

**HARWINTON PLANNING COMMISSION  
WEDNESDAY, JANUARY 12, 2022  
TOWN HALL 7:00 P.M.**

Present: Chairman Michael Orefice, Lee Hall, Roland Perreault, Alan Colombie, Alternate Member Michael Rewenko, Alternate Member Debra Freidus and Land Use Coordinator Polly Redmond  
Absent: Christopher Ravlin and Alternate Member Mary Granda

**PUBLIC HEARING**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairman M. Orefice called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member Debra Freidus seated for Christopher Ravlin. Legal Notice of this hearing has been published in the Republican American newspaper on 12/31/2021 and 1/7/2022.

**2. DAVID BATTISTA, P.E., LENARD ENGINEERING FOR SUSAN ALENDER – THREE LOT SUBDIVISION, LAND OF ESTATE OF D. ALICE SZCZESNIAK AND SZCZESNIAK FAMILY TRUST, 51 BLUEBERRY HILL ROAD.**

Chairman Orefice acknowledges and reads the letter from Highway Supervisor Dave Bousquet dated 1/5/2022 and Torrington Area Health District's favorable report dated 11/10/2021. The Harwinton Inland Wetlands Commission approved this application on January 3, 2022 with conditions.

David Battista, P.E., Lenard Engineering is present along with Susan Alender, Applicant and Executrix for the Estates of D. Alice Szczesniak. Plans have been revised for Inland Wetlands' comments and are as follows: Subdivision Design Plans (eight sheets) dated November 1, 2021, revised January 7, 2021 titled "Three-Lot Subdivision – Land of Estate of D. Alice Szczesniak Family Trust" that includes a Cover Page, Subdivision Map, Sheet 1 of 2, dated 11/1/2021, revised 1/7/2022, Subdivision Map, Sheet 2 of 2, dated 1/7/2022, Site Development Plan – Overview, revised 1/7/2022, Site Development Plan – Lots 1 & 2, revised 1/7/2022, Site Development Plan – Lot 3, revised 1/7/2022, revised 1/7/2022, Soil Erosion Control Plan Narrative, revised 1/7/2022.

Mr. Battista submits proof of certified mailings giving notice of this hearing to neighbors within 200 feet of the 51 Blueberry Hill Road property lines. He acknowledges that an Engineering Report titled "Three-Lot Subdivision – Land of Estate of D. Alice Szczesniak Family Trust" dated November 1, 2021 has been submitted, a copy of a certified letter sent to Bristol Water Company, due to the proximity to Bristol Watershed #5, giving notice of this application with no response back from them after two notifications given. Mr. Battista reviews the plans presented giving the location of the property and noting that Lot 1 contains 5.039 acres with an existing house, septic, well. Lot 2 will contain 28.057 acres and Lot 3 will contain 37.755 acres with both lots having a stream running along the back of the property that discharges into Bristol Reservoir #5.

Mr. Battista points to areas on the plans that show the potential vernal pool areas blocked in and redlined with wording "Potential Vernal Pool Envelope" that would restrict building within that area and with the posting of Protected Wetlands medallions required by the Wetlands Commission, these areas will remain protected areas unless and until it is determined not to be vernal pools at a later time. Mr. Battista refers to Sheet 3 of the plans that has the Wetlands Commission decision letter in its entirety with conditions of approval and there is space provided for the Planning Commission's decision letter as well if this application is approved. This sheet will be filed in the land records along with the Subdivision Map.

Mr. Battista states that Lot 1 shows a temporary construction entrance where a new septic could be located if in the event of failure of the existing septic system. Driveways for Lots 2 & 3 in the feasibility plan will require cuts and fills but this is only if the driveways remain where shown. Whoever builds on these lots may change the location of the driveways, and house locations, and each driveway would be reviewed by the Highway Supervisor and require a permit from that department. Mr. Battista points out the nine culverts on Blueberry Hill Road noting that the land drops down from Lots 2 & 3 and with that slope, it may increase water into one culvert and lessen water in another. Sheet 2 Site Development Plans – Lots 1 & 2 shows the culvert under Lot 2 which will increase flow in the culvert to the south. Lot 3, on Sheet 3, shows a culvert at the end of the driveway which will have an increase in water and calculations were done to show impacts of this. Mr. Battista refers to Dave Bousquet's letter that asks for a temporary 15" ADS pipe to be in place while the entrance is being used on Lot 1 for any septic repair as the entrance crosses an existing drainage swale that runs along the roadway on the east side. Mr. Bousquet's letter also asks, for Lot 2, that the 15" CMP under the driveway and flared ends be changed to ADS pipe and ADS flared ends with modified rip rap placed at both ends as well as noting that the existing 15" CMP under the roadway shall be changed and increased to an 18" ADS pipe with flared ends under the roadway. In regards to Lot 3, Mr. Bousquet reports in his letter that the driveway entrance is to have a 15" ADS pipe and flared ends since it crosses an existing drainage swale that runs on the east side of the roadway.

Mr. Battista believes these recommendations to be premature in asking the applicant to complete these things as again, these are feasibility plans and there is no proposal to build on these lots at this time, but new land owners would have to abide by these recommendations. He suggests that when the construction on these lots comes before Zoning, it could be required to have an engineering analysis done at that time for the cross road culverts and increase in piping and the Highway Supervisor would review driveway plans also. Commissioners agree that if the driveway locations remain as presented, the recommendations by the Town Highway Supervisor in his letter of January 5, 2022 must be followed for Lots 2 & 3 at the time of application to build and in order to obtain a driveway permit.

R. Perreault, pertaining to the stone walls on the front of all three properties, refers to Ordinance 110 Concerning the Preservation of Highway Boundary Stone Walls and that when the time comes for the stone walls to be cut for the driveway entrances, the Highway Supervisor would have to be contacted for any permits required. Chairman Orefice reads through the conditions of approval set by the Inland Wetlands Commission and the Planning Commission agrees that the area outlined as potential vernal pools shall not be disturbed until verified that they are not vernal pools as conditioned by the Wetlands Commission as well as all other conditions of approval.

### **3. CONTINUE OR CLOSE HEARING.**

R. Perreault **motioned** to close the hearing at 8:00 p.m., seconded by L. Hall. Motion passed unanimously.

## **REGULAR MEETING**

### **1. OPEN MEETING – ESTABLISH QUORUM.**

Chairman M. Orefice called the meeting to order at 8:00 p.m. The same quorum exists.

### **2. APPROVE MINUTES OF PREVIOUS MEETING: 12/8/2021**

R. Perreault **motioned** to approve the minutes of the previous meeting, seconded by A. Colombie. Motion passed unanimously with L. Hall refraining from vote due to his absence at the previous meeting.

**3. DISCUSSION/POSSIBLE DECISION - DAVID BATTISTA, P.E., LENARD ENGINEERING FOR SUSAN ALENDER – THREE LOT SUBDIVISION, LAND OF ESTATE OF D. ALICE SZCZESNIAK AND SZCZESNIAK FAMILY TRUST, 51 BLUEBERRY HILL ROAD.**

Commissioners again state their agreement with the conditions set by the Inland Wetlands Commission and agree that when the construction on these lots comes before Zoning, it shall be required to have an engineering analysis done at that time for the cross road culverts and increase in piping recommended by the Highway Supervisor, who would once again review driveway plans for permitting.

R. Perreault **motioned** to approve the application as presented noting that the plans meet the current Subdivision Regulations dated May 20, 2013, that Subdivision Regulation 4.18 Payment in Lieu of Open Space does not apply as the entire property is being divided among family members, taking the letter of Dave Bousquet, Highway Supervisor, into consideration for driveway opening cuts at time of construction and recognizing that stone wall cuts would also have to be addressed by the Highway Supervisor, and taking into consideration and recognizing the vernal pool protection as addressed by the Inland Wetlands Commission. D. Freidus seconded the motion and it passed unanimously.

**4. DISCUSSION ON PUBLIC ACT 21-29, SECTION 9 – REQUIRED TRAINING FOR MUNICIPAL LAND USE COMMISSIONERS.**

All Commissioners have received a copy of the new requirements set forth in Public Act 21-29. Chairman Orefice refers to Section 9 requiring training by Land Use Commissioners. He believes First Selectman Michael Criss should be made aware of budget adjustments for next year to cover any training sessions that may charge a fee. R. Perreault would like to keep this subject on all following agendas for discussion.

**5. OLD BUSINESS.** None.

**6. NEW BUSINESS.** None

**7. CORRESPONDENCE.**

Janell Mullen, NHCOC, sent notice to the Land Use office that the new Director of the Northwest Hills Council of Governments is Rob Phillips, taking the place of Rick Lynn who has retired, and that she and Rob are continuing to host “Fifth Thursday” informational/training sessions beginning March 31, 2022 and continuing with one to be held on June 30, 2022 and again on September 29, 2022. More information on topics will be provided and passed on to Land Use Commissioners.

LUC Redmond received an email from Commissioner Mary Granda stating that she was resigning as an Alternate Planning Member. She was advised to send a signed letter to the town clerks for her resignation to be valid.

**8. INVOICES.** None.

**9. ADJOURN.**

R. Perreault **motioned** to adjourn the meeting at 8:35 p.m., seconded by D. Freidus. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

