

ZONING COMMISSION MEETING

MONDAY, MAY 10, 2010

TOWN HALL 7:00 P.M.

Present: Chairman Ronald Sherlock, Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Robert Lavoie, Judith Pleau and Land Use Coordinator Polly Redmond.

Absent: Amy McLeod, Clarence Caldwell and ZEO Karen Nelson

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Sherlock called the meeting to order at 7:00 p.m. Alternate J. Pleau is seated for C. Caldwell for the approval of minutes only.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/26/10.

Ms. LaGanga **motioned** to approve the minutes with the amendments/clarifications made by Carolyn Steel, Hayden Road, via email to the Land Use Coordinator that serves to correct erroneous information on comments she made, and did not make, at the April 26, 2010 Zoning meeting. (See C. Steel's email attached.) Ms. Pleau seconded the motion and it passed unanimously with Mr. Brazaitis abstaining from vote due to his absence at the 4/26/10 meeting.

Alternate R. Lavoie is seated for C. Caldwell. J. Pleau is not seated for the remainder of the meeting.

3. CHRISTOPHER JOHNPHERE – APPLICATION FOR 12' X 25' DECK, 299 HILL ROAD. ZBA GRANTED SIDE YARD VARIANCE 4/14/10.

Mr. Johnpere is present. Plans by Milone & MacBroom, Cheshire, CT, with the 12' x 25' deck drawn in are reviewed. TAHD approval has been received. Mr. Brazaitis **motioned** to approve the application, seconded by Ms. LaGanga. Motion passed unanimously.

4. JEFF COLE – APPLICATION FOR DECK, 42 BEACH DRIVE. ZBA GRANTED SIDE YARD VARIANCE WITH CONDITIONS 4/14/10.

No one is present to represent.

5. MICHAEL KOLESSAR – APPLICATION FOR 22' X 16' DECK, 25 MOUNTAIN VIEW DRIVE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

No one is present to represent.

6. MATTHEW EUCALITTO – APPLICATION FOR SINGLE FAMILY DWELLING, LOT #4, WILLIAM WAY, WITHIN WHETSTONE ESTATES WEST SUBDIVISION.

Mr. Eucalitto is present. Plans by Hrica Associates, dated 4/9/10, revised 4/28/10 are reviewed. IWWC approval has been received. Driveway permit and soil and erosion control permit are on file. TAHD approval is outstanding. Mr. Brazaitis **motioned** to approve the application with the condition that TAHD approval is received and allowing the Land Use Coordinator to sign off on the application once received. Mr. Lavoie seconded the motion and it passed unanimously.

7. B&R CORPORATION – REVIEW OF FINAL GRADING PLAN, 221 BOGUE ROAD.

Paul Gibson, Supreme Industries/B&R Corporation has requested a two week extension. The as built has not yet been prepared due to inclement weather and ZEO Karen Nelson has not inspected the premises due to lack of the plan. Mr. Ouellette **motioned** to grant a two week extension, seconded by Ms. LaGanga. Motion passed unanimously.

Motion by Mr. Lavoie to add Paul Kaminski, 68 Campville Hill Road, addition to home to the agenda, seconded by Mr. Ouellette. Motion passed unanimously.

Mr. Kaminski is present. Plans by Berkshire Engineering, dated 3/29/10, revised 4/5/10 are reviewed. Addition is approximately 40' x 28' (28' x 28' garage with MBR over, 12' x 25' LR and mudroom.) The applicant is unsure whether a new driveway opening will be installed and he is advised to call John Fredsall, Highway Supervisor, if a driveway cut is proposed. Mr. Brazaitis **motioned** to approve the application, seconded by Mr. Ouellette. Motion passed unanimously.

8. COMPLAINTS/ENFORCEMENT ACTIONS: 490 WILDCAT HILL ROAD.

This complaint is being addressed as a continuation from the April 28, 2010 meeting where Mr. & Mrs. Howe, who sent a written complaint in regarding "junk" being accumulated at 490 Wildcat Hill Road, were unable to attend. The Howe's submit a letter as an addendum to their complaint which Chairman Sherlock reads out loud. Letter remains on file in the Land Use Office. Chairman Sherlock reads a report from State Animal Control Officer Richard Gregan that states "all animals are in good condition and the barn is relatively clean."

Joe Budney, 524 Wildcat Hill Road, asks the commission if they have driven by the property. He states he and the Howe's are just asking Ryan Barry to clean up the property and he has concerns of possible well water contamination.

Ryan Barry states that the property was a farm when his grandfather owned it. As for the junk/scrap on the property, he is progressively bringing some things to Liberty Recycling and shows receipt for what he has brought there so far though other items, such as a tub on the property, Mr. Barry states he uses that to hold water for the animals.

Mr. Lubans, 511 Wildcat Hill Road, states he has purchased eggs and vegetables from Mr. Barry and it is his belief that the property is indeed a farm. He also notes that if the junk/clutter on the property were removed, it would be best for all; Mr. Barry, his animals on the property and the neighbors.

The Howe's state that they are willing to help Mr. Barry in any way they can to clean up the property. Mr. Barry is receptive to this.

Chairman Sherlock states that no action will be taken at this time. The issue will remain open if it needs to be discussed at some future meeting. Chairman Sherlock acknowledges letters of support of Mr. Barry that remain on file in the Land Use Office.

ZEO Karen Nelson's report is received and all commission members have received a copy. She addresses the approval for GRJH at the last Zoning meeting on 4/26/10 and respectfully asks that the motion be modified to add to condition 1 after end of sentence: "Said Class 4 permit limits the seating to 12 or less seats." Also, to add to condition 6 after end of sentence: "The 20% ratio in floor space limits the seating to 12 seats or less as allowed by the Class 4 permit from Torrington Area Health."

Her report also addresses 490 Wildcat Hill Road noting that she failed to include a document from the State Animal Control Officer that she had read at the 4/26/10 Zoning meeting.

9. **ANY OTHER BUSINESS.**

None.

10. **CORRESPONDENCE.**

Letter from Atty. Steve Byrne dated 5/3/10 re: Lucas v. HZC and Heavens, 50 Shingle Mill Road. In the matter of Lucas, a pre-argument conference has been scheduled for 5/4/10. In the matter of Heavens, Atty. Byrne writes that he will be assisting ZEO Nelson in defending her Cease and Desist she issued to them.

11. **INVOICES.**

Invoice from Atty. Steve Byrne dated 5/3/10. For work on Lucas v. HZC, invoice in the amount of \$472.50 and in the matter of Heavens, invoice amount \$202.50. Mr. Brazaitis **motioned** to approve the invoice, seconded by Ms. LaGanga. Motion passed unanimously.

Ms. LaGanga **motioned** to approve the invoice of the ZEO in the amount of \$525.00, seconded by Mr. Ouellette. Motion passed unanimously. The commission wants to convey to ZEO Nelson that future invoices for Zoning should be kept entirely separate from invoicing for IWWC.

12. **ADJOURN.**

Mr. Ouellette **motioned** to adjourn the meeting at 8:50 p.m., seconded by Mr. Lavoie. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

Harwinton Land Use Office

From: "Carolyn Steel" <jazzbroad@att.net>
To: "Polly Redmond" <landuse@harwinton.us>
Sent: Monday, May 10, 2010 1:23 PM
Subject: Complaints - 490 Wildcat Hill Road
Polly

This email serves to correct some erroneous information in the minutes of the Zoning Commission Meeting on April 26, 2010.

I do not recall stating that I was representing Mrs. Howe but instead recall mentioning that Mrs. Howe had filed a complaint a few days before the April 26th meeting, including pictures of the conditions at 490 Wildcat Hill Road.

I also recall saying that Mr. and Mrs. Howe were then in Ireland on business and I suspected that the volcanic ash problems were causing travel difficulties for them. I did not know their precise travel arrangements. I did not say that their flight had been canceled.

Outside of the minutes, Karen Nelson stated that I had accused the farmer of animal abuse. I reviewed all of my emails about this subject and the words "animal abuse" do not appear in any of my emails.