

PLANNING COMMISSION MEETING

WEDNESDAY, APRIL 11, 2012

TOWN HALL 7:00 P.M.

Present: Chairman Michael Orefice, Paul Roche, John Sullivan, John Souchuns, Christina Emery and Land Use Coordinator Polly Redmond. Also present: Town Counsel, Michael Rybak
Absent: Alternates Matthew O'Connell and Elizabeth Brayboy

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:02 p.m. All regular members present are seated with Christina Emery seated as a regular member for a vacant position.

2. RON VISINI/MELNIC, LLC – APPLICATION FOR 2-LOT RESUBDIVISION, CORNER OF ORCHARD HILL ROAD AND SCOVILLE HILL ROAD.

Chairman Orefice read the call to hearing as published in the Republican-American on 4/1/12 and 4/8/12. Mr. Visini is present along with Stephen Latour, R.L.S., Berkshire Engineering. Plans by Berkshire Engineering, titled Re-Subdivision Map, dated 2/6/12, Site Development Plan, dated 2/24/12, revised to 4/11/12, Erosion & Sedimentation Control Plan, dated 2/24/12 and Details & Notes, dated 2/24/12. Certified Return Receipts of mailings to neighbors within 200 feet of the property giving notice of this hearing are collected and will remain on file in the Land Use office. Names for mailings are checked against the names listed on the site plans. The property totals 7 acres in a Town Residential zone. Lot 1 has frontage on Scoville Hill Road and will contain 2.487 acres and Lot 2 has frontage on Orchard Hill Road and will contain 4.468 acres. Both driveways will have pull-offs. IWWC approved the application on 4/5/12 and TAHD issued an approval on 3/22/12. Chairman Orefice opened the floor to public comment.

Mary Ellen Adams, 44 Scoville Hill Road, reviews site plans and expresses her wish that there would only be one lot developed instead of two. Mr. Visini states that the property could support three lots but that he wanted one lot for himself making it larger than the minimum acreage requirement.

Atty. Michael Rybak refers to drainage on Lot 2 and that with the wetlands on the property it is his hope that drainage pipes have been sized properly. Mr. Visini explains that he did culvert work in front of Lot 2 last year after receiving IWWC approval.

LUC Redmond advised the commission of Highway Supervisor John Fredsall's comments after his review of the site plans and that he suggested pull-offs be included in the driveway design of Lot 2 and that the driveway be paved. Lot 2 driveway already has an apron in, Lot 1 does not. Zoning Regulation 6.4.5 requires paving and Mr. Latour points out on the Detail Sheet of the plans that states "driveways over 10% grade are to be paved".

With no further comments, P. Roche **motioned** to close the hearing at 7:35 p.m., seconded by C. Emery. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:36 p.m. Same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/28/12.

P. Roche **motioned** to approve the minutes of the previous meeting, seconded by J. Souchuns. Motion passed unanimously with J. Sullivan and C. Emery abstaining from vote due to their absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - RON VISINI/MELNIC, LLC – APPLICATION FOR 2-LOT RESUBDIVISION, CORNER OF ORCHARD HILL ROAD AND SCOVILLE HILL ROAD.

P. Roche **motioned** to approve the application based on compliance with the Subdivision Regulations, January 1, 2012, seconded by J. Souchuns. Motion passed unanimously.

4. DISCUSSION/POSSIBLE DECISION TO AMEND SUBDIVISION REGULATIONS, SECTIONS 1.2, 2.3.13, 2.7 AND 2.10 IN RESPONSE TO PA 11-79.

P. Roche **motioned** to table discussion until the next Planning Commission meeting, seconded by C. Emery. Motion passed unanimously.

J. Souchuns **motioned** to amend the agenda to take up Item 6 & 7 before Item 5, seconded by C. Emery. Motion passed unanimously.

5. DISCUSSION/POSSIBLE REPORT ON PROPOSED ZONING REGULATION AMENDMENTS. SET FOR PUBLIC HEARING 4/23/12.

Tabled to later in the meeting.

**6. DISCUSSION – EMAILS AMONG COMMISSIONERS.
and**

7. DISCUSSION - 8-24 REFERRALS AND PROCEDURES.

Combined discussion of Item 6 & 7 with Atty. Michael Rybak who was asked to attend tonight's meeting at the request of Chairman Orefice. Discussion on procedures for 8-24s takes place and emails that are sent from the Land Use Coordinator to all members of the Planning Commission, which can/may constitute a meeting. Atty. Rybak sent LUC Redmond a form that the Town of Litchfield uses for 8-24 requests. Regarding emails, Atty. Rybak has suggested a website to review Draft Declaratory Ruling #94, discovery of emails, voicemail, etc. which also has an attachment "Report of Council April 2004" that basically states that the law is a good one but will not be adopted but instead will be reviewed on a case-by-case basis. LUC Redmond will obtain information from this website and forward the link to Planning and Zoning Commissioners.

Website: http://www.state.ct.us/foi/TEMP/Temp_What's_New_Folder/Draft_E-mail_Dec_Rul.htm

Item 5 will now be taken up for discussion.

DISCUSSION/POSSIBLE REPORT ON PROPOSED ZONING REGULATION AMENDMENTS. SET FOR PUBLIC HEARING 4/23/12.

Chairman Orefice refers to the definition of Agriculture being proposed by the Zoning Commission and suggests that the Agricultural Council should receive the proposed definition and be allowed to weigh in. He also suggests that the Zoning Commission review the guide "Planning for Agriculture: A Guide for CT Municipalities" which is available online and suggests LUC Redmond send the Zoning Commission the link to it. Chairman Orefice states he has no issue on proposed regulations for signs. C. Emery suggests that the Economic Development Committee should take a look at the section on signs and if the Zoning Commission wants input from either of these groups the public hearing can remain open. The Planning Commission strongly recommends they do so. J. Souchuns **motioned** that all the proposed Zoning Regulation amendments set for public hearing on 4/23/12 are *not inconsistent* with the Plan of Conservation and Development. P. Roche seconded the motion and it passed unanimously.

8. DISCUSSION – FILLING UNEXPIRED TERM OF REGULAR MEMBER SABRINA JANCO TO 11-3-15.

No discussion. Item will be placed on the next meeting agenda.

9. **OLD BUSINESS.**

None.

10. **ANY OTHER BUSINESS.**

None.

11. **CORRESPONDENCE.**

A copy of a letter sent to the Economic Development Committee from the Zoning Commission is received regarding a Town Center/Business Zone. P. Roche notes that the Zoning Commission misinterpreted the Plan of Conservation and Development and that the Planning Commission, during meeting discussions when revising the POCD, decided to omit the area of Route 118 for development of light industrial and/or commercial sites. Page 81 of the POCD, under Item 11, does state that Route 118 is part of the three “Gateways” to Harwinton, but it continues by stating: “Focus, rather than scatter, the development of light industrial and/or commercial sites at the Town’s gateways of *Route 4*...” Commissioners agree with P. Roche in that Route 118 should be off the table for possible industrial/commercial development and only Route 4 at the Burlington and Torrington borders should be looked at minus the area of town designated as historical. C. Emery notes that the town center was looked at to be in the area of the Post Office Plaza. P. Roche notes that on page 80 of the POCD, under Economic Development, it speaks of a town center and to identify a market niche for the area. Members of the Commission agree that there should be specific language to review regarding a town center/business zone and that development of Route 118 would have a lot of opposition.

Notice from Town Atty. Michael Rybak was given to LUC Redmond that the open space within Whetstone Estates West was accepted at town meeting on April 10, 2012.

12. **INVOICES.**

None.

13. **ADJOURN.**

J. Souchuns **motioned** to adjourn the meeting at 8:53 p.m., seconded by P. Roche. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator