

**TOWN OF HARWINTON
ZONING BOARD OF APPEALS**

2012

Wednesday, March 14, 2011, Town Hall, 7:00 p.m.

Present: Tom Rotondo, John Bigos, Mark Gelormino, Theodore Root, John Christian

Absent: Janet Duchaine, Jesse Smith, Nancy Shanley-Schnyer

PUBLIC HEARING

1. Open hearing – establish quorum.

Chairman Rotondo opened the public hearing at 7:00 p.m. All regular members present are seated. Alternate John Christian is seated for Mrs. Duchaine, with a quorum established. Proceedings are recorded on audio tape.

2. Daniel Manyak – application for 4' side yard variance for a barn, Section 5 (Country Residential Zone) Zoning Regulations, 167 Burlington Road.

ZBA Clerk Mrs. Neal reads the public notice into the record as published in the Waterbury Republican American 3/3/11 and 3/10/11. Mr. Manyak presents his application for variance. Members discuss the application, referring to the A-2 survey provided which includes natural features of the land hand drawn in after the survey was completed by the licensed surveyor. Land features noted include ledge, some elevations, maple trees used for maple sugaring, apple orchard, goat pen area, horse pasture, garden, swamp and wooded areas. Members have reviewed file contents including application (accepted 2/23/12), legal notice of hearing, Assessors map of property D6-04-0012 and abutters, list of abutters noticed, Assessors street card, copy of deed (vol. 218, p. 505), copy of TAHD approval for the 24' x 50' existing pole barn with attached 12' x 24' lean to and eight (8) photos taken of various land features and uses. Applicant requests the above stated variance on the 7.8 acre lot. Members ask questions of the applicant, with Mr. Manyak answering. Abutting neighbors Fred Williamson of 159 Burlington Road and Steven Camp of 44 Locust Road are in favor of granting the variance. John Fredsall, Fire Chief of Harwinton Volunteer Fire Department, requests that the board grant the variance if it is within the regulations to do so.

Chairman Rotondo closes the hearing at 7:15 p.m.

REGULAR MEETING

1. Open meeting – establish quorum.

Chairman Rotondo opened the meeting at 7:15 p.m. All regular members present are seated, with Mr. Christian seated for Mrs. Duchaine. A quorum is established. Proceedings are recorded on audio tape.

2. Approve minutes of previous meeting: 8/10/11.

Motion Mr. Gelormino, second Mr. Christian to approve the 8/10/11 meeting minutes as submitted, passing unanimously.

3. Discussion/possible decision – Members discuss, with Chairman Rotondo reminding that hardship based on the land itself is the only reason a variance may be granted and that the issue is not about best use of the land. Mr. Bigos, being familiar with the property, describes various

features of the land, stating that portions of the lot with rock outcroppings from ledge are not safe as horse pasture and confirms that the area to the back of the property is swampy. **Motion** Mr. Bigos, second Mr. Root to table decision on the application until next month's meeting, April 11, 2012, allowing time for each ZBA member to visit the site individually before making a decision. The motion passes unanimously.

4. Budget.

Clerk Mrs. Neal indicates that according to her research of over 20 surrounding, similar towns, although the variance application fee for Harwinton is \$155 (plus \$60 DEEP fee) and legal noticing by the town for each applicant costs the town an average of \$275, the Town of Harwinton's fee rate is not below average. Most other towns researched charged between \$135 and \$215, with a little more than half of the towns additionally paying for noticing of neighbors. A few towns charged about \$100 and a few others charged about \$300. Chairman Rotondo expressed that perhaps a discussion of all land use fees could take place in an appropriate forum for that.

5. Variance application form.

This agenda item is tabled.

6. Any other business. None.

7. Correspondence. None.

8. Invoices. None.

9. Adjourn.

Motion Mr. Root, second Mr. Bigos at 7:35 p.m. to adjourn, passing unanimously.

Respectfully submitted,



Christine Neal
ZBA Clerk

RECEIVED FOR RECORD AT HARWINTON, CT
ON 3-13-12 AT 2:05pm
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK