

**PLANNING COMMISSION MEETING
WEDNESDAY, SEPTEMBER 27, 2017
TOWN HALL 7:00 P.M.**

Present: Chairman Michael Orefice, Roland Perreault, Paul Roche, Alternate Member Debra Freidus (arriving at 7:05 p.m.), Alternate Member Michael Rewenko and Land Use Coordinator Polly Redmond

Also Present: First Selectman Michael Criss and Peter Thierry

Absent: Lee Hall and William Starr

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:00 p.m. All regular members present are seated with alternate Member M. Rewenko seated for Lee Hall.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 9/13/17

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

3. 8-24 REFERRAL ON PURCHASE OF PROPERTY AT 145 LITCHFIELD ROAD.

First Selectman Michael Criss addresses the Commission and provides a copy of a plan titled 5.224 Acres - Map Showing Land of Marion B. Thierry, Route 118, dated February 1980 prepared by John Whynott, R.L.S. showing the Thierry parcel prior to the property being reduced to 3.14 acres. Chairman Orefice gives the history of the property where Raymond Bentley gave acreage to the Town of Harwinton allowing for access leading to the Wintergreen Housing development. First Selectman Criss has provided a second map titled The Town of Harwinton, Route 118, dated May, 1984, prepared by William A. Berglund, R.L.S. that shows Parcel A, the 2.09 acres given to the town. Bentley Drive is not a public highway and has become the municipal driveway to the Town Hall, Library and recreation fields in addition to Wintergreen Housing. P. Thierry notes that an Agreement filed in the land records (Vol. 97/Pg. 826) states that "The Town shall build a road on the property conveyed to it and at that time, it shall build and pave a driveway to the northernmost garage located in the northeast corner of the property retained by Marion B. Thierry."

First Selectman Michael Criss explains that on 9/19/17 the Board of Selectmen motioned to proceed and recommend to the Board of Finance, the possible town's purchase of the Thierry property pending the Planning Commission's 8-24 Referral and approval of the DEEP to trade a portion of the Wilcox property on Hill Road for the Thierry's 3.14 acre Retail Service parcel. First Selectman Criss states that the DEEP looks favorably upon this proposal but requires that an appraisal of the property be conducted, that a recordable A2 Survey be prepared and that a title search on the Thierry property be done. First Selectman Criss states that a February 2017 appraisal was done on the property that came back in the amount of \$185,000. The Board of Finance met on 9/21/17 and motioned to recommend to a Town Meeting the purchase of the Thierry property for \$190,000 to be used to replace the Wilcox property on Hill Road.

D. Freidus arrives at this time and is seated for regular member W. Starr.

First Selectman Criss provides a copy of the DEEP letter regarding Open Space Conversion (Sale and Replacement) of the Wilcox Property that reads "it is their understanding that the Town of Harwinton has no use for the structures/improvements on a portion of the Wilcox Property, Hill Road, and that it is the intent of the Town of Harwinton to sell the improved area (3.99 acres) of the Wilcox property (house and accessory buildings) as a building lot and to utilize the funds received to purchase a parcel of open space adjacent to the entrance of the Town Hall." The DEEP notes Guidelines to be followed that include (a) that the converted

parcel and the replacement parcel have to be of similar size, have a monetary value that is relatively equal and a compatible recreation usefulness and (b) it must be understood that the replacement parcel will be dedicated to open space and recreational purposes in perpetuity, and open to the public. In closing, the DEEP letter states they would look favorably upon the proposed conversion should the monetary value and size of the property be compatible. Chairman Orefice believes it would be a good move for the town to acquire the Thierry property. R. Perreault questions what the DEEP's thoughts are on the buildings located on the Thierry property with First Selectman Criss stating that the two accessory buildings on the property could remain but the main house must be taken down. Regarding the existing driveway off of Route 118, which is a right-of-way to the Thierry property, there is question of whether that easement would disappear if the town acquired the property with First Selectman Criss stating it would but the driveway would remain there though it wouldn't be used.

P. Roche **motioned** to give a favorable 8-24 of the town's purchase of the Thierry property located at 145 Litchfield Road based on the information received tonight and that acquiring the land is consistent with the town's Plan of Conservation and Development and will help retain the rural character of the town which is located adjacent to other land owned by the Town of Harwinton. The purchase of the land with two accessory buildings located on the property would help with storage of the town's equipment and gives the possibility of bringing the community gardens that are now located on the Wilcox property to the property at 145 Litchfield Road. R. Perreault seconded the motion. R. Perreault questions First Selectman Criss asking, what if the purchase of the Thierry property doesn't go through, would a potential buyer press the town to go through with road construction of Bentley Drive as a town maintained road (as per the Agreement filed on the land records between the town and the Bentley/Thierry families) and that this thought is a strong benefit and reason for this proposed sale to the Town to go through. P. Roche **amended his motion** to add that the Planning Commission gives a favorable 8-24 also for the additional reason that, if the town purchases the Thierry property, it would alleviate concerns of what the Retail Service property could contain if the property were to be purchased by someone else. R. Perreault seconded the amended motion and it passed unanimously.

P. Roche **motioned** to add to the agenda Ken Hrica, Hrica Associates, informal discussion of possible subdivision of property located at **131 Clearview Avenue**, seconded by R. Perreault. Motion passed unanimously.

Mr. Hrica provides an old copy of a 5/1/1998 site development plan prepared by him for E.R.A. II, previous owners of the property located at 131 Clearview Avenue, who were seeking approval for the construction of additional storage units. The property contains ten acres with an industrial building in front and four storage units in the back of the property. The property is now owned by Rusty Rogers with the storage units being utilized but the industrial building in front is vacant. Mr. Hrica states that someone local is interested in purchasing the rental storage units from Mr. Rogers and is interested in purchasing just the area where those units are. Discussion takes place on access to what possibly could be a rear lot although Mr. Hrica states that Subdivision Regulation 4.7.5 Rear Lots, with the requirement that 50% of all lots in the subdivision must meet four conditions of preservation, could not be met because there could be no preservation of natural resources on this property. Mr. Hrica asks whether the Commission has the ability to work with that regulation with Chairman Orefice stating that the burden is on the applicant to show preservation is being met. Mr. Hrica asks if a natural resource is found on the property, would the Commission be in agreement of a right-of-way with use of the existing driveway for the rear lot. Chairman Orefice states that the subdivision plan would have to show the feasibility of the rear lot having a location for its own driveway but sees no problem in using the existing driveway. Options of ways to subdivide the property are discussed with the possibility of creating a front lot that wraps around the lot that would remain with the industrial building on it. Mr. Hrica will consider the layout of a second lot and present to the Commission when a subdivision plan is prepared.

4. OLD BUSINESS.

None.

5. NEW BUSINESS.

Chairman Orefice notes that he, Paul Roche and Deb Freidus attended the Zoning Commission's 9/25/17 public hearing on the proposed Zoning Regulation amendments. Regarding Home Based Businesses, Chairman Orefice states that if there's a great need for it, perhaps the Planning Commission should consider putting in the next revision of the Plan of Conservation and Development the mention of a need for a Home Based Residential zone.

6. ANY OTHER BUSINESS.

None.

7. CORRESPONDENCE.

None.

8. INVOICES.

None.

9. ADJOURN.

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

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10-3-17 AT 11:17 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK