

HARWINTON PLANNING COMMISSION

WEDNESDAY, SEPTEMBER 9, 2020 7:00 P.M.

VIRTUAL MEETING

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

Absent: Lee Hall and Jon Truskauskas

Also in attendance is Michael Mazuroski, owner of 38 Fox Hunt Way

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman M. Orefice called the hearing to order at 7:00 p.m. All members present are seated with Alternate Member R. Perreault seated for J. Truskauskas and Alternate Member D. Freidus seated for L. Hall.

2. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR RE-SUBDIVISION OF EQUESTRIAN ESTATES, PLYMOUTH ROAD, TO JOIN LOTS 22, 30 AND 31 OFF OF STEEPLE CHASE ROAD (PROPOSED ROAD/CUL-DE-SAC) INTO ONE LOT WITH FRONTAGE PROVIDED ON FOX HUNT WAY, LOT LINE RELOCATION OF LOT 22 AND LOT 23, AND ELIMINATION OF PROPOSED CUL-DE-SAC, STEEPLE CHASE ROAD.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C. is present to represent along with Jared Braddock, Building Division General Manager, Supreme Industries & E.R. Hinman and Sons.

Plans prepared by Robert Green Associates titled Resubdivision Map & Lot Line Revision, Equestrian Estates Lots 22, 30 & 31 Owned by Pickett Brook Property LLC - Lot 23 Owned by Michael Mazuroski, Et Al, Fox Hunt Way and Steeple Chase Road, 7/31/2020, revised 8/4/2020, 8/19/2020 and 9/8/2020 have been submitted. Latest revisions were made upon the request of the Planning Commission on 8/26/2020 to amend the Title Block to include the wording *Lot Line Revision*, add pins to the property boundaries, add the ownership name of the property across the street from Lot 23/38 Fox Hunt Way and add the notation that the 38 Fox Hunt Way rear boundary line is a "former lot line". An Easement Map to the Roraback State land has also been submitted with the application and is titled Easement Map Showing Access Easement Across Lot 24 Owned by Pickett Brook Property, LLC, Fox Hunt Way, dated 8/19/2020. All Commissioners have received copies of these plans. Legal notice of this hearing has been published in the Republican American newspaper on 8/29/2020 and 9/6/2020. Chairman Orefice notes that the resubdivision plans do not include a site development plan because Subdivision Regulation 2.3.3 states one is not required unless requested by the Commission.

Atty. Tracy states that copies of certified mail receipts giving notice to abutting property owners within 200 feet of the property lines has been submitted to the Land Use office. There were 13 properties with 8 properties owned by Pickett Brook Property, LLC. LUC Redmond has verified the names on the resubdivision plans with the mail receipts and all is in order. Atty. Tracy explains that the resubdivision involves four lots; lots 22, 30 and 31 owned by Pickett Brook Property, LLC, which will become a rear single lot, and the elimination of the proposed 370 foot long cul-de-sac which will become the location for the driveway of the newly joined lots that total eight (8) acres. Lot 23 (38 Fox Hunt Way) will gain 0.389 acres from Lot 22 because 38 Fox Hunt Way was a corner lot in the original subdivision but with the elimination of the proposed cul-de-sac it takes away that distinction and changes the setback requirements.

Atty. Tracy states that there will be no effect to traffic patterns on the road or drainage patterns with the elimination of the cul-de-sac. In looking at the grading plan of the original subdivision, he explains that the highpoint of drainage was the center of this intersection and so the cul-de-sac portion of Steeple Chase was a self-contained unit for drainage purposes from the intersection to the northeast of Steeple Chase Road and is a separate drainage system and drains differently. This will eliminate some of the street drainage that was in the proposed cul-de-sac and won't be needed anymore. Any other street drainage issues will be addressed when the house and driveway are constructed on these joined lots. There was a drainage easement heading to the west off of the cul-de-sac that was to accept the street drainage from the cul-de-sac that will no longer be necessary because that portion of Steeple Chase Road has never been completed and deeded to the town so that easement will be eliminated. The proposed public access via an easement granted to the Town of Harwinton to the Roraback State Forest at the end of what was to be a cul-de-sac will be relocated onto Lot 24 at the end of another cul-de-sac on Fox Hunt Way as shown on the Easement Map. (This access easement consisting of 0.025 acres abuts a drainage easement granted to the Town of Harwinton containing 0.11 acres.)

Torrington Area Health District submitted a letter to the Land Use office dated 8/20/2020 stating that upon their review of the 8/19/2020 plans, they are in agreement that these parcels can satisfactorily be altered to accommodate subsurface sewage disposal system for a single family 4-bedroom dwelling. Letter remains on file in the Land Use office.

The Land Use file also contains an 8/21/2020 letter from Robert & Kristin Mazuroski, owners of Lot 23/38 Fox Hunt Way giving consent to the resubdivision application to combine Lots 22-30-31, the elimination of the cul-de-sac stub of Steeple Chase Road and the rear lot line adjustment of their property.

There is no requirement for an Inland Wetlands Commission review as there are no activities within regulated areas.

Mr. Mazuroski questions the drainage easement that was proposed off of the cul-de-sac that is now to be eliminated. It is his understanding that none of that drainage is being removed. The drainage easement states it is now in favor of Pickett Brook Property where it used to say the Town of Harwinton. He questions who will maintain this drainage area. He states that the water runs off of his property toward the area of where the culvert was and will drain down a pipe. If it's all filled in, he's concerned about the drainage aspect of it. Atty. Tracy states that there is a drainage easement on Lot 23 (Mazuroski's property) and that is for surface water that drains to this area which will get picked up in the street drainage. The drainage will be shown on a site development plan for construction of the house and driveway on these joined lots. Mr. Mazuroski questions which street drainage this would be coming to because as he understands it, it doesn't tie into anything on Fox Hunt Way. The cul-de-sac had its own drainage system that went out toward the cul-de-sac in that direction. Mr. Mazuroski questions that if the road isn't going to be there, then what is going to happen to that water? Atty. Tracy states it will continue in to the easement and will have to be picked up by whatever manner they take to route it around the driveway on the remaining eight acre parcel. Chairman Orefice questions if the culvert is

going to remain with Atty. Tracy stating that that determination may not have been made yet and he asks Mr. Jared Braddock to speak on this matter. Mr. Braddock explains that right now there is some drainage that was installed as the road was roughed in a couple of years ago so there are three catch basins that are there and connection of them. There is an outfall at the end of the cul-de-sac that is now being turned into a driveway. The catch basins were never active, the grades were never brought up, however, there is one pipe from the Mazuroski property into that drainage and it would follow through the piping and out. Currently right now, if water is collected in that one area, that that is the path it will take. They are finishing up the design portion of the drainage with Robert Green Associates. One of two things that can be done is that the piping that is under the ground there can remain and it would take any water from the Mazuroski property and move it along. The other option would to put grading into the site development plan of the newly joined lots so it shows that it won't drain or pool onto the Mazuroski property.

Chairman Orefice refers to the CL&P (Utility) Easement located on the Mazuroski property and questions whether it will be eliminated. Atty. Tracy states that they will work with Eversource and if the resident of Lot 23 (38 Fox Hunt Way) approves of the removal, it can be done. Mr. Braddock states that he met with Eversource representatives and discussed how the power will be fed to the new lot which will be provided with the final house location. Eversource will then determine how the power will be fed to the house. Chairman Orefice questions that with the utilities being underground can the Utility Easement go along the driveway of the new lot as he would like to see it removed off of Lot 23? Mr. Braddock states that he believes there's a switch at the intersection directly across the street from the Steeple Chase Road (cul-de-sac) they are abandoning and he believes that conduit was installed under the ground that runs from that switch over to the property that is to be the new eight acre building lot but it will need to be explored by excavation to locate that conduit. He states that this is not on the Mazuroski property but in fact on property owned by Pickett Brook Property and if that's the case, that is the access for the power and that will come down where the Steeple Chase cul-de-sac existed. If that's the way it works out then there would be no need to go across the Mazuroski property but they will continue to work with Eversource on this. Atty. Tracy states that ultimately it is up to Eversource to agree to its removal. If there's no need to put any lines on the Mazuroski property they would certainly ask Eversource to bring it back into the 50 foot width of the driveway (former cul-de-sac).

Mr. Mazuroski refers back to the drainage easement and asks if it is correct to assume that the drainage is going to stay where it is and questions who will maintain it if there is a problem with it in the future. When it was to be a cul-de-sac, it was to be the Town of Harwinton. Now he is curious as to who is responsible for the easement and drainage in case it needs to be repaired. Atty. Tracy states that it would be the responsibility of the property owner of the new eight acre lot and that the drainage pattern is going to be maintained so the water leaves his (Mazuroski's) property in the manner it does now. To be clear, Mr. Mazuroski states his understanding that the responsibility will now shift from the Town of Harwinton to the person who owns the property of the eight acre parcel with Atty. Tracy agreeing saying that no one will be able to block that drainage.

Chairman Orefice questions the driveway location of the joined lots with Mr. Braddock replying that it will be to the left of the accessway. Mr. Mazuroski questions if the sight line easement will go away with the elimination of the cul-de-sac. Atty. Tracy states that if it was already granted to the town (filed in the land records) it would be up to the town to release it. W. Starr states that if it is recorded and deeded to the town, it will be just a football-shaped area on the corner. Atty. Tracy states that it is just an area that will prohibit tall structures to be placed there to allow for sight line. Mr. Mazuroski questions if the property line will then be squared off with Chairman Orefice stating that is not what is being proposed. Atty. Tracy refers to the sight line easement noting that it was deeded to the town so it is the Selectmen who will have to release it. P. Roche states that it's probably not a problem for the sight line easement to remain with Chairman Orefice agreeing. W. Starr questions whether the depression will be filled in with Mr. Braddock stating it can be discussed with Mr. Mazuroski.

R. Perreault, referring to drainage, states that if Lot 23 (38 Fox Hunt Way) was not built on yet, the Planning Commission would never allow drainage to go through someone's lot and he believes the easement should be stipulated. He is concerned with the rights of the property owner of Lot 23. Atty. Tracy states that there is already language in the deed on this and that it will be addressed in a deed for the newly joined lots that states the lot is subject to this drainage pattern. Chairman Orefice states that if the pipe needs fixing, there should be an easement right because the new lot won't be using it, that it is only to serve Lot 23. Atty. Tracy agrees stating that it was only for the road and Lot 23.

Mr. Braddock states that a solution could be to create a surface where Lot 22 is at this time (part of the joined lots that abuts Lot 23) and create a swale since the water trails off that way anyway with Atty. Tracy agreeing that the natural flow of water and the topography is to the west of Lot 23. Chairman Orefice agrees that a swale would be better than piping. Mr. Braddock states that the topography drops down on Lot 22 and away from the Mazuroski property and the drainage easement on the Mazuroski property can then be removed. Mr. Mazuroski asks for clarification in that it is his understanding that the pipe will be removed? He also states he just wants to be clear and assured that no water will come on to his property. It is explained that the swale will run from the south west corner of the Mazuroski property line, through what was to be the cul-de-sac at the end of Steeple Chase Road, and to the back of the property abutting the Roraback State Forest, owned by the State of CT.

3. CONTINUE OR CLOSE PUBLIC HEARING.

With no further questions or comments, P. Roche **motioned** to close the public hearing at 7:52 p.m., seconded by R. Perreault. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman M. Orefice called the meeting to order at 7:52 p.m. The same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/26/20

R. Perreault **motioned** to approve the minutes of the previous meeting, seconded by W. Starr. Motion passed unanimously with P. Roche refraining from voting due to his absence at the 8/26/20 meeting.

3. DISCUSSION/POSSIBLE DECISION - PICKETT BROOK PROPERTY, LLC – APPLICATION FOR RE-SUBDIVISION OF EQUESTRIAN ESTATES, PLYMOUTH ROAD, TO JOIN LOTS 22, 30 AND 31 OFF OF STEEPLE CHASE ROAD (PROPOSED ROAD/CUL-DE-SAC) INTO ONE LOT WITH FRONTAGE PROVIDED ON FOX HUNT WAY, LOT LINE RELOCATION OF LOT 22 AND LOT 23, AND ELIMINATION OF PROPOSED CUL-DE-SAC, STEEPLE CHASE ROAD.

Chairman Orefice states that he believes there is no concern on the sight line easement in favor of the Town of Harwinton remaining in place and that it might be okay for the town to hold on to. He would like to see the Utility Easement in favor of Eversource Energy removed from the Mazuroski property (Lot 23) and he is in favor of the creation of a swale that was discussed during the hearing be put in place of the drainage easement over the Mazuroski property.

P. Roche **motioned** to approve the application of Pickett Brook Property, LLC for resubdivision of Equestrian Estates, Plymouth Road, to join lots 22, 30 and 31 off of Steeple Chase Road into one lot with frontage provided on Fox Hunt Way, to relocate the property line of lot 22 and lot 23, and to eliminate the proposed cul-de-sac, Steeple Chase Road, based on proper notifications to neighbors of this hearing, Torrington Area Health approval, an agreement letter received from the Mazuroski's, the new location of the easement to the Roraback State of CT land, consistency with the Plan of Conservation and Development.

Conditions placed on the approval are (1) that the Eversource Utility Easement be removed off of Lot 23 and relocated to the newly joined lots that it will serve if permitted by Eversource and (2) that a swale be created to take water coming from the south west corner of Lot 23 to Lot 22 (part of newly joined lots) that shall not be disturbed once in place. The grade of the property supporting the swale (the new eight acre lot) cannot be changed once the swale is established and the swale shall be shown on a site development plan presented for approval of construction on the lot.

The revised Resubdivision Map/Mylar to be filed in the land records in the office of the town clerk shall show (1) the location of the *new* Eversource Easement and (2) the swale location with notation on the plan that the swale shall not be disturbed in the future. R. Perreault seconded the motion and it passed unanimously.

4. OLD BUSINESS.

None.

5. NEW BUSINESS.

None.

6. CORRESPONDENCE.

None.

7. INVOICES.

None.

8. 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 9-21-20 AT 9:15am

ATTEST TOWN CLERK

Lampson