - The Hamlet's separate-

Mr. Foley - yes, this is Rural Use, this is Hamlet (referral to the pit map of October 29, 2013) and this is Rural Use, and we will then be proposing to split it into three parcels. We're not sure that we're actually going to proceed with the subdivision, at this time, but we'll definitely go with this one.

Chairman Johnston - It sounds like you're, what you want now is a two-lot subdivision, right?

Mr. Foley - Yes.

Chairman Johnston - Ok, and the parcel that's to the North of the brook, that's the parcel where Peter Gibbs did the testing -

Mr. Foley - Yes.

Chairman Johnston - and it's determined that -

Mr. Foley - here's 10 the area, and his map is right here.

Chairman Johnston - and then, if in the future you divide the portion that's on the west side of the brook, the Hamlet portion, which has the poorer soils, that can be connected to the Wadhams system.

Mr. Foley - Actually, there's some very good soil on this side, up in here, these two pits are very good, this is very sandy, once you get into this area. Peter's done a

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lot of this and what I learned from him is in places like this where there's been glaciation, that's swept the area and deposited soils, like here, this pit is bad, but you go over here and it's good, it's very, very picky, as to where you dig. The other reason for going to the Town Board, is you know this is one quarter of the land that's around Wadhams, all the rest is Resource Management and the sewer treatment plant, I'm told, is about at half it's capacity, now.

Mr. Houseal - What's the extension of the sewage treatment plant up through the center of Wadhams, up the road?

Mr. Foley - Well, it's connected to all these houses, connected to my house, which is right here, --

Mr. Hainer - Your house is probably the last house.

Mr. Foley - Yes, but Kevin Raines is also connected to it, so, there's a pipe under Route 22, and a pump station just on the other side, which pumps it right up to the septic tanks.

Chairman Johnston - I think we can approve this tonight, but that starts the clock ticking -

Mr. Foley - I'm aware of that.

Chairman Johnston - sixty-two (62) days, and let me ask you, "do you want us to approve it, tonight", do you want to start the clock ticking,

Mr. Foley - yeah -

Chairman Johnston -- or do you want to take more time to think about this?

Mr. Foley - I think you could just go ahead and approve it.

Mr. Hainer - As a two-lot?

Chairman Johnston - As a two-lot subdivision?

Mr. Foley - Well, I was under the impression that you approve a three-lot subdivision and I decided to file a map showing a two-lot subdivision, that's my right. If you

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pursue this subdivision further, then we have to go through the process again.

Chairman Johnston - If we approve this as a three-lot subdivision, and you file a map showing a three-lot subdivision, then you're going to have three lots and the assessor will assess each of those -

Mr. Foley - I'm aware of that.

Chairman Johnston - ok, so then you're asking us to approve a three-lot subdivision with the one boundary being the brook and the second boundary, being the Hamlet, boundary line.

Mr. Foley - Yes, but, when I file the map, it may only show the two lots.

Chairman Johnston - I don't think you can do that.

Mr. Foley - Ok, two lots then, Mr. Johnston.

Chairman Johnston - I'm not trying to be difficult, Matt, I'm just trying to do the right thing. You're asking now, you've decided that we do a two-lot subdivision.

Mr. Foley - Yes.

Chairman Johnston - Ok. Would someone care to offer a motion to approve a two-lot subdivision -

Ms. Fitzgerald - I so move.

Mr. White - Second.

Chairman Johnston - Any discussion -

Mr. Houseal - I'm not sure what the boundaries are, Matt.

Mr. Foley - The Hamlet line, which is -

Chairman Johnston - Well, no, it's the stream.

Mr. Foley - The center of the brook is the Hamlet line -

Mr. Houseal - Alright, but you just presented a three-lot subdivision option, show me again on the map -

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Ms. Fitzgerald - he's taking that out.

Mr. Houseal - Just show me, what's the two-lot subdivision we're approving.

Mr. Foley showed Mr. Houseal the map.

Mr. Houseal - this and this -

Mr. Foley - yes.

Mr. Houseal - Thank you.

Chairman Johnston - Ok.

Mr. Houseal - I'm ok.

Chairman Johnston - Is there any other discussion? There being none, all in favor, carried.

Mr. Foley left at this time, 7:32 P. M.

Chairman Johnston - Approve the Planning Board Calendar of 2014, which we accept from the Secretary, thank you.

Mr. White - I move we adjourn.

Ms. Fitzgerald - I second.

Chairman Johnston - All in favor, carried.

Meeting adjourned 7:40 P. M.

Respectfully submitted,

Barbara A. Breyette, Secretary

NEXT MEETING, WEDNESDAY, JANUARY 22, 2014