

The Thorntown Plan Commission met in a regular meeting on September 11, 2023, at 6:00 PM in the Town Hall.

Members in attendance were as follows:

- Don Gray, President – Citizen Member.
- Frank Clark – Town Employee. (Arrived around 6:15 PM)
- Erick Smith – Citizen Member.
- Drew Guenther – Town Employee.

Others in attendance: Oksana Polhuy, Planning Administrator. Rick Miller, engineer.

Mr. Gray calls the meeting to order at 6:00 PM.

OPENING CEREMONIES

Mr. Gray leads the Plan Commission in the Pledge of Allegiance.

DETERMINATION OF QUORUM

Mr. Gray states that three members are present currently and one will be late.

Mrs. Polhuy states that they cannot review anything until there is a quorum.

President Gray invites anyone with questions or comments not related to the plat on the agenda to speak while they wait for a quorum.

Mr. Clark arrived about 15 minutes after the meeting was called to order, and Mr. Gray declares there is now a quorum.

NEW BUSINESS

Item #1. Application PLAT-02-2023 – Primary Plat for Westfall Place PUD

Subject:	Review of the Primary Plat for a single-family subdivision in Westfall Place PUD. The project is 66.5 acres and proposes 163 single-family residential lots.
Location:	Several parcels located southwest of the intersection of SR 47 and Oak Street and some south of SR 47.
Petitioner:	Arbor Homes, Inc. and Innovative Engineering & Consulting, Inc.
Property Owner(s):	Scott A. Schuler, Thorntown Development LLC, and Threlkeld Farms Inc

Mrs. Polhuy introduces herself and Mr. Miller and then introduces the proposed project plat. She explains that primary plats are for reviewing the overall division and layout of land and the necessary infrastructure availability to serve the development. She says that this review will not go into detail on the design or materials of the proposed project, like the materials that the roads or pipes are made of, and that the approval of the primary plat doesn't permit any construction.

Mrs. Polhuy states that the primary plat was reviewed by the TAC committee on August 17, 2023. She states that the following TAC committee members provided written review comments to the

applicant before the TAC meeting: engineer (Rick Miller), planner (herself), stormwater engineer (Boone County's engineer), and INDOT engineer. The copies of their reviews are attached to the Staff Report. After the discussion at the TAC meeting, the applicant took into consideration all written and oral suggestions and revised the plans. She states that the plans reviewed at the meeting tonight are the most up-to-date revised version of the plans and that the staff report provides analysis and recommendation based on this revised set.

Mrs. Polhuy states that as part of an approval of a primary plat, Plan Commission is allowed to request conditions or commitments from the applicant. She states that at this time, the planning staff has no recommendations for conditions or commitments to be placed on the property, but that conditions and commitments may be placed on the property after the hearing in the motion.

Mrs. Polhuy goes over the proposal details and project analysis written in her staff report.

Mr. Miller had two comments, both of which should be simple amendments to the plat: first, move the isolation valves from where they are shown in the plat closer to the fire hydrants, so they are easier to locate and service. Second, there are two possible options for providing a second water source for fire protection.

Mrs. Polhuy states that the treatment capacity is adequate for the project, but the lift station will need to be upgraded. Arbor Homes will upgrade the lift station.

Mrs. Polhuy describes how the plat meets the block size requirements by providing new rights-of-way and new easements, and the difference in requirements for county regulated drainage easements versus town easements. She also mentions that the county had some suggestions for things to think about when the project advances into the construction phase.

Mr. Gray asks about what the road surface would be.

Mr. Miller replies asphalt.

Mrs. Polhuy describes the street improvements, namely the acceleration and deceleration lanes suggested by INDOT, planned for the project.

Mr. Miller explains that fire safety regulations require two water sources so that if one is damaged or shut off for repairs, there is still access to water for the hydrants in the subdivision. "Option B" involves a line that comes down between lots 43 and 144 and ties back into the 12" main on Strong Way. However, the preferred option, "Option A," is to pick up an existing 6" main and use that to provide the second water source. This would require an easement through 4 lots, 2 of which are already being serviced. Mrs. Polhuy has contact information for the affected properties and can contact them to see if they would be willing to grant the easements.

Mr. Gray asks if the other two houses not currently serviced would be able to hook into this new line, and Mr. Miller answers yes.

One of the homeowners (Mr. Cole of 8373 W SR 47 "the one on the west corner") is at the meeting and says that he's all moved out of that house and has been trying to sell it. He says it would be great if the subdivision wanted to buy it at asking price.

Mrs. Polhuy clarifies that Option A is not required, it is just a preferable alternative because it makes it easier to access the main from the street rather than bringing equipment from the street into someone's backyard.

Mr. Smith asks what the advantages and negative ramifications for the homeowners would be of granting the easement.

Mr. Miller explains that the easement is just for installation and maintenance and would not involve selling or leasing the land to the town or the utility. The advantage would be that the two homes currently not serviced by the town's water utility could connect into the new main. Otherwise, they would not have "frontage" on the new main and would need easements through Arbor's properties or the neighboring properties to reach the main and then the meters would be in the back.

Mr. Smith points out that the houses are not technically in the town and fall under the county's jurisdiction.

Mrs. Polhuy states that for all other utilities, they require a 15' deep easement or two 7.5' easements split between two rear yards. Arbor proposes a 20' utility easement across the front of all of the lots in addition to other easements as shown on the plat. She also states that Arbor proposes to preserve the existing wetland.

Mrs. Polhuy clarifies that Option A and B are design options, not requirements, and do not need to be conditions of approval. She adds that there are no violations of the code or requirements, and that the comments discussed are for consideration for construction documents and final plat.

Mrs. Polhuy recommends approval of the primary plat because it meets the zoning and subdivision control requirements.

Mr. Downey introduces himself and thanks the TAC for all of their help with getting their plat to this stage.

PUBLIC HEARING

Mr. Gray opens the public hearing.

Mrs. Scott of 322 Oak Street takes issue with 30' wide common areas that contain two easements of different kinds. She takes issue with the proposed common area on Whitney where the regulated storm water easement that cannot be landscaped takes up 15'-20' of the 44' total span.

Mrs. Polhuy explains that the requirement for a 30' wide common area is to create a feature that visually creates a break in the street, even if that feature is not landscaped.

Mrs. Scott also asks about the ownership and management of the common and landscaped areas and whether the park will be turned over to the town.

Mrs. Polhuy says that there was an idea that this park would be dedicated to the town. She states that the Town Council accepts any land dedications made to the town, so it is up to them to make that final decision.

Mrs. Scott asked if there is any process for determining whether the parks service could accommodate or take into their inventory an additional park.

Mr. Gray adds that they would make this decision on the advice of the parks board.

Mrs. Scott summarizes that while the park board can make a recommendation, it would be up to the Town Council to decide whether they can accept the park and take care of it. She asks about what regulatory body oversees protecting the wetland.

Mr. Gray states that Indiana DNR is regulating the preservation of the wetland.

Mrs. Scott asks if a retention pond straddling the border of Phase 1 and Phase 2 will be built all at once in Phase 1.

Mr. Downey clarifies that the plan for the park is for the HOA to own and manage it until and unless the town is willing to accept the park, but that Arbor Homes hopes that it will become a public park.

Mr. Smith gets confirmation that this means that unless the park does become a public park under the town, it will still be a private park, and the HOA can therefore restrict use of the park to residents and their guests.

Mrs. Scott says that she is concerned about who will be responsible for picking up the trash, calling the police if there's an unattended vehicle left in the parking lot, etc.

Mr. Downey says that the HOA will hire a property management company that will have staff responsible for those kinds of activities.

Mr. Gray says that as the plat was being developed, the Town Council indicated that accepting the playground and park as a public park was a possibility.

Mrs. Polhuy clarifies that final land dedications happen at the secondary or final plat stage, which occurs after construction, and so there is still time for an arrangement between the town and the HOA.

Mr. Smith asks about maintenance of the other (non-park) common areas.

Mr. Downey states that the HOA will be responsible for that and will hire a contractor to mow the grass and things like that. He also states that with the final plat submission, Arbor Homes will determine if there is the need for a special easement for the wetland and include commitment and covenant language for the HOA to preclude any future attempts to clear the wetland.

Mr. Downey states that as for the retention pond, the preference is to dig it all at once as otherwise they would have to de-water it before they can expand it. However, the final decision about this will come after they have done more detailed site design as the digging of the pond will result in a lot of dirt and depending on the grading of the site they may need to store the dirt between phases.

Mrs. Polhuy asks if the partial pond will be able to meet Phase 1's drainage needs.

Mr. Downey states that he's sure the other large pond will be plenty of capacity, but that the other pond is useful for conveyance of stormwater from one section of the subdivision to the other.

Mrs. Scott asks if any other builders will be involved in construction and if a person will be able to buy a lot and then build their own house.

Mr. Downey says no, it will all be Arbor Homes.

Mrs. Scott asks if the easement shown in Option B has been secured.

Mr. Downey clarifies that all the properties affected in Option B are owned by Arbor Homes and are part of the subdivision.

Mrs. Polhuy adds that all of the improvements currently being shown in the plat are on property that Arbor Homes owns.

Mrs. Scott asks if the developer will be funding the improvement of the lift station and then turning it over to the town.

Mr. Downey states that Arbor Homes will design and construct the improvements to the town's standards and once the town is satisfied with the improvements, the lift station will be assumed by the town's utilities. The HOA will have no financial responsibility for the lift station beyond the taxes and utility fees all town residents pay.

Mrs. Cole of 8373 W SR 47 wants to make sure nothing on her property will be cut down for the easements.

Mrs. Polhuy says that as long as the trees are on her property, they will not be cut down.

Mrs. Cole asks if the trees will be trimmed if they cross over the line into the easement.

Mr. Downey says they will not be doing that.

Mrs. Cole says that one of the concerns potential buyers of their home had was that the street would be widened, and now there's the consideration of the easement.

Mr. Cole adds that he is concerned if they dig up their front yard, they're going to damage the roots of the trees and kill them.

Mrs. Polhuy shows on a map where the street improvements will end and estimates that it is about 100 feet from their property, so their property will not be touched by the street improvements.

Mr. Miller states that directional drilling is a possibility for the installation of the water main and would allow them to install the main beneath the tree roots without cutting through them.

Mr. Smith makes a point of clarification to "speak plainly" about what all this means. He says that it's important to get the property line surveyed because if the tree is on Arbor Homes property and in the easement, it will be cut down, and that Arbor Homes or the HOA have the right to trim back any branches that cross over the property line if they want to or have to. He also says that regardless of how the main is installed, if there is a water main break, they will dig up the main and that could mean cutting through the tree roots if they are in the easement.

Mr. Downey says that they can cut a sliver off their land and cede it to the Cole's property so that all the trees and their limbs are on that property and should be safe from cutting or trimming in the future.

Mr. Gray asks if everyone's questions have been answered and if there are any more comments or questions.

Motion by Mr. Smith, seconded by Mr. Clark, to approve primary plat PLAT-02-2023.

AYES: Don Gray, Frank Clark, Drew Guenther, Erick Smith. **NAYS:** Zero. **ABSTAIN:** Zero. Motion carries 4, 0, 0. The primary plat is approved.

ADJOURNMENT

Mr. Gray makes a motion to adjourn. Meeting adjourned at 7:30 PM.

Donald Gray President

Secretary

(typed)