

Present: Chairman Thomas Rotondo, Tamara Barry, Theodore Root, Jr., Stephen Sheak, Alternate Member Lynne Steincamp, Alternate Member Pamela Root, Alternate Member Brooke Cheney and Land Use Coordinator Polly Redmond

Absent: Peter Brazaitis IV

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman T. Rotondo called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member L. Steincamp seated for P. Brazaitis IV.

2. SHARI POULIN, 37 SHINGLE MILL ROAD, LOCATED IN A COUNTRY RESIDENTIAL ZONE, REQUEST FOR A 19 FOOT SIDE YARD VARIANCE TO CONSTRUCT A 24' X 30' BARN.

Land Use Coordinator P. Redmond reads the call to hearing as published in the Republican American on April 7, 2023 and April 14, 2023. Shari Poulin and Gary Hallahan are present along with their builder, Patrick Holland. Plans prepared by Aaron C.D. Ladue, P.E., Harwinton, CT, dated 3/20/2023 are provided. Additional plans prepared by Denis R. Miller & Associates dated 5/28/1996 for past owner Rich Lederman are also provided. Proof of certified mailings giving notice to property owners within 200 feet of 37 Shingle Mill Road are received for the record. Mr. Hallahan states that the variance is being requested because of sloping of the land that prevents a barn from being constructed in the back of the property. The lot is narrow with the septic and reserve area located behind the house and a riding arena on the side of the house. L. Steincamp questions whether the proposed barn can be placed next to an existing barn in the back with Mr. Hallahan again stating that the land has sloping in the back of the property. Patrick Holland, builder, states that the septic and reserve area prevents a barn from being placed next to the existing barn and that there are separating distances that must meet Torrington Area Health requirements. L. Steincamp questions whether the location of the barn being proposed tonight could be turned so that the 30-foot length is on the side and not facing the front with Mr. Hallahan stating that there is slope in this area as well and would require fill to be brought in if the barn were to be repositioned. S. Sheak questions what the distance is from the house to the proposed barn with Mr. Hallahan stating it would be 20-25 feet and that he would like to keep the barn closer to the house due to concerns of crime they have experienced. L. Steincamp questions whether the existing driveway can be relocated with Mr. Hallahan replying, no, it would not be possible. He states that there would only be two feet of fill brought in with this proposal and that many "possibles" were thought of but there were none other than this location. P. Root questions whether bringing in the fill would change the topography with Mr. Hallahan stating, no. S. Sheak states that it seems like the topography in the back of the property is quite severe and agrees that putting a barn in the back would not be possible. T. Root states that the topography and septic/reserve location does prevent a barn from being placed in the back. L. Steincamp questions if the proposed barn will have plumbing with Mr. Hallahan stating, no. TAHD approval was received on 3/22/2023 with the condition that no water service be installed.

The floor is opened for public comment at this time.

Robert Schneider, 280 South Road, states he has no issue with the location of the barn. He has also written a letter for the record that is read by LUC Redmond and which will remain on file. The letter states that "he and his wife are direct abutters to where the barn will be built and this barn in no way bother us."

3. CONTINUE OR CLOSE HEARING.

With no further comments from the public or the commissioners, T. Root **motioned** to close the hearing at 7:25 p.m., seconded by S. Sheak. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman T. Rotondo called the hearing to order at 7:25 p.m. All regular members present are seated with Alternate Member L. Steincamp seated for P. Brazaitis IV.

2. CHERYL NEWTON, 14 LAKE SHORE DRIVE, LOCATED IN THE LAKE HARWINTON CHARTER ASSOCIATION ZONE, REQUEST FOR A 9.5 FOOT FRONT YARD VARIANCE TO CONSTRUCT A 24.5' X 32' ATTACHED GARAGE TO AN EXISTING RECONSTRUCTED HOUSE.

Land Use Coordinator P. Redmond reads the call to hearing as published in the Republican American on April 7, 2023 and April 14, 2023. Cheryl Newton is present along with Joseph Green, P.E., Robert Green Associates, Bristol, CT who prepared plans presented tonight titled Zoning Location Survey, Site Plan for House, dated 4/4/2023. Proof of certified mailings giving notice to property owners within 200 feet of 14 Lake Shore Drive are received for the record. There is an existing legal non-conforming 24' x 27' existing foundation (cellar only) on the property in which a previous owner used as a seasonal fishing camp. L. Steincamp questions whether the garage could be pushed back further with C. Newton stating that the location of the septic prevents that and Joseph Green stating there must be a 25-foot separating distance to the septic. L. Steincamp questions whether the garage could be turned with Mr. Green stating there wouldn't be depth to park a car in the garage. P. Root questions whether the Lake Association has commented on this application with C. Newton stating they were made aware of these plans. C. Newton also provides a GIS map of the area that shows lots within the Lake Association area with encroaching structures. TAHD approval was received on 2/28/2023 with note that prior to septic system installation a new well must be drilled and existing well must be abandoned. Also noted in the approval is that reserve areas are not required for repairs to existing leaching systems. S. Sheak notes that it is a challenging lot with Chairman T. Rotondo questioning if it is a double lot, which it is.

The floor is opened for public comment at this time.

Mike Dalger, 20 Lake Shore Drive, questions the distance from the proposed garage to his well. After coming forward and reviewing the plans, he states that he is okay with the proposal.

P. Root refers to the concern of Mr. Dalger and the proximity of his well and questions whether the well company will look at the aquifer. C. Newton states that she did have a well company out to the property and Mr. Green is the engineer who prepared the site plans.

3. CONTINUE OR CLOSE HEARING.

With no further comments from the public or the commissioners, L. Steincamp **motioned** to close the hearing at 7:40 p.m., seconded by T. Root. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman T. Rotondo called the meeting to order at 7:40 p.m. All regular members present are seated with Alternate Member L. Steincamp seated for P. Brazaitis IV.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/15/2023

T. Barry **motioned** to approve the minutes of the previous meeting, seconded by T. Root. Motion passed with L. Steincamp refraining from vote due to her absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION – SHARI POULIN, 37 SHINGLE MILL ROAD, LOCATED IN A COUNTRY RESIDENTIAL ZONE, REQUEST FOR A 19 FOOT SIDE YARD VARIANCE TO CONSTRUCT A 24' X 30' BARN.

S. Sheak states that he believes the hardship was well stated by the applicant and that the topography of the land in the back of the property provides a hardship. The site is difficult to work with considering the existing buildings on the property, an outdoor riding arena, and the septic location. T. Root agrees stating that the topography is a challenge and noting that he drove by the property today. T. Barry states her belief that this is a good case for a variance to be granted. L. Steincamp expresses concern that with water and possibly septic going into the barn, this could become a use for something else that is not permitted. Chairman Rotondo states that it could not become a structure for living space but that a decision tonight should be made on the hardship presented for location. L. Steincamp states that it could become a future in-law apartment with Chairman Rotondo stating if that were to happen it would be a Zoning Enforcement matter. T. Barry stating that a decision on this application should be restricted to what is being applied for **motions** to approve the application and grant the variance as there is no other logical place due to topography at the back of the property and the septic and reserve location. T. Root seconded the motion and it passed unanimously.

4. DISCUSSION/POSSIBLE DECISION - CHERYL NEWTON, 14 LAKE SHORE DRIVE, LOCATED IN THE LAKE HARWINTON CHARTER ASSOCIATION ZONE, REQUEST FOR A 9.5 FOOT FRONT YARD VARIANCE TO CONSTRUCT A 24.5' X 32' ATTACHED GARAGE TO AN EXISTING RECONSTRUCTED HOUSE.

T. Barry states that there are neighboring lots with buildings and accessory structures outside the building envelope and believes it wouldn't be fair not to allow another person to build outside a building envelope. Chairman Rotondo reminds commissioners that each application is to stand alone. S. Sheak points out that the variance is toward the street and not towards the lake and he sees no problem with granting the variance. L. Steincamp states she has no issues with the proposal. S. Sheak **motioned** to approve the application and grant the variance due to the undersized lot. T. Root seconded the motion and it passed unanimously.

4. CORRESPONDENCE.

None.

5. ANY OTHER BUSINESS.

None.

6. INVOICES.

None.

7. ADJOURN.

T. Root **motioned** to adjourn the meeting at 7:50 p.m., seconded by T. Barry. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator/ZBA Clerk

