

PLANNING COMMISSION MEETING
WEDNESDAY, JUNE 27, 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. Absent: Elizabeth Brayboy and Matthew O'Connell

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/13/12.

P. Roche **motioned** to approve the minutes of the previous meeting, seconded by C. Emery. Motion passed unanimously.

3. INFORMAL DISCUSSION WITH TOWN COUNSEL MICHAEL RYBAK REGARDING PA 11-79 / HB 5320: AN ACT CONCERNING BONDS AND OTHER SURETY FOR APPROVED SITE PLANS AND SUBDIVISIONS.

Atty. Rybak reviews changes to Public Act 11-79 through Public Act 12-182 (HB5320) concerning bonding, which is now phrased as "Financial Guarantee" and eliminates reference to bonds or surety and site plan bonds. Site plan bonds are now limited to the types of site improvements and activities for which a zoning commission can require a bond. Towns can now only ask for bonds to include 10% for contingencies and can no longer ask for allowance for administrative expenses associated with enforcing the performance agreement and security and administering the completion in the event of default. Release of bonds is reviewed as developers may now ask for a release within 65 days after receiving request or the Commission must provide the person requesting release with a written explanation as to the additional site improvements that must be completed before such financial guarantee or portion thereof may be released. Atty. Rybak reviewed the new requirements for Maintenance Bonds which now allows municipalities to require developers to maintain site improvements for one year. PA12-182 specifically authorizes these one-year maintenance requirements. Phasing of bonds is discussed and how phased subdivisions must now be treated as separate subdivisions. Atty. Rybak states that usually you could treat phased subdivisions as one, moving the Letter of Credit as the subdivision progresses. He warns the Commission to give themselves a lot of discretion in this matter. Section 8-27 of the CGS is repealed and substituted with allowing towns to prohibit or regulate the issuance of building permits for structures abutting unaccepted highways or streets but that it shall not prevent issuance of a building permit for farm or accessory buildings which are not in violation of any zoning or building regulations or building a structure on a site plan approved, which has not expired, on or after the effective date of this section. PA12-182 prohibits commissions from requiring developers to establish a homeowners association or placing deed restrictions on the property to maintain approved site improvements. The Planning Commission may run into this situation if a pond was created within a new subdivision. In the past, a homeowner's association could be formed for its maintenance. With PA12-182, it could be suggested but not forced.

Atty. Rybak suggests reviewing what was presented at the Commission's public hearing on 2/22/12 and work side by side against PA12-182. P. Roche notes that the surety bonding was the main change of what was proposed and believes there won't be much to change now. Atty. Rybak refers to phasing of subdivisions and perhaps notation in the regulations could read "Multi Subdivisions must be adequately bonded and reviewed by the Town Engineer". He suggests that LUC Redmond look into wording from

other town's regulations regarding this. Atty. Rybak suggests that Rick Lynn, Director, LHCEO or Glenn Chalder, Planimetrics be contacted regarding bonding for LID projects and perhaps even phase bonding. P. Roche suggests that perhaps everything that the Commission presented at the 2/22/12 public hearing could be taken out and to start over using information from PA12-182. Atty. Rybak will review any proposed changes to the Subdivision Regulations.

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.**

No discussion.

5. **OLD BUSINESS.**

None.

6. **ANY OTHER BUSINESS.**

Steve Criss is present to express his interest in becoming an alternate member of the Planning Commission. C. Emery **motioned** to appoint Steve Criss as an alternate member of the Planning Commission to fill an unexpired term to 11/30/14, seconded by P. Roche. Motion passed unanimously. A letter stating this appointment will be sent to the Board of Selectmen.

Chairman Orefice updates the commission on the result of the Zoning Commission's public hearing which was to rescind the definition of Buildable Area from the Zoning Regulations. The Planning Commission will no longer have to address Buildable Areas within new proposed subdivision applications.

LUC Redmond states that she informed the Zoning Commission of the informational meeting the Planning Commission is holding on Wednesday, August 8, 2012 at 7:00 p.m. with Christopher Wood, AICP, Northwestern CT Regional Planning Collaborative. Topic of Discussion: Establishing a Town center. A Special Meeting agenda will be filed by LUC Redmond on behalf of the Zoning Commission.

7. **CORRESPONDENCE.**

A memo from the Board of Selectmen has been received informing all Boards and Commissions that approval for outside legal services is required by the Board of Selectmen and the Board of Finance.

8. **INVOICES.**

None.

9. **ADJOURN.**

P. Roche **motioned** to adjourn the meeting at 7:45 p.m., seconded by C. Emery. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

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TOWN CLERK