

Zoning Commission Meeting
Monday, July 12, 2010
Harwinton Town Hall, 7:00 pm

Present: Chairman Ron Sherlock, Commissioners Peter Brazaitis, Clarence Caldwell, Nancy LaGanga, Alternate Judith Pleau. Town Attorney Michael Rybak was also present

Absent: Amy Calabrese, Robert Lavoie, Todd Ouelette, ZEO Karen Nelson, Polly Redmond

1. Chairman Ron Sherlock called the meeting to order at 7:00 pm. The quorum was established, Judith Pleau was seated.

2. The minutes of the previous meeting of 6/28/10 (Judith Pleau questions meaning of paragraph 2 line 13; Pleau motioned to approve and LaGanga seconded to approve as amended.) The minutes of 6/23/10 were approved (Caldwell motioned and Pleau seconded). Approvals were unanimous.

3. Glen Chalder AICP of Planimetrics and Steven Trinkaus, PE, gave a presentation on Low Impact Development, relative to the impact of none-residential development on water, land and air. However, the primary focus was on the way run-off water and its contaminants may be mitigated from flowing more directly into watercourses and wetlands by the creation of retention ponds whereby water is allowed to seep slowly into the aquifer, as a means of allowing for greater degradation of pollutants. Data to support this contention relative to soils was not presented.

A summary handout of a draft LID manual in development by Planimetrics, based on a Town grant, was distributed and the proposals are being presented to all of the Commissions involved. The summary (Preliminary LID proposals for Zoning Commission, July 6, 2010) outlines recommended changes in Zoning, Planning, and Wetlands regulations in order to provide more flexibility in land use, lot size, parking, accesses etc, and specifically fosters the use of cluster development techniques as a means of preserving open spaces. A complete copy of the manual was not distributed to the Commission. Members of the ZC asked questions and commented in open discussion. Mr. Sherlock called attention to the difference in the nature of Harwinton soils as opposed to the sandy soils of Burlington. Mr. Rybak called attention to the very small amount of land that is available for the type of development targeted by the proposals, and further pointed out that there were only about 6 parcels of land that could be considered for development in his recollection and some of those would not be considered for such development by the owners. Clarence Caldwell called attention to the fact that most of the proposals involved wetlands and Torrington Area Health considerations and did not fall within the purview of the ZC. Town Attorney called attention to possible misunderstanding of the regulation development and land-use approvals process. Mr. Brazaitis inquired about further use of resulting open space and the handling of water run-off into adjacent rivers in local malls and how these proposals would have mitigated the run-off. The meeting was informative and the subject is continued.

4. Complaints and enforcement: GRJH 207 Birge Park Road, Harwinton. Mr. Helm, Civil Engineer Jason Dismukes of Goshen appeared on behalf of GRJH at the request of the ZC to explain where the process of rectification of building deviations from previously approvals, and the subsequent retraction of the engineering certification of a built retaining wall by Mr. Hrica. The concerns of the ZC and request to GRJH to address issues are outlined in the previous letter to the ZC by Mr. Hrica, letter from WMC to the ZC dated July 7, 2010, and the minutes of the ZC meeting 6/28/2010.

GRJH informs that they are unable to obtain engineering and survey data from Mr. Hrica the previous engineer no longer working for GRJH. Consequently they are at facing an impasse in moving forward with approvals from TAHD and resolving ZC concerns. Mr. Brazaitis points out that there are many explanations for problems as to why the site was not developed according to the originally approved site plan and that all he wanted to see was a plan for rectifying the issues and a time-line for compliance. GRJH comments that they have engineering approvals, albeit by an engineer not licensed in the State of Connecticut. GRJH Engineer agrees to address the issue and appear before the ZC at the next meeting in two weeks.

Mr Sabolcik (prior complainant) stated that GRJH built onto his property and that water continues to be diverted onto his property. GRJH denied the allegation. Both parties produced pictures. A heated discussion followed.

Engineer for GRJH states that he is willing to certify that the wall is constructed properly with appropriate water seepage controls, based on information he was provided by GRJH and a cursory visit to the site to view the wall.

The ZC directs that GRJH return to the next ZC meeting and provide written engineering data, a plan to rectify ZC concerns already outlined in letters, and a time line for making the corrections.

4. cont. Mr. Caldwell recused himself, and requests that other ZC business be addressed before TARGA, Sunset Ridge, issues are discussed. The motion was unanimously approved. However, in the absence of the ZEO, no specific action was taken on the TARGA issues, other than a short discussion of the history and verbal reports from the ZEO that the site is "a mess" as outlined in the ZC minutes of 6/28/10. It was agreed to have representatives of TARGA appear before the ZC.

5. There was no other business

6. No correspondence

7. No invoices

8. A motion to adjourn and seconded was made by Brazaitis and LaGanga and was unanimously approved.

Prepared by
Peter Brazaitis 07/13/10

RECEIVED FOR RECORD AT HARWINTON, CT
ON 7-15-10 AT 2:27 pm
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK