

Present: Chairman Michael Orefice, Paul Roche, Alternate Member Roland Perrault and Land Use Coordinator Polly Redmond. Also present: Highway Supervisor John Fredsall

Absent: John Souchuns, Christina Emery, Michael Letourneau and Alternate Member Lee Hall

PUBLIC HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:22 p.m. due to lack of a quorum and LUC Redmond contacting members asking for their availability. All regular members present are seated with Alternate Member Roland Perreault seated for John Souchuns. Paul Roche notes that he has listened to the recording of the previous hearing held on May 28, 2014, in which he was absent from, and is qualified to be seated at tonight's hearing.

2. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR 2-LOT RESUBDIVISION, 50 WOODCHUCK LANE.

Joseph Green, P.E., Robert Green Associates is present. Subdivision plans titled Resubdivision Map Assessors Lot 1201 Fennwood, dated 2/14/14, Topographic Map & Site Development Map, 2/14/14, revised to 3/31/14 and Miscellaneous Notes & Details dated 2/14/14 are reviewed. Chairman Orefice notes that at the last Planning Commission hearing on 5/28/14 there was question on the two accesses for lot 1201-2, one being the proposed driveway shown on the plans and the other, an accessway to the north of the proposed driveway. Land Use Coordinator Redmond informs the Commission that she had a conversation with Bruce Anderson, Pickett Brook Property, in her office where Mr. Anderson explained that Pickett Brook Property was accessing the back of the lot via a right of way that entered from neighboring property owned by Carolyn Kurtich. Mr. Anderson explained that it was unclear as to where the property line was and once it was realized that they were on the Kurtich property the accessway was no longer used and the area was seeded and hayed. Joseph Green concurs stating that it was not realized that the Kurtich property was being used and that the lot has now been staked with seeding and haying as LUC Redmond stated.

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

Carolyn Kurtich, 62 Woodchuck Lane, explains that a deed gave right of use to the neighboring land which was owned by the Fenn family with the stipulation that stone could not be added and grading could not be done. She states that these things have been done in the accessway. As far as Supreme Industries/Pickett Brook Property not knowing where the property line was, she finds that very surprising. Ms. Kurtich states that she went by the property this morning and saw no erosion control measures installed and questions whether that is still a requirement with Chairman Orefice answering, yes, it is. Ms. Kurtich states that Pickett Brook Property still has equipment on her property.

Joseph Green explains that at the northwest corner of the property, the property line was never found. Since there was always an accessway on the north side, they used it to gain access to the back of Lot 1201-2 but he has since warned Pickett Brook Property to stay off of the Kurtich property and to also remove whatever equipment they have on that property.

Chairman Orefice states that it makes sense to stake the property lines, specifically Lot 1201-2 and that he is not comfortable in deciding on the plan presented tonight that he sees as a "moving target". He states he also went by the property and found no erosion control measures in place. He expressed concerns over contours shown on the site development plans dated 2/14/14 that may not be the contours

of today since so much grading has been done on the property. He would like to see plans be revised with present contours to see what has been done.

Roland Perreault states that he also drove by the property and saw a loader on Lot 1201-2 and also one on the Kurtich property. He also has concerns over the lack of erosion control measures on the property. Chairman Orefice notes that there is a steep slope in the area they are working in and grading has taken place. He asks that the survey be double-checked and adjust the contours on the site development plans. John Fredsall, Highway Supervisor, states that there is more work being done on the property besides the driveways. Joseph Green explains that they were trying to remove an old foundation on the lot.

Carolyn Kurtich, 62 Woodchuck Lane, states that there was a garage on the property that has since been removed. Chairman Orefice states that demolition is not in the Planning Commission's jurisdiction and doesn't need to be part of this Subdivision application.

Paul Roche questions what assurances are there that silt fence will be installed and run-off concerns will be addressed. Chairman Orefice states that they are not violating any Subdivision Regulations but that the change in contours is concerning and that the plans the Planning Commission will be voting on should be accurate.

P. Roche **motioned** to continue the public hearing to Wednesday, June 25, 2014 at 7:00 p.m. in the town hall, seconded by Roland Perreault.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:40 p.m. The same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/14/14 AND 5/28/14

Approval of minutes is tabled to the next meeting due to lack of a voting quorum.

3. DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC – APPLICATION FOR 2-LOT RESUBDIVISION, 50 WOODCHUCK LANE.

No discussion.

4. INFORMAL DISCUSSION -- PHASING OF EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD WITH HIGHWAY SUPERVISOR JOHN FREDSTALL AND WILLIAM TRACY, LEGAL COUNSEL FOR PICKETT BROOK PROPERTY, LLC/DEVELOPER.

Atty. William Tracy and Highway Supervisor John Fredsall are present. J. Fredsall expresses concerns with the Planning Commission's approval of Equestrian Estates phasing in that the approval does not expressly require the developer to build a town-approved road out to Plymouth Road leaving 35 lots with only one access via Rocky Road West. Atty. Tracy explains that since the time of approval of Equestrian Estates, two things happened. One, the economy disappeared and two, there was question of a vernal pool in the area where the access out to Plymouth Road was proposed. Further testing of that area was placed on the back burner though it is still in the development plan to connect out to Plymouth Road and that the developer himself does not want only one access. Atty. Tracy states that Phase I was to provide a gravel access from Plymouth Road to the first intersection to allow for emergency vehicles and so that when they got to Phase II there would be a gravel road in place.

J. Fredsall states his belief that Phase III should begin with the paving of the Plymouth Road access so construction equipment could be brought in from Plymouth Road. It is noted that Phase II of Equestrian Estates was for the development of seven lots and Phase III was for the development of 25 lots. P. Roche questions if it is the intent of the developer to build out to Plymouth Road with J. Fredsall stating that it could be the intent but that it is not written anywhere that he will or that he is required to as part of a subdivision approval. Atty. Tracy agrees that it was not part of the Subdivision approval but that it is the intent of the developer to build out to Plymouth Road although the design will look different from the original subdivision submission. In regards to the possibility of a vernal pool in the area of where the road will go out to Plymouth Road, Atty. Tracy states that he believes the area by Lot 1 is not a vernal pool, as thought to be by the expert opinion sought by the IWWC at the time of their public hearing of this subdivision. He states that there are two vernal pools within the subdivision but they won't affect road layout but may affect lots in that area. Highway Supervisor John Fredsall states that it is not fair to neighbors of the subdivision who has to put up with the increased traffic entering from Rocky Road West and that the town's snow plow drivers and emergency vehicles who have to go down Rocky Road West to get to lots within Phase III. He states that Phase III might not happen for five more years. R. Perreault questions whether, with Phase III, would the developer be willing to change the verbiage in the approval to develop the road out to Plymouth Road with Atty. Tracy stating that there may be information on the vernal pool in that area by then. LUC Redmond states that approval of the road within Phase III could possibly be denied if the road out to Plymouth Road is not built. LUC Redmond will gather information from the file on approvals and certain lot denials from IWWC and forward to Chairman Orefice.

5. OLD BUSINESS. None.

6. ANY OTHER BUSINESS.

P. Roche notes that in light of the Workshop held on June 10, 2014 with Bruce Hyde, perhaps in the fall the Planning Commission could begin discussions on what was presented at the workshop, including Affordable Housing and making Subdivision Regulations stronger with regard to Low Impact Development (LID) even though the Regulations reference the LID Manual.

7. CORRESPONDENCE. None.

8. INVOICES. None.

9. ADJOURN.

P. Roche motioned to adjourn the meeting at 8:20 p.m., seconded by R. Perreault. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-19-14 AT 2:02pm
ATTEST NANCY E. ELDRIDGE TOWN CLERK