

**PLANNING COMMISSION MEETING
WEDNESDAY, OCTOBER 9, 2013
TOWN HALL 7:00 P.M.**

Present: Chairman Michael Orefice, Paul Roche, John Souchuns, Christina Emery and Land Use Coordinator Polly Redmond. Absent: John Sullivan, Alternate Member Michael Letourneau and Alternate Member Steve Criss.

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:03 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/14/13

P. Roche **motioned** to approve the minutes of the previous meeting, seconded by J. Souchuns. Motion passed unanimously.

J. Souchuns **motioned** to amend the agenda to take Item 4 up for discussion at this time, seconded by P. Roche. Motion passed unanimously.

PICKETT BROOK PROPERTY, LLC - EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD – REVIEW PERFORMANCE AGREEMENT AND EXPIRATION DATE OF SUBDIVISION PER STATE STATUTE 8-26c.

Atty. William Tracy is present as legal counsel for Pickett Brook Property, LLC. He explains that Public Act 11-5 took effect in 2011 due to the poor economy, especially on the housing market. State Statute 8-26c(e) extends the expiration date of subdivisions approved prior to July 1, 2011 that have not expired prior to the effective date of Section 8-26c(e) (5/9/11) to nine years, with a maximum of 14 years for extensions. Performance Agreement and Mortgage Agreements between the Town of Harwinton and Pickett Brook Property spoke of five year expiration dates that were in affect at the time of signing and filing these documents. In working with Town Atty. Michael Rybak, Atty. Tracy worked on a *Subdivision Modification Agreement* to modify the dates to nine years. Atty. Tracy explains that the Planning Commission approval and Performance Agreement allowed the commission to review the bond by the end of this year. It is requested that be held off until the developer comes in with updated bond estimates and prior to any road construction permit being issued. Upon questioning by Chairman Orefice, Atty. Tracy states that it is the applicant who should come in before the end of the nine years to ask for any extensions. P. Roche **motioned** to extend improvements on Pickett Brook Property, LLC's *Equestrian Estates Subdivision* to December 1, 2017 pursuant to State Statute 8-26c(e) recently amended by PA11-5 of 5/9/2011 subject to the adequacy of the bond being determined and agreed to by the Town of Harwinton, prior to any road construction permit being issued and subject to the Performance Bond, the Mortgage and Agreement Not to Transfer or Mortgage which are all to be extended to December 1, 2017. J. Souchuns seconded the motion and it passed unanimously.

3. WHETSTONE PROPERTIES, LLC - WHETSTONE ESTATES WEST SUBDIVISION, WHETSTONE ROAD – REVIEW PERFORMANCE AGREEMENT AND EXPIRATION DATE OF SUBDIVISION PER STATE STATUTE 8-26c.

Fred Zavatkay, Whetstone Properties, LLC is present. The same situation applies to Whetstone Estates West Subdivision in that the application and filing of the subdivision were approved prior to PA11-5 being passed on 5/9/2011. With the expiration date of 5/14/2013 for subdivision to be completed, Chairman Orefice questions Atty. Rybak on the consequences of extending completion time of a subdivision that has already expired. Atty. Rybak states that automatic expiration after five years should have had something recorded on the land records by the Planning Commission, which did not happen. He believes that PA11-5 extends the subdivision completion date to 2017 and should include Bonding and Mortgage. Atty.

Rybak has copies of the *Subdivision Modification Agreement* written up by Atty. Ebersol, legal counsel for the applicant, to modify the dates to nine years. P. Roche **motioned** to extend improvements on Whetstone Properties, LLC's **Whetstone Estates West Subdivision** to December 1, 2017 pursuant to State Statute 8-26c(e) recently amended by PA11-5 of 5/9/2011 subject to the adequacy of the bond being determined and agreed to by the Town of Harwinton, prior to any road construction permit being issued and subject to the Performance Bond, the Mortgage and Agreement Not to Transfer or Mortgage which are all to be extended to December 1, 2017. C. Emery seconded the motion and it passed unanimously.

4. **PICKETT BROOK PROPERTY, LLC - EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD – REVIEW PERFORMANCE AGREEMENT AND EXPIRATION DATE OF SUBDIVISION PER STATE STATUTE 8-26c(e).**

See above.

5. **J&F ASSOCIATES, LLC – INFORMAL DISCUSSION, PROPOSED HOUSE LOCATION WITHIN ACCESSWAY OF REAR LOT OF PROPOSED SUBDIVISION, 600 WILDCAT HILL ROAD.**

Joe Green, P.E., Robert Green Associates, is present to represent. Owners of 600 Wildcat Hill Road are proposing a 3-lot subdivision of the property that includes a newly created 2.5 acre front lot with 223 feet of street frontage, an existing house lot with 6.3 acres and 280 feet of street frontage, and a second newly created lot, to be a rear lot, containing 5.2 acres of land with 140 feet of street frontage. It is this rear lot where Mr. Green is proposing to plot the approximate 30' x 70' house within the "accessway", meeting the 60 foot setback requirement. This lot is not a typical "flag" lot with only a 50 foot access strip but instead has a 140 foot wide strip of land for approximately 90 feet in depth where the property then opens up. No TAHD testing has been done on the property as of this date. Mr. Green states that he saw nothing in the Zoning Regulations prohibiting building in an accessway of a rear lot. He claims there will be minimal land disturbance if the house is constructed in the front due to sloping of the land in the back, which would require cuts. Chairman Orefice states that if construction will be within the building envelope, meeting the setbacks, he doesn't see that it matters if it is in the accessway and Commissioners agree. Mr. Green attended the 9/23/13 Zoning meeting for an informal discussion and will return for further discussion on October 15, 2013.

6. **BRETT STONE – INFORMAL DISCUSSION OF PROPOSED SUBDIVISION OF LAND, SILANO DRIVE, ASSESSOR MAP NO. B9-02-0025.**

Mr. Stone is present with a Compilation Plan dated December 1998 (prepared for Michael Silano). The property is located on Silano Drive and contains two accessways, one with 65.15 feet of street frontage that narrows to 40 feet in width. (Zoning Regulation 9.6.2 calls for rear lots to be served by an accessway to a public street of not less than 50 feet in width *at all points*.) Other street frontage for this lot totals 190 feet. Discussion takes place on proposed lot lines, keeping the front lot at the required 175 feet of street frontage and joining the remaining frontage with the 65.15' street frontage rear lot. Subdivision Regulation 4.7.5 allows for 50% of all lots in a subdivision with conditions of preservation. Mr. Stone is advised to check the deed for this property for possible restrictions of subdividing it.

7. **OLD BUSINESS.**

Discussion regarding continuing work on the POCD takes place. Revisions to the POCD are next due 2020. Open Space and Affordable Housing Regulations should be addressed.

8. **ANY OTHER BUSINESS.**

None.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

None.

11. **ADJOURN.**

P. Roche **motioned** to adjourn the meeting at 8:10 p.m., seconded by J. Souchuns. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10-16-13 AT 12:58pm
ATTEST NANCY E. ELDRIDGE TOWN CLERK