

ZONING COMMISSION  
MONDAY, MAY 24, 2010  
TOWN HALL 7:00 P.M.

Present: Chairman Ronald Sherlock, Clarence Caldwell, Nancy LaGanga, Todd Ouellette, Alternates Amy Calabrese, Robert Lavoie, Judith Pleau, and Land Use Coordinator Polly Redmond.

Absent: Peter Brazaitis and ZEO Karen Nelson

**PUBLIC HEARING**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairman Sherlock called the hearing to order at 7:05 p.m. All regular members present are seated with Alternate Amy Calabrese seated for Peter Brazaitis.

**2. ELLIOT CYR – APPLICATION FOR SPECIAL PERMIT FOR HOME OCCUPATION, MANUFACTURING OF SPRINGS WITHIN AN ACCESSORY STRUCTURE, 93 OAKWOOD DRIVE. REQUEST FOR WAIVER OF ENGINEERED SITE PLAN.**

Chairman Sherlock reads the call to hearing as published in the Republican-American on May 13, 2010 and May 21, 2010. Proof of certified mailings (22) giving notice to neighbors within 200 feet of the applicant's property lines have been received by Mr. Cyr. Chairman Sherlock reads a letter from Mr. Cyr requesting to waive the requirement of an engineered site plan. Mr. Cyr has provided a site plan from 1999 when he applied for the construction of his home. Site plan prepared by Denis Miller & Associates. This same site plan was used when Mr. Cyr applied for the construction of the barn, where the home occupation will take place, in 2008. The property contains 65.47 acres located in a Town Residential zone. Mr. Cyr states that there will be no outside employees, just he and his wife will run the business. He provides samples of springs and wire forms that he will be manufacturing. He explains how they are made and notes that various machines make various types of springs. The larger the spring, the more noise will be generated. He states he is on the medium scale of the industry. He is proposing running water in the barn. At this time, Chairman Sherlock opens the floor for public comment.

Mr. William Herbert, 77 Ridgewood Drive questions how the wire being used will be shipped in and out of the premises. He also has concerns over use of chemicals. Mr. Cyr explains that he will pick up the raw material in Bristol and the finished product will be shipped out using UPS. There will be no degreasing of the machines.

Mr. John Strycharz, 49 Oakwood Drive also has concerns over chemical use. Mr. Cyr states that if any cleaning of the machines is required, they will be sent out for that process.

Mary Fox, 115 North Road states that she is comfortable with the proposed use of the property.

Michael Zycek, 66 Oakwood Drive also had concerns over traffic, noise and pollutants but has been assured by Mr. Cyr's explanation of the business.

With no further comment from the public or commissioners, Mr. Caldwell **motioned** to close the hearing at 7:20 p.m., seconded by Ms. LaGanga. The motion passed unanimously.

**REGULAR MEETING**

**1. OPEN MEETING – ESTABLISH QUORUM.**

Chairman Sherlock called the meeting to order at 7:20 p.m. All regular members are seated as well as A. Calabrese.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 5/10/10.**

Ms. LaGanga **motioned** to approve the minutes of 5/10/10, seconded by Mr. Ouellette. The motion passed unanimously.

**3. DISCUSSION/POSSIBLE – ELLIOT CYR – APPLICATION FOR SPECIAL PERMIT FOR HOME OCCUPATION, MANUFACTURING OF SPRINGS WITHIN AN ACCESSORY STRUCTURE, 93 OAKWOOD DRIVE.**

Ms. LaGanga states that all points of concern have been addressed. Mr. Caldwell notes that it is an acceptable type of home occupation with Ms. LaGanga adding that it will be conducted in a proper facility. No outside employees and minimal traffic impact has been noted by Mr. Cyr. Mr. Caldwell **motioned** to waive the requirement for an engineered site plan, seconded by Mr. Ouellette. Ms. LaGanga **motioned** to approve the application for special permit, seconded by Ms. Calabrese. Both motions passed unanimously.

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

Paul Gibson/B&R Corporation/Supreme Industries is present. Final Grading Site Plan by Jones Engineering LLC, dated 3/19/09, revised 5/10/10 for topography is reviewed. ZEO Karen Nelson, in her 5-24-10 report, notes she visited the site on 5/19/10 and that the site is in compliance with the plan supplied. All commission members have received a copy of the ZEO report. Mr. Gibson notes that there is ledge between the 221 Bogue Road property and the property owned O&G Industries and blasting was not done in this area. Mr. Ouellette **motioned** to accept the final grading site plan, seconded by Ms. LaGanga. The motion passed unanimously. The special permit for excavation, grading and removal of fill approved on 4/14/09 is now closed as the applicant does not wish to renew.

**5. MARK POLINKSY – APPLICATION FOR 16' X 30' INGROUND POOL, 714 HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Mark Polinsky is present and his written request for a waiver of an engineered site plan is read by Chairman Sherlock. A site plan is provided dated 6/17/04 by David Wilson, P.E., from when Mr. Polinsky applied for garage construction. Mr. Polinsky also provides a 1997 as-built site plan of the entire property. Location of the 16' x 30' pool is sketched in by Mr. Polinsky with 145 foot side yard separating distance and a 480 foot separating distance to the back property line. TAHD approval is pending. IWWC sign off is on file. The property is located in a Country Residential zone and contains 11 acres. Mr. Ouellette **motioned** to grant the waiver request for an engineered site plan, seconded by Ms. LaGanga. Mr. Ouellette **motioned** to approve the application pending TAHD approval, seconded by Ms. LaGanga. Both motions passed unanimously.

**6. CORINNE FERRERO – APPLICATION FOR 28' X 48' BARN, 164 DELAY ROAD.**

Corinne and David Ferrero are present. Plans by Dufour Surveying Associates dated 4/3/09, revised 5/12/09 are reviewed. A site plan dated April 2000 from when the Ferrero's applied for construction of their home is also provided showing contours of the property. IWWC and TAHD approvals have been received. TAHD approval notes they are approving the barn with "no heat or water". The applicants are made aware that if they are proposing heat or water that they contact TAHD. Mr. Ouellette **motioned** to approve the application, seconded by Ms. LaGanga. The motion passed 4-1.

**7. LETOURNEAU BUILDING CORP FOR DAVID & KAREN BARIL – APPLICATION FOR SINGLE FAMILY DWELLING, LOT #1, RULLI RESUBDIVISION, ROCKY ROAD EAST. VARIANCES GRANTED 9/10/08.**

Mr. Letourneau and Mr. Baril are present. Plans by Denis Miller & Associates dated 4/30/10 are reviewed. The application is to include a 36' x 36' barn shown on the plans. IWWC approved this subdivision lot with the condition that 500 feet of the driveway in from Rocky Road East be paved. A driveway apron exists therefore requiring no driveway opening permit from the Highway Dept. Ms. LaGanga **motioned** to approve the application with the same condition as IWWC made regarding paving 500 feet of the driveway. Ms. Calabrese seconded the motion and it passed unanimously.

Mr. Caldwell **motioned** to add Bruce Leon BC West Builders for Jeff Cole, 42 Beach Drive (ZBA granted variance 4/14/10 with conditions) to the agenda, seconded by Ms. LaGanga. Motion passed unanimously.

Mr. Leon is present. Plans by Berkshire Engineering dated 12/28/09 are reviewed. Lake Harwinton Association has signed off on the application, TAHD approval has been received and IWWC approval is on file. ZBA granted a variance with condition that the deck shall never be covered or enclosed or in any way to prevent rain from reaching the ground due to the amount of lot coverage. Mr. Caldwell **motioned** to approve the application, seconded by Ms. LaGanga. The motion passed unanimously.

**8. COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Karen Nelson's 5/24/10 report is reviewed. Other issues reported on in addition to B&R Corporation, 221 Bogue Road are Dan Gervais/Clearview Avenue, Targa, Sunset Ridge, Mountain View Drive and GRJH, Birge Park Road. The ZEO's report remains on file in the Land Use office.

Ms. LaGanga notes that GRJH, 207 Birge Park Road, has removed the yellow tape cordoning off the block retaining wall that was required by the Zoning Commission in their April 26, 2010 condition of approval (condition 3). Land Use Coordinator Polly Redmond informs the commission that she sent Town Engineer, Steve McDonnell, WMC Consulting Engineers, the May 10, 2010 letter from SRS Petroleum Services forwarded to the Zoning Commission by James Metz, GRJH (condition 2). Steve McDonnell informed LUC Polly Redmond that the letter does not address the stability of the block retaining wall at the 207 Birge Park Road gas station and that Andy Bissonnette, SRS Petroleum, is not a qualified engineer, although he has a degree in Civil Engineering, he has no experience. He is the manager and majority owner of SRS Petroleum Services, Merrimack, NH and W. Bridgewater, MA. His resume states that the company has performed gas station upgrades for major and independent petroleum distributors in New England. The report of Mr. Bissonnette's gives a description of the wall's measurements, weight, the weight of the soil per linear feet of wall and the weight of the block wall per linear feet. The Commission instructs LUC Redmond to contact GRJH requesting they fully comply with condition 2. ZEO Karen Nelson is to contact GRJH regarding the non-compliance of condition 3, cordoning off the area of the block wall, until approval of the design of the wall is accepted by the Town of Harwinton.

Clarence Caldwell excuses himself at this time (8:25 p.m.) due to a conflict of interest related to TARGA.

Commissioners refer to the ZEO report concerning TARGA, Sunset Ridge. The ZEO report is unfavorable to the conditions of the site, the lack of soil and erosion control measures, the access of the roadway and accompanying storm drainage structures. She encourages Zoning Commissioners to take individual site visits of the property. The matter will be taken up for further discussion when the ZEO is present at a Zoning meeting.

Commissioners discuss the handling of complaints that are received and question whether all complaints must be in writing. It is affirmed that they must be in writing, and it is requested that copies of complaints be forwarded to Zoning Commissioners, who will then instruct the ZEO on the type of action to be taken. Commissioners will further discuss this with the ZEO when she is present at a Zoning meeting.

9. **ANY OTHER BUSINESS.**

In regards to Gervais, Clearview Avenue, Land Use Coordinator Polly Redmond questions how the application will be handled once it is brought before the Zoning Commission, possibly in June. Mr. Gervais' attorney has been in contact with the Land Use office and inquired about the application process. The commission agreed that a public hearing should be held due to the significant activity on the property and the fact that neighbors had concerns. The application will be received as a Special Permit and Site Plan approval. The commission requests copies of WMC's final Wetlands report on this matter.

10. **CORRESPONDENCE.**

None.

11. **INVOICES.**

None.

12. **ADJOURN.**

Ms. LaGanga **motioned** to adjourn the meeting at 8:45 p.m., seconded by Mr. Ouellette. The motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON, CT  
ON 5-27-10 AT 11:47 AM  
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK