

PLANNING COMMISSION MEETING
WEDNESDAY, MARCH 22, 2017
TOWN HALL 7:00 P.M.

Present: Chairman Michael Orefice, Lee Hall, Roland Perreault, William Starr, Paul Roche, Alternate Member Debra Freidus, Alternate Member Michael Rewenko and Land Use Coordinator Polly Redmond
Also Present: First Selectman Michael R. Criss and Town Counsel Michael D. Rybak

PUBLIC HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Orefice called the hearing to order at 7:05 p.m. Regular Members seated are Chairman M. Orefice, R. Perreault, W. Starr, P. Roche and Alternate Member D. Freidus. Alternate Member D. Freidus is seated for L. Hall who was absent from the 2/22/17 public hearing and did not get a chance to listen to a recording of that hearing emailed to him.

2. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR TWO-LOT RESUBDIVISION, LOT 21, EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD. APPLICATION INCLUDES CONSTRUCTION OF A PORTION OF BREAK MAIDEN LANE OUT TO PLYMOUTH ROAD.

Atty. Tracy is present and provides revised plans. They include a Cover Sheet titled Re-Subdivision Equestrian Estates, Lot 21, Sheet No. O, Overall Plan, revised to 3/17/17 as per Harwinton Highway Supervisor Comments, Sheet RP, Proposed Roadway Plan, revised to 3/17/17 as per Harwinton Highway Supervisor Comments, Sheet P1, Roadway Profile Sheet 1, revised to 3/17/17 as per Harwinton Highway Supervisor Comments, Sheet P2, Roadway Profile Sheet 2, revised to 3/17/17 as per Harwinton Highway Supervisor Comments, Sheet S&E, Sediment & Erosion Control Details, revised to 3/17/17 as per Harwinton Highway Supervisor Comments.

Chairman Orefice acknowledges receipt of a letter from W.M.C. Consulting Engineers dated 3/7/17 to Land Use Coordinator Polly Redmond. The letter refers to their bond estimate review and their recommendation that the bond be set at \$549,895.00. Highway Supervisor John Fredsall has suggested that the Planning Commission set the Maintenance Bond at 15% as used in the past. That amount would be \$82,484.00. Mr. Fredsall also notes in an email dated 3/21/17 that the town is presently holding a Passbook Savings book for Pickett Brook Properties that has a balance of \$266,200.00 and he would not be opposed to allowing them to use this entire Passbook balance towards meeting the required Performance Bond to construct this section of Break Maiden Lane out to Plymouth Road. Atty. Tracy points out that the bond amount reviewed by W.M.C. left out the \$4,000 bond requested by the Inland Wetlands Commission for plantings and work around the vernal pool which would bring the bond amount, minus the 15% Maintenance fee, to \$553,893.24.

Atty. Tracy reviews the revisions made to the plans regarding the under drains on the south side of Break Maiden Lane that now shows 6 inches of top soil on Sheet RP that will preserve the wetland function. Changes in the detail for the rock cut slope have been made increasing the slope to a 4H:1V as suggested by W.M.C. Roadway Profile Sheet 1 shows that the under drain pipe will now be sleeved in a larger schedule 35 pipe so it could be easily replaced should it become plugged or collapses. Atty. Tracy states that with these changes made, he believes the Planning Commission is now ready to make a decision on the application. Chairman Orefice expresses concern that he wants to make sure that the intersection of Break Maiden Lane and Steeple Chase Road, if they are not built together, that there would be some kind of turnaround constructed. Atty. Tracy states that the bond includes the turnaround and the detention basin work that must

be done via Break Maiden Lane. Atty. Tracy adds that the bond which is presently being held by the Town will be used and will be added to for the proposed construction of Break Maiden Lane. Atty. Rybak, who is present for the 8-24 Referral agenda items, states the applicant met with the Board of Selectmen last night along with Highway Supervisor John Fredsall and the bond was reviewed and the Road Construction Permit was approved by the Board of Selectmen. Other items reviewed by Michael D. Rybak and the Board of Selectmen are the Performance Agreement, the Permanent Sight Line Easements over certain strips of land located at the intersection of Break Maiden Lane and Plymouth Road, the Permanent Sight Line Easement over certain strips of land located at the intersection of Steeple Chase Road and Break Maiden Lane and Highway Drainage Easements for storm water drainage, pipe lines and rights of flowage and transit of surface and subsurface waters on and over land of the Grantor in the Town of Harwinton.

These documents are to be filed in the land records of the office of the Town Clerk at the time the subdivision mylar is filed.

3. CONTINUE OR CLOSE HEARING.

P. Roche **motioned** to close the public hearing at 7:15 p.m., seconded by W. Starr. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:15 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/22/17

Seated and voting for the approval of minutes are Chairman Orefice, R. Perreault, W. Starr, P. Roche and Alternate Member D. Freidus. P. Roche **motioned** to approve the minutes of the previous meeting, seconded by D. Freidus. Motion passed unanimously.

Alternate Member D. Freidus remains seated for Item 4. Regular Member L. Hall is not seated.

4. DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC - TWO-LOT RESUBDIVISION, LOT 21, EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD INCLUDING CONSTRUCTION OF A PORTION OF BREAK MAIDEN LANE OUT TO PLYMOUTH ROAD.

P. Roche asks Chairman Orefice if he is satisfied with the intersection of Break Maiden Lane and Steeple Chase Road being a temporary turnaround with Chairman Orefice replying, yes, he is satisfied with that plan. P. Roche **motioned** to approve the application for Resubdivision of Lot 21, Equestrian Estates Subdivision, Plymouth Road, including construction of a portion of Break Maiden Lane out to Plymouth Road, based on comments received from Highway Supervisor John Fredsall, Town Counsel Michael D. Rybak, the Harwinton Board of Selectmen and W.M.C. Consulting Engineers; that approval has been granted by the Harwinton Inland Wetlands Commission and the Torrington Area Health District; that road improvements for intersection sight line distance of 335 feet has been achieved; that the lots meet Zoning requirements; that execution of the proper documents be filed in the Office of the Town Clerk's Land Records; that compliance with the bond amount of \$553,893.24 be posted (of which that amount includes bonding in accordance with the Harwinton Inland Wetlands condition of approval) and the 15% Maintenance Bond in the amount of \$82,484.00 be added; that the temporary turnaround has been reviewed and agreed upon by the Commission; and that the application is in compliance with the Harwinton Subdivision Regulations and the Harwinton Plan of Conservation and Development. R. Perreault seconded the motion and it passed unanimously. Voting Members are Chairman Orefice, R. Perreault, W. Starr, P. Roche and Alternate Member D. Freidus.

P. Roche **motioned** to add two items to the agenda.

Item 1) **8-24 Referral for town to purchase 72.9 acres of land owned by Andrew Kasznay, Whetstone Road, Assessors Map No. C5-03-03**

and

Item 2) **8-24 Referral for town to sell off four acres of the 33 acres of land known as the Wilcox Property, located at 160 Hill Road and owned by the Town of Harwinton.**

Item 1: **8-24 Referral for town to purchase 72.9 acres of land owned by Andrew Kasznay, Whetstone Road, Assessors Map No. C5-03-03.** Mr. Kasznay is present. First Selectman Michael Criss explains to the Commission the purpose and proposed use of the property if the town were to purchase it which will be to develop senior housing. The property will be split off and separate from Mr. Kasznay's existing home. He points out that the Plan of Conservation and Development, page 74, Section 3, notes that there is and will continue to be interest in housing facilities for the Town's senior residents. He notes that there is access to the property from Whetstone Road and potential access from Swimming Hole Road. He notes that modifications to plans are expected to be made for sight line improvement on Whetstone Road in connection with a proposed access. Discussions were held with the Torrington Water Company and First Selectman Criss has also met with the Housing Authority to discuss the possibility of senior housing. It is the hope to have thirty (30) units built, containing 900 square feet per unit, that will be joined units similar to the existing elderly housing off Bentley Drive. The east side of the 72.9 acre parcel will remain as open space and that will satisfy what is suggested in the Plan of Conservation and Development. First Selectman Criss states that there is a DEEP covenant on the town-owned Wilcox property, 160 Hill Road (see below), that won't allow the town to sell any portion of that property without an even trade of open space somewhere else. It is the hope to utilize money from selling four acres of the Wilcox property to purchase and provide open space on the Kasznay property. Chairman Orefice questions whether the open space on the Kasznay property will be classified as such and never be removed from that status. First Selectman Criss states that the open space will be made part of the deed if the town were to purchase the 72 acres. First Selectman Criss states that this is the last large parcel of land that is surrounded by town owned land and it is his hope that the land be purchased with no restrictions so it can be used for any municipal improvement in addition to senior housing. P. Roche questioned whether there would be an increase in traffic on Whetstone Road if access were to be off that road and whether a traffic study has been done. First Selectman Criss states that no traffic study has been done. Chairman Orefice states that he walked this property about five years ago and that it is a beautiful piece of property with open fields and some wetlands in the southwest area and that those wetlands would act as a buffer to Whetstone Road and South Road. This property does abut to the town's recreation fields and is close to Town Hall which makes it attractive for the town to purchase it. The property also abuts to what was the Carros property on South Road that is now owned by the town. First Selectman Criss states that this could go to a town referendum on May 9, 2017.

Item 2: **8-24 Referral for town to sell off four acres of the 33 acres of land known as the Wilcox Property, located at 160 Hill Road and owned by the Town of Harwinton.**

First Selectman Michael Criss has a concept drawing of how the town could split off four acres that would include the existing house and barns on the property. The remaining land would be owned by the town as open space. There are two approaches as to how to cut out the house lot, one option would include more land to the rear of the property (providing a "square" lot) and the other option would give more street frontage to the lot (providing a "rectangular" lot). Chairman Orefice states that he prefers the option of giving more land to the back of the proposed "square" lot that would include wetlands as this would give more street frontage to the town's remaining land that is deemed by DEEP as recreation open space. The four acres taken off would be considered a first cut. This also would possibly go to a referendum on May 9, 2017.

P. Roche **motioned** that the Planning Commission gives a favorable 8-24 Report recommending the town to purchase 72.9+ acres of land situated on the easterly side of Whetstone Road and the northerly side of Swimming Hole Road, owned by **Andrew J. Kasznay**, as it is consistent with the Plan of Conservation and Development for providing for more senior housing, providing for more conservation and open space land and that it would provide for more affordable housing overall and should not cause more motor vehicle traffic on Whetstone Road. R. Perreault seconded the motion and it passed unanimously.

P. Roche **motioned** that the Planning Commission gives a favorable 8-24 Report recommending the town to sell up to four acres of town-owned land located at 160 Hill Road, **Wilcox Property**, that includes the house and existing barns on the property as it is consistent with the Plan of Conservation and Development leading to an equal or larger piece of land elsewhere, that it removes a hazard of a town owned vacant house, and still retains open space on the property. The Planning Commission would deem this a first cut of the property as a 1952 deed refers to 24 acres of land, more or less. R. Perreault seconded the motion and it passed unanimously.

3. OLD BUSINESS.

None.

4. NEW BUSINESS.

None.

5. ANY OTHER BUSINESS.

None.

6. CORRESPONDENCE.

None.

7. INVOICES.

None.

8. ADJOURN.

P. Roche **motioned** to adjourn the meeting at 8:10 p.m., seconded by W. Starr. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 03/28/17 AT 1:55 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK