

PLANNING COMMISSION MEETING
WEDNESDAY, JUNE 13, 2012
TOWN HALL 7:00 P.M.

Present: Chairman Michael Orefice, Paul Roche, John Souchuns, Christina Emery (arriving at 7:08 p.m.), Elizabeth Brayboy, Matthew O'Connell (arriving at 7:15 p.m.) and Land Use Coordinator Polly Redmond.
Absent: John Sullivan

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:05 p.m. All regular members present are seated with Alternate Member E. Brayboy seated for John Sullivan.

**2. RANDALL SERKEY – APPLICATION FOR TWO-LOT SUBDIVISION, 44 LAUREL ROAD.
PROPERTY OWNED BY DOROTHY SZCZESNIAK.**

Mr. & Mrs. Serkey are present along with Gary Giordano, P.E. Plans by Gary Giordano titled (1) Overall Site Plan and Sedimentation and Erosion Control Plan, dated 4/21/12, (2) Property Survey, Record Subdivision Map, Laurel Road Estates, dated 4/13/12, revised 5/24/12 for TAHD and Planning Commission pre-review comments and (3) Lot 2 Site Plan, Laurel Estates, dated 4/21/12 are reviewed. Chairman Orefice reads the call to hearing as published in the Republican-American on 6/1/12 and 6/10/12. C. Emery arrives and is seated at this time. The Overall Site Plan is reviewed by Gary Giordano. Lot 1, with an existing home, will contain 4.658 acres. Lot 2 will contain 14.728 acres and will be considered a rear lot having 150 feet of street frontage. Lot 2 has a 450 foot long proposed driveway with two areas along the driveway widened for pull off areas. Exhibits on file are as follows: Exhibit A IWWC application, Exhibit B Soil Scientist Report, Exhibit C Legal Notice of IWWC decision of approval, Exhibit D Letter from property owner Dorothy Szczesniak giving approval to make application for two-lot subdivision, Exhibit E Subdivision Application, Exhibit F Assessors Street Card, Exhibit G Assessors Map of property, Exhibit H TAHD approval, Exhibit I Letter of public hearing notification sent to neighbors, Exhibit J List of neighbors who received notification of public hearing, Exhibit K Legal Notice of Planning Commission public hearing, Exhibit L Approval Letter of IWWC decision to Randall Serkey from LUC Redmond, Exhibit M Drainage Calculations and Exhibit N Waiver Request for 50% Rear Lots in a Subdivision (Subdivision Regulation 4.7.5). P. Roche inquires as to whether the Waiver Request needs further wording to note preservation of land as required in Subdivision Regulation 4.7.5. Mr. Giordano submits a revised letter (Exhibit N) that addresses Regulation 4.7.5 a-d with the preservation of land noted. Mr. Giordano states that terminology from the letter can be implemented into the deed that will be filed for Lot 2. It is noted that Highway Supervisor John Fredsall previously reviewed the site plans with no concerns or comments made. With no comments from the public and no further comments from the commission, P. Roche **motioned** to close the public hearing at 7:28 p.m., seconded by E. Brayboy. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:29 p.m. Same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 5/9/12 AND 5/23/12.

C. Emery **motioned** to approve the minutes of 5/9/12, seconded by P. Roche. Chairman Orefice and E. Brayboy refraining from vote as they were not at the 5/9/12 meeting. Motion passed unanimously.

P. Roche **motioned** to approve the minutes of 5/23/12, seconded by J. Souchuns with one correction to Item 3, line 14: "...Fredsall reviewed the **sight** (omit word "site") line of the proposed driveway..." Motion passed unanimously with C. Emery refraining from vote due to her absence at the 5/23/12 meeting.

3. **DISCUSSION/POSSIBLE DECISION - RANDALL SERKEY – APPLICATION FOR TWO-LOT SUBDIVISION, 44 LAUREL ROAD.**

Chairman Orefice questions the commission on their thoughts of the proposed rear lot. P. Roche and E. Brayboy state they have no objections to it as it is a large lot. E. Brayboy **motioned** to approve the application for a two-lot subdivision containing one rear lot with language to be added to the deed and subdivision mylar, titled Property Survey, Record Subdivision Map, Laurel Road Estates, dated 4/13/12, revised 5/24/12 to be filed in the Land Records in the Office of the Town Clerk which states, “No Further Subdivision of Lot 2 and Permanent Preservation of the Natural Features depicted on Subdivision Map titled Laurel Road Estates.” P. Roche seconded the motion and it passed unanimously.

4. **DISCUSSION – PROPOSED ZONING REGULATION AMENDMENT TO DELETE BUILDABLE AREA DEFINITION. (PUBLIC HEARING SET FOR 6/25/12.)**

The Commission reviewed their July 14, 2008 Referral sent to the Zoning Commission regarding the proposal to add Buildable Area definition to the Zoning Regulations. That Referral stated the Planning Commission’s opposition to it. J. Souchun notes that the 2008 vote of the Zoning Commission to add the definition was unanimous and there has been no recent discussion by the Zoning Commission on why they are now proposing to delete the definition.

After further discussion, E. Brayboy **motioned** that the Planning Commission moves that the Buildable Area definition should be considered in a broader context of cluster and other alternative development methods, referenced in the 2010 Plan of Conservation and Development under Residential Policies (pg. 78), as follows:

1.) *The key decisions about residential development in Harwinton were made decades ago and before recent development; however, the basic zoning regulations are sound and should be maintained.* 2.) *The text of the zoning and subdivision regulations must be modified when necessary.* In particular, the Planning Commission believes that the Zoning Commission has not supplied any information on why this modification is necessary.

3.) *Both the Planning and Zoning Commissions should consider any proposal that would accomplish the goals of this Plan and the policies of the Town. New ways to design subdivisions that preserve open space and maintain the rural character of the Town will always be an issue and should be carefully and seriously considered while preserving public safety.* The Planning Commission believes that without clear understanding of the Zoning Commission’s intent, they cannot further evaluate this amendment. P. Roche seconded the motion and it passed unanimously

5. **OLD BUSINESS.**

Regarding the 5/16/12 memo from the Economic Development Committee to the Harwinton Zoning Commission and the Harwinton Planning Commission, P. Roche refers to Paragraph 4 of the memo which states, *“Furthermore, the EDC Commission sees Route 118 and Route 4 West towards the City of Torrington as the most mixed use zone currently in existence. We feel that the Planning Commission’s desire to remove Route 118 from the plan of development would be an error in judgment and could drastically hinder the focus on the Center and economic development.”* He states that this commission is not proposing to remove the Route 118 area from development, that it is actually already stated in the Plan of Conservation and Development that there is to be no development in that area. He continues by stating that it was the Planning Commission, as noted on page 87 of the POCD, who proposed the establishment of an Economic Development Committee and therefore the Planning Commission is basically responsible for its existence. It is the Planning Commission who is elected and legally authorized by the state to be the official planning committee of the town, not the EDC, and it is the Planning Commission who issues the POCD and that the EDC has no authority to go against the town’s present POCD but, in fact, needs to abide by it.

C. Emery reminds the Commissioners that there is still no idea of what this proposed town center is suppose to look like and also questions the distance proposed for the center to be between Clearview Avenue and to the borders of Torrington and Burlington.

J. Souchuns states that the Litchfield Hills Council of Elected Officials and the Northwest Council of Governments have gotten together for a Regional EDC which the Harwinton EDC has not been a part of and adds that the Harwinton EDC has not come to the Planning Commission for discussion on the POCD written by this Commission.

C. Emery states that the Zoning Commission and the EDC need to be aware of what is in the POCD and that a memo was sent to Zoning and EDC from the Planning Commission stating that the Plan of Conservation and Development did not refer to the Route 118 Gateway and in fact that it was specifically taken out, that Route 118 was not to be considered for light industrial or commercial use.

The Planning Commission would like to invite the EDC and the Zoning Commission to a meeting with a member of the Northwestern CT Regional Planning Collaborative who can advise the town on establishing a town center. The Planning Commission asks that the EDC and the Zoning Commission review the Plan of Conservation and Development prior to this meeting and in particular, to note that the Planning Commission already removed from the POCD on page 81 the development of Route 118.

*Note from LUC/Recording Secretary P. Redmond: Christopher Wood from Northwestern CT Regional Planning Collaborative will attend the Planning Commission's **Wednesday, August 8, 2012** meeting at 7:00 p.m. in the town hall. A request for attendance of the EDC and the Zoning Commission will be sent by LUC Redmond. Members of the public are also invited to attend.

6. **ANY OTHER BUSINESS.**

P. Roche **motioned** to table discussion of PA11-79 until the next meeting to be held on Wednesday, June 27, 2012 with Town Counsel, Michael Rybak. C. Emery seconded the motion and it passed unanimously.

7. **CORRESPONDENCE.**

A copy of Landscape Architect has been received.

8. **INVOICES.**

None.

9. **ADJOURN.**

E. Brayboy **motioned** to adjourn the meeting at 8:37 p.m., seconded by P. Roche. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED

JUN 20 2012

TOWN CLERK