

**PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 12, 2014
TOWN HALL 7:00 P.M.**

Present: Chairman Michael Orefice, Paul Roche, John Souchuns, Michael Letourneau, Land Use Coordinator Polly Redmond. Absent: Christina Emery and Alternate Steven Criss
Also Present: Town Atty. Michael Rybak

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:08 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 1/22/14

P. Roche **motioned** to approve the minutes of 1/22/14, seconded by J. Souchuns.

P. Roche **motioned** to add to the agenda “approval of minutes of 1/15/14 Special Meeting”, seconded by J. Souchuns.

P. Roche **motioned** to approve the minutes of the 1/15/14 Special Meeting, seconded by J. Souchuns.

All motions passed unanimously.

3. PICKETT BROOK PROPERTY, LLC – EQUESTRIAN ESTATES SUBDIVISION LOT LINE REVISION TO LOT 1 AND 21.

Atty. William Tracy is present to represent and explains the IWWC approvals received for lots within Equestrian Estates including Lot 1 as it is being proposed in the Lot Line Revision Plan presented tonight. After IWWC approval in 2006, Lot 1 was reconfigured to include Lots 2, 3, 4, 5 and 20 (Lots 4, 5 and 20 were denied by IWWC). The application went before the Planning Commission in 2008 where Lot 1 was held out of the subdivision and deemed “not a buildable lot” due to the wetland issues and the possibility of vernal pools in the area. The developer now wishes to reduce the size of Lot 1 (to its original formation approved by IWWC in 2006) and give the remaining land to Lot 21, which is an approved building lot. Atty. Tracy notes that the approved access out to Plymouth Road will remain as is. It is noted that Lot 1 will have the proposed roadbed (Break Maiden Lane) running through it. Atty. Rybak has given an opinion of this lot line revision in an email dated 3/3/14 in reply to LUC Redmond’s letter to him dated 2/26/14. Both remain on file in the Land Use office. Chairman Orefice states that the Planning Commission should review this lot line revision Site Plan titled as such, for lots 1 & 21 Equestrian Estates, dated 2/7/14 to make certain no hardship is being left to Lot 1 and no new lots are being created. He adds that before the Site Plan for the lot line revision is filed in the Land Records in the Office of the Town Clerk, that it be noted on the plan that Lot 1 is not a buildable lot. Atty. Tracy agrees to this. Atty. Tracy notes that Lot 1 showed house, septic, well and driveway when it was presented to IWWC and had TAHD approval but that it will be brought back to the Area Health District to have them review updated test information. Commissioner M. Letourneau questioned whether access out to Plymouth Road will become possible at some point with Atty. Tracy replying, yes. M. Letourneau notes that what will now be the larger lot, Lot 21, will be separated by the proposed road that leads out to Plymouth Road with Atty. Tracy stating that the developer will have to return to the land use commissions with an application for a re-subdivision of what will then be Lot 21. Atty. Rybak states that there are three concerns the Commission must review. Those being:

- 1) That this proposal is not a subdivision due to Lot 21 being an already approved building lot.
- 2) That it is acknowledged that Lot 1 is not a subdivision lot (buildable lot) approved by the Planning Commission and that the Commission wants to make certain it retains that status and is marked as such on the map that is to be filed. In order to obtain “buildable lot” status, the applicant must make application for a re-subdivision.
- 3) That accessway for the future road out to Plymouth Road must be maintained.

Atty. Rybak suggests that verbage on the Lot Line Revision Plan regarding Proposed Access to be reverted to the Town of Harwinton must be revised due to the lot line revision. He informs LUC Redmond that the decision of this Commission tonight should be published in the Republican American newspaper under public notices.

Atty. Rybak informs the Commission that many towns require Planning Commission determination on lot line revisions and it is that commission that signs off on lot line revisions and also requires TAHD approval prior to doing so. The Commission may wish to review the Town of Goshen's regulations on lot line revisions for future amendments to their own regulations.

P. Roche **motioned** that based on the Town Attorney's opinion, and the opinion of the Planning Commission, the lot line revision presented tonight and shown on a Site Plan titled Lot Line Revision, Lot 1 & 21, Equestrian Estates, dated 2/7/14 is not a re-subdivision and does not create an additional lot. That the site plan be filed in the Land Records in the Office of the Town Clerk with Lot 1 having demarcation that it is "Not a Building Lot". The **motion** includes that the language for the Access Easement to the Town of Harwinton be revised on the Lot Line Revision Plan to identify between Lot 1 & 21 and that the Land Use Coordinator review these changes prior to filing of the map. M. Letourneau seconded the motion and it passed unanimously.

4. BRETT STONE – APPLICATION FOR TWO LOT SUBDIVISION, SILANO DRIVE, ASSESSORS MAP NO. B9-02-0025, 25 ACRES.

Mr. Stone is present along with his engineer, Dennis McMorrow, P.E., Berkshire Engineering. Site plans by Berkshire Engineering titled Subdivision Plans Prepared for Brett Stone, dated 1/27/14, Sheet 1/1 revised 2/11/14 for Drainage Easement and Town Comments, Sheet S1, Site Development Plan, revised 2/11/14 for Drainage Easement and Town Comments, Sheet E1, Erosion and Sedimentation Control Plan, revised 2/11/14 for Drainage Easement and Town Comments and Sheet D1 Details & Notes, dated 1/27/14 are reviewed. The property is located in a Town Residential zone. The subdivision will consist of one front lot (Lot 2), containing 16.35± acres and one rear lot (Lot 1), containing 3.12± acres. Lot 2 includes a 4.90 acre proposed Conservation Easement area in order to allow for 50% of the lots within a subdivision to be rear lots (Subdivision Regulation 4.7.5). Language for this Conservation Easement will be forthcoming at the time of a public hearing. A Drainage Easement to the Town of Harwinton will also be presented at time of public hearing in case of property owner non-maintenance of lawn drains located on both lots. This Easement will give the town the right to enter the property and maintain but not the obligation to maintain. Lot 1 will have a sewer connection that has been reviewed by WPCA. LUC Redmond has received an email from WPCA secretary, Christine Neal, giving instruction on how and when to make application. A copy has been given to the applicant. IWWC approved the proposed two lot subdivision on 3/3/14 and TAHD approval has also been received. Chairman Orefice checks the Subdivision and Site Plans against the Subdivision Regulations. All required items are noted on the plans. LUC Redmond informs the Commissioners that Highway Supervisor John Fredsall has reviewed the plans and only requested the Drainage Easement. P. Roche **motioned** to accept the application and set a public hearing date for Wednesday, March 26, 2014 at 7:00 p.m. in the town hall, seconded by M. Letourneau.

*It is noted that the property contains 19.485 acres and not the 25 acres noted in the header for this agenda item.

P. Roche **motioned** to add NEW BUSINESS to the agenda, to allow for discussion with Town Atty. Michael Rybak regarding the recent Proposed Zoning Regulation Amendments in which the Zoning Commission withdrew all proposals. The motion was seconded by J. Souchuns and passed unanimously. Discussion involved towns that have joined Planning and Zoning Commissions and what that would entail if the Town of Harwinton were to combine these two commissions.

P. Roche suggests that a future letter be sent to the Zoning Commission from the Planning Commission asking the Zoning Commission to police themselves on future proposed Zoning Regulation Amendments, that proposals should be limited to two proposed amendments at one time, and that conflicts of interest should be examined.

Atty. Michael Rybak also discussed gun ordinances with Commissioners. No action taken.

5. **OLD BUSINESS.**

None.

6. **ANY OTHER BUSINESS.**

Chairman Orefice informs Commissioners that he is attending the CT Federation of P&Z Agencies' Annual Conference on 3/13/14 that will include discussion on Medical Marijuana.

7. **CORRESPONDENCE.**

None.

8. **INVOICES.**

None.

9. **ADJOURN.**

P. Roche **motioned** to adjourn the meeting at 9:00 p.m., seconded by J. Souchuns. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 3-19-2014 AT 12:01 PM

ATTEST NANCY E. ELDRIDGE TOWN CLERK