

## ZONING COMMISSION MEETING

MONDAY, AUGUST 9, 2010 TOWN HALL 7:00 P.M.

Present: Chairman Ronald Sherlock, Peter Brazaitis, Clarence Caldwell, Nancy LaGanga, alternate Amy Calabrese, ZEO Karen Nelson and LUC Polly Redmond. Absent: Judith Pleau and Todd Ouellette.

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

Chairman Sherlock called the meeting to order at 7:00 p.m. All regular members present are seated with Amy Calabrese seated for regular member Todd Ouellette. Chairman Sherlock asks for a moment of remembrance for former Zoning Commission Member Nina Callahan who recently passed away.

2. **APPROVE MINUTES OF PREVIOUS MEETING: 7/26/10**

Ms. Calabrese **motioned** to approve the minutes of the previous meeting, seconded by Mr. Caldwell. Motion passed with Ms. Calabrese, Mr. Caldwell and Chairman Sherlock voting. Members Brazaitis and LaGanga refrained from vote due to their absence at the 7/26/10 meeting.

3. **FRED ZAVATKAY – APPLICATION FOR DRIVEWAY, LOT 11, WHETSTONE ESTATES SUBDIVISION, ELIZABETH DRIVE.**

Mr. Zavatkay is present. Proposed driveway location is identical to what was presented to the Wetlands Commission and the Planning Commission during the 2005 subdivision application. Driveway opening permit is outstanding. Mr. Zavatkay will obtain this permit from the highway supervisor. It is noted that Lot 11 has frontage on Whetstone Road. The driveway is proposed to be 155-160 feet long and will end east of a stone wall on the property. Mr. Caldwell **motioned** to approve the application with the condition that a driveway opening permit be obtained from the highway supervisor, seconded by Ms. LaGanga. Motion passed unanimously.

4. **MICHAEL SMITH FOR JOE WATSON – APPLICATION FOR 848 SQ. FT. ADDITION TO EXISTING HOME INCLUDING 18' X 8' DECK, 102 LAKE HARWINTON ROAD.**

Mr. Smith is present. Plans by Hrica Associates dated 7/7/10 are reviewed. TAHD and IWWC approvals received. Side yard setback distance from proposed addition is 25.1 feet. 25 feet is required and Mr. Caldwell feels this is too close although it is within the setback. Ms. LaGanga **motioned** to approve the application with the condition that a foundation as-built be provided to the ZEO. Before construction continues the ZEO will inspect making certain it is in compliance. Mr. Brazaitis seconded the motion and it passed unanimously with Mr. Caldwell voting to deny the application. Motion passed 3-1. Discussion ensues as to whether the sunroom will be cantilevered into the setback with Mr. Smith stating it will be by 2.5 square feet at the corner. The commission discusses options in order to meet the setback requirement with Mr. Smith agreeing to redesign the sunroom so there will be no encroachment into the setback.

5. **GERARD MONROE – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 5, CLEARVIEW ESTATES SUBDIVISION, WEINGART ROAD.**

No one is present to represent.

6. **COMPLAINTS/ENFORCEMENT ACTIONS:**

**GRJH, 207 Birge Park Road.** ZEO Nelson informs the commission that the TAHD district has set a deadline for September 1, 2010 for a septic system to be installed at 207 Birge park Road. The Commission would still like to see landscaping for the retaining wall that was constructed without a permit. The commission will wait to hear if TAHDs 9/1/10 deadline is met before proceeding with other issues pertaining to this property. LUC Redmond states she spoke to Bob Smith, TAHD, who mentioned that no extensions will be granted past 9/1/10.

**TARGA, Sunset Ridge, Mountain View Drive.** ZEO Nelson informs the commission that she spoke to Town Atty. Michael Rybak regarding the poor condition of this development. It should be understood that no Certificates of Occupancy shall be issued until a Certificate of Compliance is on file and that the entire site must be in compliance with the Zoning Regulations. LUC Redmond recommended that the property be temporarily gated in

order to keep the property from being used as a pass-thru from town to town until the project is complete. The commission has no problem with this being done. ZEO Nelson asks if both the Harwinton and Torrington accesses can be temporarily gated with the commission in agreement that it can be and that a “no trespassing” sign should be posted. ZEO Nelson states that E&S controls must still be implemented within this property and that the retention basin should be maintained.

ZEO Nelson also informs the commission of issues concerning a driveway on **Rocky Road East (Baril)**. The building inspector complained that he was getting stuck in the unpaved driveway while doing his inspections of the property. The commission is in agreement that ZEO Nelson should ask that the driveway be boxed out and graveled and include drainage as required by Highway Supervisor John Fredsall.

ZEO Nelson updates the commission on the **Ladd** issue, South Road, who previously appeared before this commission with complaints that their neighbor, Pinette, Hill Road, was the cause of washouts on their property after the Pinette home was constructed. Sean Hayden, NWCD, walked the property and found no affect to the Ladd property caused by the neighbor. ZEO Nelson informs the commission that the **Hometown Pizza Plaza** is being monitored by TAHD for any failed septic issues. ZEO Nelson questions the use of campers/trailers kept on site while a house is under construction. Property on **Wildcat Hill Road** has been under construction for four years now and the owners have recently requested a Certificate of Compliance. ZEO Nelson was at the property and noticed the trailer that appears to be used as a residence. The commission asks that the property owner be brought in to make application for the trailer. ZEO Nelson questions activity of rock crushing on **Hill Road** that has been going on for six months. The property owner states it is for landscaping purposes. ZEO Nelson asks, “where does one draw the line between landscaping and a stone crushing operation?” It is questionable whether the rocks are from the property naturally or are being brought in.

7. **REVIEW & DISCUSS PRELIMINARY LID PROPOSALS.**

The commission will set a special meeting for the near future to discuss the proposals.

8. **ANY OTHER BUSINESS.**

None.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

None.

11. **ADJOURN.**

Mr. Brazaitis **motioned** to adjourn the meeting at 8:35 p.m., seconded by Mr. Caldwell. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON, CT  
ON 8-11-10 AT 11:35 AM  
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK