

Wednesday, July 25, 2012, Town Hall, 7:00 p.m.

Members Present: Tom Rotondo, John Bigos, Janet Duchaine, Mark Gelormino, Theodore Root.

Alternate Members Present: Jesse Smith, John (Jay) Christian.

Absent: Alternate member Nancy Shanley-Schnyer.

**1. Open meeting – establish quorum.**

Chairman Tom Rotondo opens the meeting at 7:05 p.m. All regular members are present and seated, with a quorum established. Clerk Christine Neal is present and proceedings are recorded on audio tape.

**2. Approve minutes of previous meeting - 7/11/12.**

**Motion** Mr. Bigos, second Mr. Gelormino to approve the 7/11/12 meeting minutes with noted typo to be corrected and sentence stating that Mr. Gelormino is seated for the appeal hearing to be added. The motion passes unanimously.

**3. Discussion/Possible Decision - Mountain Meadows Corporation, Route 4 and Johnnycake Mountain Road, Burlington, Richard A. Miller, its President; and Harwinton Square, LLC, 520 Burlington Road, Harwinton, Richard A. Miller, its Manager - appeal from the Harwinton Zoning Commission determination of March 12, 2012, that upon the consensus of the commission, a heliport at 529 Burlington Road (Harwinton, CT) is a legal non-conforming use of this property owned by Johnnycake Airport Property, LLC, agent Fred Pesce. (Public hearing closed July 11, 2012.)**

Attorney Grimes and Mr. & Mrs. Miller are present in the audience, as is Town Attorney Rybak. Members have reviewed all of the exhibits and have read Atty. Michael Rybak's letter dated July 23, 2012. Members discuss the matter.

**Motion** Mrs. Duchaine, second Mr. Gelormino to sustain the appeal, thereby reversing the Harwinton Zoning Commission's March 12, 2012 determination as:

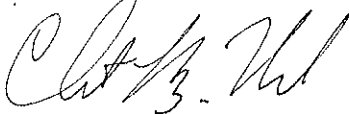
- (1) no evidence was presented showing existence of an airport or any aviation facilities on the property before the adoption of Harwinton's first Zoning Regulations, effective April 28, 1955, and these regulations prohibited such use and
- (2) no evidence was presented showing an application for, nor granting of, a special permit, for such use, during the period from April 20, 1981 and July 11, 1988 when Harwinton Zoning Regulations allowed airports, private landing fields and hangars by special permit.

Therefore, use of this property as a heliport is deemed to NOT be a legal non-conforming use. The motion passes unanimously.

**4. Adjourn.**

**Motion** Mr. Gelormino, second Mrs. Duchaine at 7:31 p.m. to adjourn, passing unanimously.

Respectfully submitted,



Christine Neal  
ZBA Clerk

RECEIVED FOR RECORD AT HARWINTON CT  
ON 7-30-12 AT 2:37 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK