

PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 26, 2014
TOWN HALL 7:00 P.M.

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

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:00 p.m. All regular members present are seated.

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

Dennis McMorrow, P.E., Berkshire Engineering, is present for the applicant. 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, revised 3/14/14 to Add Adjacent Property Owner, 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. Mr. McMorrow submits proof of mailings giving public hearing notification to neighbors within 200 feet of the property lines. The property consists of 19.485 acres in a Town Residential Zone. Lot 1 shall be a rear lot containing 3.13 acres and is permitted a sewer hookup. Lot 2 shall be a front lot containing 16.36 acres and requires a septic design (TAHD approved). An area containing 4.90 acres and part of Lot 2 is proposed for a Conservation Restriction Area for the means of meeting the provisions of Subdivision Regulation 4.7.5, Rear Lot percentages. A Draft Declaration of Conservation Easement and Restrictive Covenants and a Draft Grant of Drainage Maintenance Easement are on file and have been reviewed by the Town Atty. Michael Rybak. Highway Supervisor John Fredsall has reviewed the Drainage Maintenance Easement and approves of the language. Both Easements must be filed on the land records in the Office of the Town Clerk. IWWC and TAHD approvals have been received. Chairman Orefice opens the floor for public comment at this time.

Brian McNicholas, 444 Clearview Avenue, questions who is responsible for monitoring the cleanliness of the Conservation area with Mr. McMorrow stating that the owner of Lot 2 will be the responsible party. Mr. McNicholas questions whether Lot 2 will be able to support additional homes if the property were to be resubdivided with Mr. McMorrow stating that at this time, the lot cannot support another house but if Zoning Regulations change that would make it possible, the applicant would return to this commission for a resubdivision.

Jason Morris, 537 Clearview Avenue, questions how many acres Lot 2 contains with Mr. McMorrow stating 3.1 acres.

Karen Videtto, 14 Silano Drive, questions the location of the driveway for Lot 2 and where the additional lot frontage is for that lot.

Brian McNicholas, 444 Clearview Avenue, points out the proposed barn for Lot 2 and questions whether there is anything preventing the property owner from storing construction equipment in it. Chairman Orefice states that that is a Zoning matter but assures Mr. McNicholas that one cannot use residential property as a commercial property.

3. CONTINUE OR CLOSE HEARING.

With no further comment, P. Roche **motioned** to close the public hearing at 7:45 p.m., seconded by J. Souchuns. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:47 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/12/14

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

3. BRETT STONE – DISCUSSION/POSSIBLE DECISION - TWO LOT SUBDIVISION, SILANO DRIVE, ASSESSORS MAP NO. B9-02-0025.

P. Roche **motioned** to approve the application for a two-lot subdivision, Silano Drive, Assessors Map No. B9-02-0025 as shown on 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, revised 3/14/14 To Add Adjacent Property Owner, 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 based on TAHD approval and IWWC approval and the applicant fulfilling notice to neighbors requirement. Approval is conditional upon Highway Supervisor John Fredsall giving written notice of his approval of the Drainage Maintenance Easement language and that the Drainage Maintenance Easement and the Declaration of Conservation Easement and Restrictive Covenants, in a form approved by the Harwinton Town Attorney, be filed on the land records in the Office of the Town Clerk at the time the subdivision mylar is filed. J. Souchuns seconded the motion and it passed unanimously.

4. OLD BUSINESS.

Land Use Coordinator P. Redmond is continuing to search towns that have Regulations and application requirements concerning lot line revisions.

5. ANY OTHER BUSINESS.

Mr. Lee Hall, 85 Weingart Road, is present. He will become an elected member of the Planning Commission in November 2014 and is interested in filling a vacant Alternate Member position at this time. P. Roche **motioned** to release Alternate Member Steven Criss as an Alternate Member of the Planning Commission in accordance with Ordinance 60 and that the vacancy be filled by Lee Hall for the unexpired portion of that term to 11/30/14. J. Souchuns seconded the motion and it passed unanimously. Mr. Hall is instructed to be sworn in by the Town Clerk prior to the next Planning Commission meeting on April 9, 2014.

Concerning possible Zoning Regulations pertaining to Medical Marijuana Dispensaries and Producers, it is this Commission's opinion that the Zoning Commission should focus on regulations pertaining to setbacks, signage and all other state regulations. The Planning Commission notes that it is the state or perhaps even federal government that provides regulations for security.

6. CORRESPONDENCE.

Atty. William Tracy, legal counsel for Pickett Brook Property, LLC, has written a letter to the Planning Commission dated 3/20/14 giving notification that Pickett Brook Property is intending to begin Phase II of Equestrian Estates and that a bond estimate has been reviewed and approved by WMC Consulting Engineers. The letter goes on to explain that the applicant wishes to request approval to secure the performance of this phase with a surety bond pursuant to Section 2.7.2.3 of the Subdivision Regulations. In response to this request, the Commission refers to Town Atty. Michael Rybak's opinion stated in an email dated 3/25/14 to Land Use Coordinator P. Redmond in which he states he cannot recommend that the Planning Commission accept an insurance company surety bond as opposed to a letter of credit issued by a local bank. In an email response from Highway Supervisor, John Fredsall, dated 3/26/14, he states his agreement with Atty. Rybak stating that a cash bond or letter of credit works much better.

7. **INVOICES.**

None.

8. **ADJOURN.**

P. Roche **motioned** to adjourn the meeting at 8:15 p.m., seconded by J. Souchuns. Motion passed unanimously

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 4-4-14 AT 9:27 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK