

**PLANNING COMMISSION MEETING**  
**WEDNESDAY, NOVEMBER 16, 2011**  
**TOWN HALL      7:00 P.M.**

Present: Chairman Michael Orefice, Paul Roche, John Souchuns, John Sullivan, Alternate Member Matthew O'Connell and Land Use Coordinator Polly Redmond

Absent: Sabrina Janco and Alternate Member Elizabeth Brayboy

Chairman Orefice called the **Regular Meeting** to order at 7:10 p.m. before opening the public hearing to conduct Election of Officers. All regular members present are seated with Matthew O'Connell seated for regular member Sabrina Janco.

It is noted that Paul Roche has been sworn in by the Town Clerk after election.

Paul Roche nominated Michael Orefice as Chairman of the Planning Commission. John Sullivan seconded with all members unanimously supporting the nomination to appoint Michael Orefice.

John Souchuns nominated Paul Roche as Secretary of the Planning Commission. John Sullivan seconded with all members unanimously supporting the nomination to appoint Paul Roche.

**PUBLIC HEARING**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairman Orefice called the hearing to order at 7:12 p.m. Existing quorum remains in place.

Hearing is being audio recorded and copies of proposed amendments are available to the public in attendance.

**2. CONSIDER AMENDMENTS TO THE FOLLOWING SECTIONS OF THE HARWINTON SUBDIVISION REGULATIONS; 2.5.2 HEARING, 4.6 NATURAL FEATURES, 4.9.1.2 STREET PLANNING, 4.9.4.3 MEASUREMENT (CUL-DE-SACS) AND AMENDMENT TO THE FEE SCHEDULE TO ADD STATE FEES COLLECTED UNDER STATE STATUTE 22A-27J.**

Chairman Orefice read the call to hearing as published in the Republican-American on 11/4/11 and 11/13/11. Chairman Orefice reviews proposed changes explaining reason for additions and deletions.

Section 2.5.2 incorporates a period of time to inform the applicant of when to send out notices of public hearings.

Section 4.6 adds specific natural features and deletes reference of sections that do not exist in the regulations.

Section 4.9.1.2 is amended to clarify street planning.

Section 4.9.4.3 is amended to clarify measurement of cul-de-sacs.

Addendum 2 Fee Schedule is amended to add notation that Additional State Fees are to be collected under State Statute 22s-27j with the current amount noted. These fees have always been collected and forwarded to the DEEP.

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

Janet Burritt, 31 Whetstone Road, questions what would happen if an applicant calls a cul-de-sac a driveway. She refers back to the construction of Bentley Drive and that a past selectman called it a

driveway when the municipal complex was being built. She questions how so many buildings can be constructed off of one driveway.

Chairman Orefice states that if a developer came in with an application with a proposed cul-de-sac, street frontage would be considered and if a developer wants to upgrade a driveway to a road, it would need to be brought up to town standards.

Michael Rybak, Town Atty., gives his recollection of the history of Bentley Drive, which was given to the town by resident Raymond Bentley along with the municipal complex land. It was noted that there is a possibility that the Zoning Commission may have to rezone this area for multiple offices. There are no other comments from the public or commissioners.

**3. CONTINUE OR CLOSE HEARING.**

P. Roche **motioned** to close the hearing at 7:37 p.m., seconded by J. Souchuns. Motion passed unanimously.

**REGULAR MEETING**

**1. OPEN MEETING – ESTABLISH QUORUM.**

Chairman Orefice called the meeting to order at 7:37 p.m. Existing quorum remains.

**2. ELECTION OF OFFICERS.** See above.

**3. APPROVE MINUTES OF PREVIOUS MEETINGS:** 6/22/11, 7/13/11, 8/10/11.

Previous minutes to be approved are from the 9/14/11 meeting only. P. Roche **motioned** to approve the minutes of the 9/14/11 meeting, seconded by J. Souchuns. Motion passed unanimously with M. O'Connell refraining from vote due to his absence at previous meeting.

P. Roche **motioned** to add Informal Discussion of PA11-79 at Atty. Rybak's request, seconded by J. Souchuns. P. Roche **motioned** to add Informal Discussion Section 2.4.4 at J. Burritt's request, seconded by J. Souchuns. Both motions passed unanimously.

Atty. Rybak notes that PA11-79 became effective 10/1/11. Notice of the Act was sent to all Planning Commissioners, Highway Supervisor and Town Attorney by Land Use Coordinator Redmond. Town Atty. Michael Rybak sent his thoughts back to all in return. Rick Lynn, LHCEO, forwarded City of Torrington's proposed Subdivision Regulation Amendments (from Martin Connor, City Planner) to Harwinton Land Use Office in response to PA11-79. All Commission members, Highway Supervisor and Town Attorney received a copy of such.

Atty. Rybak explains past bonding practices and maintenance bonds. He explains that with PA11-79, (1) Surety Bonds are now an acceptable bond, (2) bond amounts are not to exceed the cost to perform any modifications required by such modified site plan plus an additional amount of up to ten percent of the amount of the bond, (3) the town must release the bond within sixty-five days of the developer requesting release and it is up to the commission to say, in writing, why they won't release the bond if case may be,

(4) PA11-79 allows for phased subdivisions but says the commission cannot get the whole bond for the whole subdivision, only for the phased portion and lastly (5) the Act prohibits maintenance bonds.

Atty. Rybak stresses the importance of amending the Subdivision Regulations quickly. Land Use Coordinator Redmond will contact other towns and organizations to find out what they are doing and whether this Act is being repealed. One option is to mirror the amendments that the City of Torrington is proposing and include the wording “effective until when and if PA11-79 is repealed”, although Atty. Rybak believes it may be modified but never repealed.

Janet Burritt refers to Section 2.4.4 of the Subdivision Regulations and states that she is not opposed to open space designated in a subdivision but believes the developer should pay for insurance on open space that is designated as a park or playground due to liability issues the town may face. She believes open space is okay as long as the town does not own it. Atty. Rybak concurs with Mrs. Burritt in that the town should not accept sources of liability and that open space as conservation easements are a better option.

**4. DISCUSSION/POSSIBLE DECISION TO CONSIDER AMENDMENTS TO THE FOLLOWING SECTIONS OF THE HARWINTON SUBDIVISION REGULATIONS; 2.5.2 HEARING, 4.6 NATURAL FEATURES, 4.9.1.2 STREET PLANNING, 4.9.4.3 MEASUREMENT (CUL-DE-SACS) AND AMENDMENT TO THE FEE SCHEDULE TO ADD STATE FEES COLLECTED UNDER STATE STATUTE 22A-27J.**

No discussion. P. Roche **motioned** to adopt the proposed amendments to the Subdivision Regulations as presented at tonight’s public hearing with an effective date of January 1, 2012. Reason for adoption is for technical clarity and improvement to the purpose of the Subdivision Regulations regarding health, safety and welfare of the town. J. Sullivan seconded the motion and it passed unanimously.

**5. REVIEW 2012 COMMISSION MEETING SCHEDULE.**

P. Roche **motioned** to accept the 2012 Commission Meeting Schedule, seconded by J. Souchuns. Motion passed unanimously.

**6. ALTERNATE MEMBER RECOMMENDATION.**

LUC Redmond will contact commissioner Sabrina Janco for information she may have on a possible alternate member to recommend to the Board of Selectmen.

**7. OLD BUSINESS.**

None.

**8. ANY OTHER BUSINESS.**

Chairman Orefice will draft a letter to the Board of Selectmen explaining the Planning Commission’s belief for the need of an Agricultural Group in town.

**9. CORRESPONDENCE.**

Board of Selectmen minutes of 10/19/11 received regarding action taken to release Whetstone Estates West maintenance bond. Letters from Highway Supervisor, John Fredsall, and from Steve McDonnell, WMC Consulting Engineers are received supporting release of Whetstone Estates West maintenance bond.

**10. INVOICES.**

None.

**11. ADJOURN.**

P. Roche **motioned** to adjourn the meeting at 8:30 p.m., seconded by J. Souchuns. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator