

Present: Chairman Michael Orefice, Lee Hall, Roland Perreault, William Starr, Paul Roche, Alternate member Michael Rewenko, Alternate member Debra Freidus and Land Use Coordinator Polly Redmond

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

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

2. KEN HRICA, P.E., HRICA ASSOCIATES – APPLICATION FOR TWO LOT SUBDIVISION, 131 CLEARVIEW AVENUE, PROPERTY OWNER: HARWINTON STORAGE, LLC.

Chairman Orefice acknowledges the call to hearing as published in the Republican American on 12/29/2017 and 1/5/2018. IWWC approval has been received and Torrington Area Health District has written a letter dated 1/9/2018 stating "After extensive soil testing it was determined that there is no code compliant area in which to develop onsite sewage disposal for either of the proposed parcels. The division of the property into the two proposed parcels can be approved with the following conditions: 1. Parcel 1 cannot support and will not be granted any expansion of use beyond that shown on the Site Grading Plan developed by Hrica Associates dated 1/4/2018 and 2. Parcel 2 cannot support a code compliant onsite sewage disposal system and therefore no expansion of use which would include the disposal of sewage can be approved."

Ken Hrica, P.E., Hrica Associates, is present to represent. Certificate of Mailings giving notice to neighbors within 200 feet of the property of this application are collected and are in order. Plans by Hrica Associates, LLC, titled Subdivision Map for Harwinton Storage, LLC, 131 Clearview Avenue, dated 12/12/2017, includes Site Grading Plan, dated 12/12/2017 revised to 1/4/2018 for septic data and reserve area, Sediment and Erosion Control Plan, dated 12/12/2017 are reviewed. Mr. Hrica notes that the plans presented tonight have been revised from what the Planning Commission reviewed at their last meeting when setting the public hearing date in order to add soil test results and to show a reserve area for the existing building on Lot 1. Mr. Hrica notes that there will be no expansion of use on Lot 1 and Lot 2, which is not suitable for septic, has no septic and will remain a non-habitable site.

Lot 1 will retain 2.80 acres of land that includes an existing building close to the road. Lot 2 will be 6.52 acres and includes the four existing storage units located in the back of the property.

Mr. Hrica states that during discussion at the last Planning Commission meeting, there was question about the fence and gate on Lot 1 and how that would be used to gain access to the back of the property (Lot 2). Mr. Hrica states that an easement was granted to Lot 2 over Lot 1 for grading rights, fencing rights and easement for ingress and egress. The Subdivision Plan shows a proposed 18' wide gravel driveway on Lot 2 but since the present owners do not use the existing driveway to the back of the property, and intend to sell off Lot 2, they will allow the new owners of Lot 2 to use the existing driveway.

A Site Development Plan dated 5/24/2001 prepared by CCA, LLC is addressed with Mr. Hrica stating that Zoning approved these plans in 2001 for the additional storage units shown and no modifications to these plans are expected. There is an existing storm water basin on Lot 2 with rights to drain to Lot 1 and that was also part of the 2001 Zoning approval. Chairman Orefice questions whether any consideration has been given as to buffers between the lots with Mr. Hrica stating that there was no consideration given because nothing is being proposed to require it. There is vegetation to the southwest corner of Lot 2 and will remain as is. Mr. Hrica notes that there is a 150 foot buffer area between the back of Lot 1 and the front of Lot 2 and although the drainage basin is getting vegetated over, it will infiltrate water. It is typically dry by design so when there is a storm, it has the capacity to drain.

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

Elaine Schiavone, 6 Lake Shore Drive, expresses her concern of storm water runoff to the nearby Lake Harwinton area after the additional storage units are built. Mr. Hrica states that the basin was designed for the build out of the storage units.

Chris Gervais, 133 Clearview Avenue, expresses his concern with the front lot, Lot 1, and possible ground contamination and possible asbestos in the existing building. He asks whether there is a plan to tear the existing building down with Mr. Hrica stating that there is no proposal for any new building, tear downs or excavation of land. C. Gervais states that he believes there shouldn't be an approval for the subdivision of land because of the possible pollution on the site. He states that he doesn't want to see Lot 2 sold off and then Lot 1 abandoned which would then become a liability to the town to deal with. A letter from Chris Gervais dated 10/17/17 has also been received in the Land Use office. Chairman Orefice reads the letter into the record and it will remain on file.

Chairman Orefice questions whether there is anything on file in the Land Use office from DEEP regarding possible contamination of this site. LUC Redmond provides a DEEP Notice of Significant Environmental Hazard Report dated 3/2/12 that states a significant hazard is that pollution detected in groundwater above standards may threaten a drinking water well. Also enclosed with the Hazard Report dated 3/2/12 is a copy of the DEEP's acknowledgement letter dated 3/2/12 in response to this hazard notification. In the acknowledgment letter, DEEP directed the property owner to conduct a 500 foot well inventory and test the onsite well and all identified wells. Chairman Orefice wishes to clarify that the TAHD stated in their letter dated 1/9/18 that Lot 2 cannot support a sewage disposal system and no wells shall be drilled with Mr. Hrica stating this is correct. P. Roche questions whether DEEP has required any action from the property owner with Mr. Hrica stating that it appears they did require testing, that testing was done and that DEEP should have received those results or the existing company on site would have been shut down. P. Roche has concerns that the owner could be selling the potential buyer a potentially polluted piece of property.

Emily Gervais, 133 Clearview Avenue, states that she finds it odd that the property owner wishes to divide and sell a portion of the land and keep the front portion which is possibly contaminated. This is why she also is concerned that Lot 1 (front lot) may be abandoned and become a liability to the town.

Elaine Schiavone, 6 Lake Shore Drive, expresses that she has even more concern now with the mention of possible contamination and asks whether the Planning Commission will ask for more information concerning this possibility.

3. CONTINUE OR CLOSE HEARING.

P. Roche **motioned** to continue the public hearing to Wednesday, January 24, 2018 at 7:00 p.m. in the town hall and requires the applicant to seek further information in regards to the DEEP 2012 Notice of Significant Environmental Hazard in the way of clean up compliance. W. Starr seconded the motion. Chairman Orefice also suggests that Town Atty. Michael D. Rybak be contacted by LUC Redmond to find out if the Planning Commission has to be concerned with the possible pollution of this property. Motion passed unanimously. The hearing adjourned at 7:40 p.m.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Orefice called the meeting to order at 7:40 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 12/13/17

R. Perreault **motioned** to approve the minutes of the previous meeting, seconded by M. Rewenko. Motion passed unanimously with L. Hall and P. Roche refraining from vote due to their absence at the 12/13/17 meeting.

3. DISCUSSION/POSSIBLE DECISION - KEN HRICA, P.E., HRICA ASSOCIATES – APPLICATION FOR TWO LOT SUBDIVISION, 131 CLEARVIEW AVENUE, PROPERTY OWNER: HARWINTON STORAGE, LLC.

No discussion.

4. ROBERT GREEN ASSOCIATES – APPLICATION FOR SIX LOT SUBDIVISION, HILL ROAD, ASSESSORS MAP NO. B3-03-0009, PROPERTY OWNER: COUNTRY VIEW PROPERTIES, LLC.

Atty. William Tracy is present to represent. Plans by Robert Green Associates, LLC dated 12/7/2017, includes an Index Plan (Sheet 2), a Subdivision Plan (Sheet 3 and 4), Site Development & Sedimentation and Erosion Control Plan (Sheet 5 and 6), and Miscellaneous Notes and Details (Sheet 7 and 8) are presented for review. Atty. Tracy points out that notice requirements in Subdivision Regulation 2.5.2 requires notification of the public hearing to *all* owners of property within 200 feet of the proposed subdivision. There is a property to the east of this proposed subdivision that is owned by four individuals (Pratts) but only two individuals have been located. One owner lives in Goshen and receives the tax bill for the property and one owner lives in Plymouth. Atty. Tracy states that he would send notices out to those two individuals including the other two property owner names and asking that they be notified of the proposed subdivision application. Atty. Tracy states that all six lots are front lots and asks whether the Commission would like the town's engineer, W.M.C. Consulting Engineers, to review. Chairman Orefice states if the applicant feels comfortable going forward with a public hearing the Commission would accept that but he does have concern with Lot 1 not having 200 feet of street frontage at the front property line. The plans show Lot 1 as having 200 feet along the front yard setback line (60 feet back) and only 194.67 feet of frontage at the front property line. Atty. Tracy refers to Zoning Regulation Section 5, Footnote 1 Lot Width that states (Lot Width is) *The distance between the side lines of a lot measured along the front street line. Where the front streetline is on a curve or the side lot lines converge toward the front street line, lot width may be measured at the required front yard setback line. Where lot width is measured at the front yard setback line the lot width along the front street line shall be not less than 2/3 of the required lot width.* P. Roche states that he would like Town Atty. Michael Rybak to comment on the Footnote in Section 5 in regards to Lot 1. Sight lines are mentioned but acknowledged that they could be discussed at the time of public hearing. P. Roche **motioned** to accept the application and set a public hearing for Wednesday, January 24, 2018 to begin after the adjournment of the continued Harwinton Storage, LLC public hearing that will begin at 7:00 p.m. with the condition that notification to the Pratts include the names of the two individuals whose addresses are unknown and that notification to these two individuals be extended to them by the holder of the letter. W. Starr seconded the motion and it passed unanimously.

5. OLD BUSINESS.

None.

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 8:15 p.m., seconded by R. Perreault. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 1-17-18 AT 1:39 pm
ATTEST NANCY E. ELDRIDGE TOWN CLERK