

PLANNING COMMISSION MEETING
WEDNESDAY, MAY 8, 2013
TOWN HALL 7:00 P.M.

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

Absent: Matthew O'Connell (resigned but not yet acknowledged by Commission) and Steve Criss

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:04 p.m. All regular members present are seated.

2. WESLEY CYR – APPLICATION FOR 2-LOT SUBDIVISION, 93 OAKWOOD DRIVE. PROPERTY OWNED BY ELLIOT CYR.

Chairman Orefice read the call to hearing as published in the Republican-American on 4/27/13 and 5/5/13. IWWC approval has been received on 5/6/13 and TAHD approval has been received, dated 3/26/13. Dennis McMorrow, P.E., Berkshire Engineering is present along with Wesley Cyr, applicant, and Elliot Cyr, property owner. Proof of certified return receipt mailings to neighbors within 200 of the property giving notification of this hearing are submitted. Plans by Berkshire Engineering titled Re-Subdivision prepared for Wesley Cyr (sheet 1/1), dated 1/14/13, revised to 3/14/13 (to add adjoining owners), and revised 5/6/13 (for Drainage Easement), Site Development Plan, Lot 2, Cyr Re-Subdivision (sheet S1), dated 2/26/13, revised 3/14/13 (for 25 foot natural vegetation area & 4 bedroom dwelling), revised 4/2/13 (adding catch basin) and revised 5/6/13 (for Drainage Easement), Erosion & Sedimentation Control Plan (sheet E1), dated 2/26/13, revised 5/6/13 (for Drainage Easement), Details & Notes (sheet D1), dated 2/26/13 are reviewed. The project consists of subdividing 65.5+/- acres of land into two single family building lots located in a Town Residential zone. Lot 1 is an existing house lot and after subdividing, will contain 63.8+/- acres and Lot 2 will contain 1.695 acres. The site has frontage on Oakwood Drive with the east and west branch of Lead Mine Brook intersecting within the property. There are associated wetlands and a flood zone "A" along the brook. Wetlands have been flagged by Tom Stansfield, Soil Scientist and a copy of his report remains on file in the Land Use office. Project Report by Berkshire Engineering, dated 2/25/13, also remains on file. Mr. McMorrow notes that plans have been revised for drainage easement and pipe location which will correct an improper installation by previous owners. Plans show that an existing outlet culvert on the south side of Oakwood Drive will be plugged, an existing swale on neighboring Zychek property will be filled in and the existing pipe on Lot 2 will be relocated. A new pipe will be set, beginning in the town's right of way, crossing under the proposed driveway, back onto the town's right of way and then back onto Lot 2 to the additional catch basin with discharge to the east onto and through Lot 1. A twenty foot drainage easement to the Town of Harwinton is proposed with Mr. McMorrow confirming that this work will be done at the applicant's expense including the filing of Easements in the town land records. LUC Redmond states that Highway Supervisor, John Fredsall, informed her of a pipe on the Zychek property that will have nowhere to discharge once the swale is filled in. D. McMorrow confirms that there is a 4" PVC pipe on the Zychek property and that this pipe could be extended to the catch basin.

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

Carl Rinaldi, 61 Beechwood Drive, questions whether the road drainage would be changed and is this not up to the Planning Commission to review. Chairman Orefice confirms that this is something this commission would look at.

John Strycharz, 49 Oakwood Drive, questions what side of the road the new subdivision will occur on with Lot 2 being pointed out to him.

Mike Zychek, 66 Oakwood Drive, states his belief that only two neighbors would really be affected by the subdividing of this land, him and the neighbor across the street. He expresses his concern over the area of the Flood Zone and the proposed house being elevated. He states that if the meadow floods, Lot 2 will become an island and the neighbors across the street would be flooded. Mr. Zychek is questions that if the swale is to be removed, where would the water go? D. McMorrow reviews revisions made to the site plans due to Mr. Zychek's comments at Inland Wetlands meetings. Plans now call for the installation of a catch basin right over the property line of Zychek's property but located on Lot 2. Maintenance of the drainage system would be made part of the deeds for Lots 1 and 2. The Commission would like Highway Supervisor John Fredsall's comments on the site plans after further revisions are made. P. Roche **motioned** to continue the public hearing to Wednesday, May 22, 2013 at 7:00 p.m., seconded by C. Emery. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:50 p.m. Same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/10/13 & 4/24/13

C. Emery **motioned** to approve the minutes of 4/10/13, seconded by M. Letourneau. Motion passed unanimously with J. Souchuns and J. Sullivan refraining from vote due to their absence at the 4/10/13 meeting. P. Roche **motioned** to approve the minutes of 4/24/13, seconded by J. Sullivan. Motion passed unanimously with Chairman Orefice and C. Emery refraining from vote due to their absence at the 4/24/13 meeting.

3. DISCUSSION/POSSIBLE DECISION - WESLEY CYR – APPLICATION FOR 2-LOT SUBDIVISION, 93 OAKWOOD DRIVE. PROPERTY OWNED BY ELLIOT CYR.

No discussion.

4. DISCUSSION/POSSIBLE DECISION TO AMEND SUBDIVISION REGULATIONS, SECTIONS 1.2, 2.3.13, 2.7 AND 2.10 IN RESPONSE TO PA11-79 AND PA12-182.

P. Roche **motioned** to adopt the proposed amendments to the January 1, 2012 Subdivision Regulations as drafted by Town Counsel Michael Rybak with assistance from LUC Redmond. Amendments shall be made to the following sections: 1.2, 2.3.13, 2.7, 2.7.1, 2.7.2, 2.7.3, 2.10 and 4.9.8 effective one day after publishing of the legal notice in the Republican-American newspaper.

5. OLD BUSINESS.

C. Emery questions what dollar amount has been budgeted for the Plan of Conservation and Development for the fiscal year 2013/2014. LUC Redmond will check. (*\$500.00 has been requested.)

6. ANY OTHER BUSINESS:

P. Roche questions the wording of the Right to Farm Ordinance recently approved at town meeting. Chairman Orefice explains that the wording will follow the wording of the State Statute.

7. DISCUSSION – VACANT ALTERNATE MEMBER POSITION. RECOGNIZE ALTERNATE MEMBER MATTHEW O'CONNELL'S RESIGNATION.

Matthew O'Connell has sent in his resignation as an alternate member of the planning commission.
C. Emery accepts the resignation, seconded by P. Roche.

8. CORRESPONDENCE.

Atty. Steve Byrne has forwarded material from the CT Federation of Planning & Zoning Agencies Annual Conference. Presentation material concerns the potential legal liability of commission members for decisions they make as members of a land use agency.

9. INVOICES.

None.

10. ADJOURN.

J. Souchuns motioned to adjourn the meeting at 8:05 p.m., seconded by C. Emery. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 5-14-13 AT 10:15 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK