

**PLANNING COMMISSION MEETING  
WEDNESDAY, SEPTEMBER 9, 2015  
TOWN HALL 7:00 P.M.**

Present: Lee Hall, Paul Roche, Roland Perreault and Land Use Coordinator Polly Redmond  
Absent: Chairman Michael Orefice and Alternate Member Debra Freidus

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

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

**2. APPROVE MINUTES OF PREVIOUS MEETING: 6/24/15**

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

**3. REVIEW AND APPROVE EVERSOURCE ENERGY UTILITY EASEMENTS ALONG THE STREETS OF EQUESTRIAN ESTATES SUBDIVISION ON FOX HUNT WAY, STEEPLE CHASE ROAD AND BREAK MAIDEN LANE.**

Atty. William Tracy, Furey, Donovan, Tracy & Daly, P.C., is present to represent for Pickett Brook Property, LLC and explains that Connecticut Light & Power Company (Eversource) will be placing a standard utility easement along the Equestrian Estates streets. As part of the Equestrian Estates Subdivision approval, the developer entered into development agreements and a mortgage to the Town of Harwinton which CL&P would like to have subordinated to the easement. Atty. Michael D. Rybak, Town Counsel, has reviewed and made comment that he agrees with the Subordination subject to the Planning Commission's review of the easement map and Highway Supervisor John Fredsall's approval of the field location of the utilities with regard to the proposed subdivision road and drainage improvements to be transferred to the town of Harwinton. Highway Supervisor John Fredsall has submitted a letter to the Planning Commission dated August 26, 2015 stating that he has no issues with the easement. Atty. Tracy submits copies of the Subordination and Electric Distribution Easement. R. Perreault **motioned** to approve and recommend to the Board of Selectmen acceptance of the Subordination and Electric Distribution Easement along the streets of Equestrian Estates Subdivision, seconded by P. Roche. Motion passed unanimously.

**4. DONNA DABLAIN – LOT LINE REVISION, COUNTY LINE ROAD, ASSESSORS MAP E7-02-0023, PROPERTY OF CLAIRE CARLSON.**

Donna Dablain, daughter of Claire Carlson and Executrix of her estate, is present to discuss the division of 27 acres remaining land from Carlson Acres Subdivision. LUC Redmond conferred with Town Atty. Michael D. Rybak and relayed that the division of land could be formally subdivided through an application to the Planning Commission with a public hearing held or subdivided for "agricultural purposes", with no requirement of a public hearing, if a note is added to the map which clearly warns that Lot 1 and Lot 2 are "Not approved building lots – approved for agricultural purposes only" and a note is added to the map that "Any development of Lots 1 and 2 for building purposes shall require final approval of the Planning Commission, Inland Wetlands & Watercourses Commission, Zoning Commission and the Torrington Area Health District under the regulations then in effect." Lot 1 and Lot 2 each contain 13.375 acres and each as its own 50 feet of road frontage. The subdivision of the Carlson land began in 1971 with filed maps found in the Town Clerk's land records as being Map 325, Map 419, a resubdivision in 1976, Map 611 a resubdivision in 1983 and Map 769 a resubdivision in 1989 which was conveyance of land only and technically not a subdivision. Ms. Dablain states that she will file the subdivision of land as an Agricultural Subdivision of land with notes mentioned above added to the plans.

**5. OLD BUSINESS.**

P. Roche states that it is his opinion that the Zoning Commission ignored the Planning Commission's referral/report regarding Zoning's proposed regulation to prohibit medical marijuana facilities and did not meet the five points noted in that report. He states that it should only have been the Planning Commission who determined whether the five points were met by Zoning and not the Zoning Commission or the Town Attorney. Zoning should have either delayed a decision and come back before the Planning Commission with their comments to address the five points or could have waited for a 2/3 vote with all regular Zoning Commissioners present. With the Planning Commission's report being and remaining unfavorable, in his opinion, he believes that the Zoning Commission should only have approved their proposed Zoning Regulation by a 2/3 vote instead of a majority vote. P. Roche would like to discuss this matter further when the Planning Commission meets again where Chairman Orefice will be present.

**6. NEW BUSINESS.**

None.

**7. ANY OTHER BUSINESS.**

None.

**8. CORRESPONDENCE.**

None.

**9. INVOICES.**

None.

**10. ADJOURN.**

P. Roche motioned to adjourn the meeting at 8:00 p.m., seconded by R. Perreault. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 9-16-2015 AT 12:45 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK