

**HARWINTON PLANNING COMMISSION      WEDNESDAY, OCTOBER 12, 2022**  
**TOWN HALL                      7:00 P.M.**

Present: Chairman Michael Orefice, Lee Hall, Roland Perreault, Paul Roche, Alan Colombie and Land Use Coordinator Polly Redmond

Absent: Debra Freidus

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

Chairman M. Orefice called the meeting to order at 7:00 p.m. All members present are seated.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 8/10/2022**

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

Motion passed unanimously.

**3. INFORMAL DISCUSSION – AGRICULTURAL SUBDIVISIONS**

LUC Redmond informs the Commission that someone came to her office stating they would like to create a five-acre lot from their larger house lot for agricultural purposes to perhaps grow Christmas trees. They questioned whether this would be a subdivision of land that would require a public hearing and site plans showing how the lot could be developed in addition to a subdivision map. The lot would be noted as “not an approved building lot” on the plans and it would be understood that once the owner wants to build, it would have to come back before the Planning Commission as a formal subdivision application. Question arose as to whether the owner who is presenting the subdivision as an agricultural one would be required to notify neighbors of the subdivision of land regardless of whether a public hearing was held or not.

Town Counsel Michael D. Rybak was consulted with who responded saying, “The proposed division described should be accompanied by a map on which the 5-acre tree lot is marked “Not an approved building lot – for agricultural uses only”. “If the lot otherwise meets the zoning requirements, it may be approved as an “agricultural division of land” which is not a subdivision. Although a hearing is not required for an agricultural division of land, i.e., no subdivision or resubdivision is involved, the decision of the Planning Commission should be in writing and a legal notice should be published to start the appeal period.” In short, he wrote, if the Commission decides it has enough information to make the determination of it being an agricultural subdivision, it does not have to hold a hearing, publish legal notice or notify the neighbors unless it is required under the Commission’s regulations. The Commission should place any matter of an agricultural subdivision on their agenda and make a formal determination, noting it in their minutes, and giving reason based on CGS 8-18 and its regulations. The Commission must publish notice of its decision under CGS 8-28.

P. Roche is in agreement stating that a determination would be made when and if a formal application is made. Chairman Orefice states that perhaps at some point the Subdivision Regulations should address Agricultural Subdivisions.

**4. INFORMAL DISCUSSION – LOT LINE REVISION, 45 DELAY ROAD**

No one is present to represent. LUC Redmond received a proposed Lot Line Revision Map dated 8-21-2022 from Carmine Matrascia, Dufour Surveying, showing a proposed lot line revision between 45 Delay Road, Assessors Map No. C5-01-0012 containing 1.01 acres with 174.76 feet of street frontage (nonconforming) and an abutting vacant rear lot shown as Assessors Map No. C5-01-0011 containing 7.6 acres with 49.64 of nonconforming street frontage. These lots were created illegally back in 1976 by then

owner Alfred Alexander. A December 10, 2002 Opinion Letter from Michael D. Rybak is on file in response to the reported zoning violation of creating non-conforming lots that gives the history of the property and his opinion on how to correct the violation by joining the lots together. Robert Ferrarotti now owns 45 Delay Road and Lot 11 is owned by AJT, LLC (owned by Mr. Ferrarotti also). As explained by Mr. Ferrarotti's attorney in an email to him, and that Mr. Ferrarotti had asked be read into the minutes so the commission will have a written explanation as to what will be done, is as follows:

"As it stands today, Lot 12, owned by you in your individual capacity, is an illegal subdivision. The purpose of our fix it to modify the boundaries of Lot 12 to both increase the square footage and increase the frontage. The increased areas will come from Lot 11, owned by AJT. The remainder of Lot 11 will then be merged into 300 Hill, also owned by AJT. You are correct that both Lot 11 and 300 Hill are AJT lands but they are currently separate lot. The merger will eliminate Lot 11 in its entirety. You will be left with an expanded Lot 12, still owned by you in your personal capacity, and an expanded 300 Hill, owned by AJT." (This email remains on file in the Land Use office.)

Town Counsel Michael D. Rybak has been consulted with who responded saying, "If the surveyor certifies this is a lot line revision, then the Planning Commission can determine whether it is and the map can be filed." "If Bob Ferrarotti is willing to reconfigure the lot lines to make both lots conforming, then the zoning nonconformity is eliminated and the caveat [placed on the land records on 7-28-1994] can be released."

Commissioners agree that if the Surveyor certifies the lot line revision is just that, and lot acreages are shown for both lots, then the Commission has no objection to the filing of the Lot Line Revision Map. Land Use Coordinator P. Redmond will review the map prior to its filing.

**5. DISCUSSION ON PUBLIC ACT 21-29, SECTION 9 – REQUIRED TRAINING FOR MUNICIPAL LAND USE COMMISSIONS.**

No discussion. Nothing new to report.

**6. OLD BUSINESS.** None.

**7. NEW BUSINESS.** None.

**8. CORRESPONDENCE.** None.

**9. ADJOURN.**

P. Roche **motioned** to adjourn the meeting at 7:40 p.m., seconded by A. Colombie. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

