

PLANNING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 10, 2014
TOWN HALL 7:00 P.M.

Present: Chairman Michael Orefice, Paul Roche, John Souchuns, Alternate Member Roland Perreault and Land Use Coordinator Polly Redmond

Absent: Christina Emery, Michael Letourneau, Alternate Member Lee Hall

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

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

2. ROTONDO ENGINEERING ASSOCIATES, LLC – APPLICATION FOR TWO-LOT RESUBDIVISION, 35 MEADOW LANE. PROPERTY OWNED BY SEVERINO J. AND MARION ROTONDO.

Chairman Orefice reads the call to hearing as published in the Republican American on 8/29/14 and 9/7/14. The call to hearing includes publication of Public Hearing #2 that will immediately follow Public Hearing #1.

James Rotondo, P.E., Rotondo Engineering, is present and submits proof of mailing certificates sent to property owners within 200 feet of the proposed subdivision in accordance with Subdivision Regulation 2.5.2. Plans prepared by Rotondo Engineering are submitted for review and titled Resubdivision Plan dated 6/24/14, Site Development Plan, dated 8/6/14, Site Development Plan – Lot #2, dated 8/6/14, and E&S Control Plan (Sheets 3 & 4), dated 8/6/14. TAHD approval dated 8/13/14 has been received with Mr. Rotondo explaining that the approval letter notes that Lot 1 presently contains a three bedroom dwelling when in fact it is a five bedroom dwelling. All material submitted to TAHD concerning the five bedroom dwelling were with note that it is indeed a five-bedroom dwelling and Mr. Rotondo believes the error just to be a typographical one. The property is located in a Country Residential zone and contains 22.4 acres. Lot 1 will contain 18.118 acres and Lot 2 will contain 4.322 acres with 50 feet of street frontage and will be a rear lot. Lot 1 has an existing pond on the property that is being proposed as a Conservation Easement area in order to comply with Subdivision Regulation 4.7.5 that states the Commission may permit the number of rear lots to a maximum of 50% with conditions that include permanent preservation of a natural resource feature. Mr. Rotondo explains that a Conservation Easement will be drawn up and filed along with any approval.

Stormwater Calculations are on file and two rain gardens are proposed on the site plan. One raingarden is to be located in the front of the property between the existing and proposed driveways and the other will be located in the back of the property. A soils report by George Malia, Certified Soil Scientist, dated 5/24/14 is on file. Also on file is a Subsurface Sewage Disposal Report prepared by Rotondo Engineering, dated 8/6/14. IWWC approval was granted on 8/6/14 by LUC Redmond as the Soil Report and Site Development Plan both note that no wetlands were found within 100' of the proposed construction limits.

Highway Supervisor John Fredsall has written a report dated 8/12/14 after his site visit of the property. His comments include mention of Meadow Lane being shown on old maps as ending in a cul-de-sac though none was ever built. He has no concern of adding a third driveway (Lot 2) at the end of Meadow

Lane but believes that conditions onsite require a more appropriate cul-de-sac before any construction of a new home begins. He suggests that a condition of any approval include the upgrading of the hammerhead turnaround to a small cul-de-sac by either the applicant or whoever actually builds the house. He adds that he would like to see any final approved Subdivision plan show the construction of a cul-de-sac that mimics the deeded highway line with the pavement line ten feet short of the actual property line using construction standards laid out in Highway Ordinance 101 and 111 and current Planning Commission standards. He also asks for grading at the cul-de-sac for a snow shelf as the present snow removal situation works because of the Town and the Rotondo's understanding of the issues involved. Problems could arise should ownership change or the owner of Lot 2 does not understand the existing method of snow removal. Mr. Rotondo is in agreement to revising the plans in accordance with the Highway Supervisor's comments.

Commissioner Roland Perreault arrives at this time (7:18 p.m.) but is not seated for this public hearing.

Chairman Orefice opens the floor for public comment at this time.

Steven Camp, 44 Locust Road, states that he has no objection to the re-subdivision of this land and gives history of the land and of Meadow Lane which was abandoned back in 1952 beginning at a point from Terryville Road and running west. He reports that Case Law and Statute 13a-52 addresses discontinued roads and states that land reverts from the center of the road to abutters on each side of the road when a road is discontinued. He notes that the history he speaks of has no bearing on the application but that it is just history he has researched.

3. CONTINUE OR CLOSE HEARING.

P. Roche motioned to close the hearing at 7:29 p.m., seconded by J. Souchuns. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:30 p.m. All regular members present are seated with Alternate Member R. Perreault seated for Christina Emery.

2. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR RESUBDIVISION OF LOT 1, EQUESTRIAN ESTATES, PLYMOUTH ROAD.

The call to hearing was read at the time Public Hearing #1 was opened.

Atty. William Tracy, Jr. is present for the applicant and submits proof of mailing certificates sent to property owners within 200 feet of the proposed subdivision in accordance with Subdivision Regulation 2.5.2. Plans prepared by Kratzert, Jones & Associates, Inc. are submitted for review and titled Subdivision Plan Lot 1 Equestrian Estates, dated 3/25/14 and Site Development Plan for Lot 1 Equestrian Estates dated 3/25/14. Atty. Tracy notes that the neighboring property to the north, #471 Plymouth Road, previously owned by Girgis, has recently been purchased by Pickett Brook Property. He reminds the Commission that Lot 1 was designated a non-building lot at the time Equestrian Estates was approved by the Planning Commission in 2008 and that IWWC approved the lot in 2006 with Lot 1 being configured the same as it is being presented tonight. There are no wetlands on the property. Torrington Area Health

District approved the plan on 7/7/14. The Site Development Plan situates the house facing the future road of Break Maiden Lane with the driveway leading out to Plymouth Road. The deed for this lot will state that the driveway will be relocated to exit out onto the new road once it is constructed. Lot 1 contains 2.7 acres and has 750 feet of street frontage. Atty. Tracy addresses the proposed sight line easement and notes that Highway Supervisor John Fredsall had raised the issue of sight lines to the south. He explains that the design calls for a 25-foot radius at the northeast corner of Lot 1 and that Zoning Regulations ask for a no-planting triangular area for corner lots and that this design is actually larger than that requirement. What the engineer will look at is to use the 25-foot Regulation and perhaps come down 50 feet to be sure there's adequate sight distance. He states that they had looked into the possibility of the town improving the vertical curve on Plymouth Road and that the sight line could be extended but again, it only affects the northeast corner of Lot 1 and what exists probably is well within the 50 foot distance. Atty. Tracy is asking the engineers (Kratzert, Jones) to look into this and he has also noticed that a 25-foot radius needs to be provided at the northeast corner of Lot 1 for when Break Maiden Lane becomes a road in order to satisfy the subdivision road requirements. Chairman Orefice questions whether there is vegetation along the entire front of the parcel with Atty. Tracy stating, yes there is, more than 50 feet away from the corner of Lot 1 so there is plenty of room there to reserve a sight line and a no-planting easement without getting into the existing tree line.

A Rain Garden is being proposed in the north east corner of the property that will be constructed per the 2004 CT Stormwater Quality Manual.

3. CONTINUE OR CLOSE HEARING.

With no public comment, P. Roche **motioned** to continue the public hearing to Wednesday, September 24, 2014 at 7:00 p.m. in the town hall, seconded by J. Souchuns. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 8:00 p.m. All regular members present are seated with R. Perreault seated for C. Emery.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 5/14/14, 5/28/14 AND 8/13/14

Minutes from 5/14/14 and 5/28/14 are tabled due to lack of a voting quorum.

P. Roche **motioned** to approve the minutes of 8/13/14, seconded by J. Souchuns. Motion passed unanimously with R. Perreault refraining from vote due to his absence at the 8/13/14 meeting.

3. DISCUSSION/POSSIBLE DECISION – ROTONDO ENGINEERING ASSOCIATES, LLC – APPLICATION FOR TWO-LOT RESUBDIVISION, 35 MEADOW LANE.

P. Roche **motioned** to approve the application for a two-lot resubdivision, 35 Meadow Lane, based on compliance with the Subdivision Regulations, TAHD approval, IWWC approval, with the installation of two rain gardens on Lot 2, which is a rear lot, with the condition that (1) a Conservation Easement be filed in the Land Records of the Office of the Town Clerk at the time the Subdivision mylar is filed, (2) that there be grading for a snow shelf as required by Highway Supervisor John Fredsall and (3) that the cul-de-sac be built by the applicant at the time the Harwinton Zoning Commission approves the construction of the home. J. Souchuns seconded the motion and it passed unanimously.

4. **DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC – APPLICATION FOR RESUBDIVISION OF LOT 1, EQUESTRIAN ESTATES, PLYMOUTH ROAD.**

No discussion.

5. **OLD BUSINESS.**

None.

6. **ANY OTHER BUSINESS.**

Chairman Orefice would like to hear from Town Atty. Michael Rybak on discontinued roads. Do they exist in town? Do they always revert to abutters of the road once discontinued? If abutters do gain more land, would that be a case for more taxes needing to be collected on those parcels? In the case of Meadow Lane being discontinued in 1952, what would happen if someone wishes to build a road in from Route 72 and heading westerly out to meet the existing Meadow Lane? With the Town of Harwinton owning a land locked piece of property located between Meadow Lane and Route 72, the question is, how can the town access that property as it would be trespassing over someone else's land?

7. **CORRESPONDENCE.**

None.

8. **INVOICES.**

None.

9. **ADJOURN.**

P. Roche motioned to adjourn the meeting at 8:20 p.m., seconded by J. Souchuns. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 09-17-2014 AT 1:54 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK