

**PLANNING COMMISSION MEETING
WEDNESDAY, JULY 11, 2018
TOWN HALL 7:00 P.M.**

Present: Chairman Michael Orefice, Roland Perreault, William Starr, Paul Roche, Alternate Member Debra Freidus and Land Use Coordinator Polly Redmond

Absent: Lee Hall and Alternate Member Michael Rewenko

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:03 p.m. All regular members present are seated with Alternate Member D. Freidus seated for L. Hall.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/23/18

P. Roche **motioned** to approve the minutes of 5/23/18, seconded by W. Starr. Motion passed unanimously with R. Perreault and D. Freidus refraining from vote due to their absence at the previous meeting.

3. PLANNING COMMISSION REFERRAL TO THE HARWINTON ZONING COMMISSION IN COMPLIANCE WITH STATE STATUTE 8-3a(b) ON APPLICATION PRESENTED TO THE HARWINTON ZONING COMMISSION BY BUMPER BROOK ESTATES TO AMEND ZONING REGULATION SECTION 2.3 DEFINITION OF ELDERLY HOUSING AND SECTION 9.9 ELDERLY HOUSING. ZONING COMMISSION WILL HOLD A PUBLIC HEARING ON THIS APPLICATION ON AUGUST 27, 2018.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., is present to represent. Chairman Orefice reminds Commissioners that they conducted an 8-3a(b) for Bumper Brook Estates a while back and that the application to amend the Zoning Regulations was subsequently withdrawn. Atty. Tracy states that the new application is essentially the same but has taken enough of a different form to present as a new application which brings it back to the Planning Commission for comment. The new proposal has some similarities to what was previously before this Commission and he proceeds to review the wording that will be presented at the Zoning Commission's August 27, 2018 public hearing. Atty. Tracy states that the new wording came from four nights of public hearings held by the Zoning Commission and another meeting the Zoning Commission held with lots of discussion and feedback on the text amendment before them. Taking that information and comments made by Town Attorney Michael D. Rybak at those meetings, changes were made. Atty. Tracy states that the primary difference is that there is no longer a proposal for a separate newly created zone. Elderly Housing is already permitted by the Zoning Regulations (Section 4.2k) and the zone will now be changed to a Town Residential zone which allows elderly housing as a Special Permit. With the proposed text amendment, the applicant is taking the Special Permit process found in the current Zoning Regulations and using some of that text. The definition of Section 2.3 previously proposed has not changed. Section 9.9 of the Zoning Regulations is the current Elderly Housing Special Permit regulation that only allows for town-sponsored elderly housing. The new text will allow private developers to do what the town can do. Atty. Tracy reviews the proposed text amendments beginning with Section 9.9.1 which is the same wording that exists in the current Zoning Regulation. Section 9.9.2 refers to parking "spaces", not cars as suggested during the public hearing for the first application submitted and subsequently withdrawn. Section 9.9.3 is a significant change from the first proposal since the Zoning Commission was interested in a requirement for public water and public sewer. Town Atty. Michael Rybak expressed the need of providing an exception for town-sponsored

elderly housing in case Wintergreen Housing on Bentley Drive wanted to expand in the future but that any private developer would have to have public water and public sewer. This will also involve WPCA permitting and allow them to look at expansion of the sewer map/sewer line. Section 9.9.4, 9.9.5, 9.9.6 and 9.9.7 is the same wording that exists in the current Zoning Regulations. Section 9.9.8 is different from the previous proposal because it talks of the different approvals from agencies for public sewer and public water systems. Section 9.9.9 and 9.9.10 is the same wording that exists in the current Zoning Regulations. Subparagraphs of Section 9.9.10a., b. and c. are redundant of what is found in Section 8 so the wording was eliminated and picked up with existing Section 9.9.10d. to become proposed 9.9.10a. for number of dwelling units proposed. Proposed 9.9.10d. gives the Zoning Commission discretion for adequate buffers which will be site specific. Section 9.9.10e. is being amended so that all utilities *shall* be installed underground and not left up to the Zoning Commission. Section 9.9.11 is the same wording that exists in the current Zoning Regulation. Section 9.9.12 comes from language in the Multi-Family Zoning Regulation so the access way conforms to the requirements found in the Subdivision Regulations. Sections 9.9.13 and 9.9.14 is wording that also conforms to the requirements found in the Subdivision Regulations. Section 9.9.15 allows the Zoning Commission some regulatory authority over the architectural design and is also found in the Multi-Family Zone Regulation. Section 9.9.16 came out of discussion with the Zoning Commission calling for binding recorded deeds and covenants or restrictions which require that, for at least twenty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented in accordance with the definition of Elderly Housing. The thought for this was to prevent a developer from converting elderly to something other than elderly housing.

Commissioners question the 20 year figure and how it was decided upon with Atty. Tracy stating it was arbitrary and is not the 40 years that the Affordable Housing Act requires. Upon questioning of when the 20 years expires, Atty. Tracy states that the site plan and special permit approval will be for the elderly housing complex and to change it, it would have to go through a modification approval of the special permit. P. Roche asks for explanation of the definition for 62 and older versus the 55 and older. Atty. Tracy states that there are two different categories, one where everyone is 62 and older or two, where at least one person is over the age of 55 and then there can be younger occupants. The target for occupancy is to have persons between the ages of 55 and 70. He states that he believes the town should follow the Federal Fair Housing Act and use both ages. He is not sure if the town can eliminate one of the age groups without violating FHA law. Chairman Orefice questions that if the proposal is to follow FHA law, why does the new definition include conformance to State and Town requirements? Atty. Tracy states it is because it will follow the town requirements of Section 9. P. Roche believes that the word "or" of the "and/or" should be deleted with Atty. Tracy in agreement. Chairman Orefice points to Section 9.9.5 and wishes to clarify that there is to be an option for recreational facilities "or" open space and that it can be active or passive with Atty. Tracy answering yes to both questions. Chairman Orefice states that with this project for elderly housing being proposed on Twenty-four Bumper Road, the open space would be the land in Torrington? Atty. Tracy replies, yes, and will also include some land on the north and east property in Harwinton. Chairman Orefice questions if there are wetlands then that would be a natural open space with Atty. Tracy stating that that is something to be worked out with the Zoning Commission on a special permit/site plan approval and would be site specific. LUC Redmond refers to Section 9.9.2 on-site parking and questions whether there are provisions to be made for guest parking. Atty. Tracy states that the ratio used is found in existing Zoning Regulation 9.9.2 and is used in many other towns and seems to work. Chairman Orefice states his belief that 1.5 is common and not everyone is home and that

public transportation might be available. LUC Redmond points out that there can be, for example, a 20 year old living with his 55 year old parents and each one having a car that would need a parking space. P. Roche questions whether the Zoning Commission would review this proposed language with Atty. Tracy stating they will and they will have the authority to look at site plans as well. Commissioners would like to see additional wording to read "On-site parking shall be provided, using a ratio of **"at least"** one and one-half parking spaces per dwelling unit."

With no further discussion, P. Roche made the following **motion**:

Pursuant to State Statute 8-3a(b), the Planning Commission recommends to the Zoning Commission to amend Zoning Regulations 2.3 and 9.9 and recommends they accept the proposed text amendments with the changes noted by the Planning Commission to Section 2.3 to omit the word "or" to read only "and" in relation to conforming to FFHA and State and Town requirements and to Section 9.9.2 to add the wording "at least" in relation to ratio of parking spaces.

R. Perreault seconded the motion.

LUC Redmond comments on the proposed wording of Section 9.9.11 requiring a minimum lot width of no less than 50 feet on a public highway. She states that Section 5 of the Zoning Regulations calls for Town Residential zones to have a minimum of 175 feet of street frontage. Chairman Orefice states that with the 50 feet of street frontage being proposed, the buildings will be set back off the road so they won't be seen from the road. P. Roche states that this also should be discussed by the Zoning Commission.

A vote is taken on the motion. All members present vote in favor. Motion carries.

- 4. PLANNING COMMISSION REFERRAL TO THE HARWINTON ZONING COMMISSION IN COMPLIANCE WITH STATE STATUTE 8-3a(b) ON APPLICATION PRESENTED TO THE HARWINTON ZONING COMMISSION BY BUMPER BROOK ESTATES FOR A ZONE CHANGE FROM LIGHT INDUSTRIAL TO TOWN RESIDENTIAL, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006. ZONING COMMISSION WILL HOLD A PUBLIC HEARING ON THIS APPLICATION ON AUGUST 27, 2018.**

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., is present to represent and states that in the Planning Commission's 8-3a(b) report on the previous proposal for a zone change, the Planning Commission recommended the zone change be approved provided the text amendment was straightened out. The proposed text amendment is now in keeping with the Town Residential zone in the area and allows for elderly housing.

With no further discussion, P. Roche made the following **motion**:

Pursuant to State Statute 8-3a(b), the Planning Commission recommends to the Zoning Commission that property located on Twenty-four Bumper Road, listed on the Assessor's Map as A8-03-0003, A8-03-0004 and A8-03-0006 be changed from a Light Industrial zone to a Town Residential zone based on the fact that The Plan of Conservation and Development calls for more elderly housing in town and that this change of the zone would facilitate that change.

R. Perreault seconded the motion and passed unanimously.

5. OLD BUSINESS.

None.

6. NEW BUSINESS.

None.

7. ANY OTHER BUSINESS.

None.

8. CORRESPONDENCE.

None.

9. INVOICES.

None.

10. ADJOURN.

P. Roche **motioned** to adjourn the meeting at 7:50 p.m., seconded by W. Starr. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 7-17-18 AT 2:10pm
ATTEST NANCY E. ELDRIDGE TOWN CLERK