

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Deborah Kovall, Matthew Szydlo (arriving at 7:15 p.m.),
Alternate Member Brooke Cheney, Alternate Member Don Truskauskas
Also Present: Town Atty. Michael D. Rybak and Zoning Enforcement Officer Thomas Mitchell
Absent: Daniel Thurston

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

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

Chairwoman M. Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member B. Cheney seated for Regular Member M. Szydlo and Alternate Member D. Truskauskas seated for Regular Member D. Thurston.

2. **PRESENT COMMISSION-INITIATED PROPOSED ZONING REGULATION AMENDMENTS.**

Chairwoman Rewenko acknowledges the call to hearing as published in the Republican American on 9/14/17 and 9/22/17 (**Exhibit B**).

Copies of notifications sent out to the Town Clerk, Planning Commission, Town Counsel, Council of Governments, Selectmen, IWWC and Highway Dept. (**Exhibit C**) are on file.

D. Truskauskas reads the report of the Northwest Hills Council of Governments (**Exhibit F**) received in the Land Use office on 9/20/17, the report of the Naugatuck Valley Council of Governments (**Exhibit G**) received on 9/25/17, comments made by Town Atty. Michael D. Rybak (**Exhibit D**) on the proposed regulations dated 8/9/17 including comment by Atty. Steven Byrnes (also Exhibit D) on the proposed regulation for Affordable Housing dated 8/15/17.

*Note: **Exhibit E** is the Report of the Planning Commission that was inadvertently not read into the record at the opening of the public hearing but will be at the continued public hearing on 10/10/17.

D. Truskauskas also reads a Statement of Purpose (**Exhibit J**) prepared by Commissioner Cynthia Kasey on behalf of the Zoning Commission.

The following proposed Zoning Regulation amendments (**Exhibit A**) are as follows:

Zoning Regulation 2.3 Definitions – to add *definition of Affordable Housing Development* that includes definitions of “Assisted Housing”, “Set-aside Development” and “Median Income”.

Zoning Regulation 4.7.2 Special Permit Uses in Multi Family Zone to include 4.7.2c adding that Affordable Housing Developments are permitted by Special Permit in a Multi Family zone *only* and adds limitations to eligible applicants.

Zoning Regulation 6.5 Keeping of Animals to add regulations concerning poultry; that poultry shall be contained on owner’s property by use of pens or fencing if necessary.

Zoning Regulation 6.17 Storage Sheds – to delete the first paragraph of the regulation concerning the appearance of sheds in the Lake Harwinton Association.

Zoning Regulation 6.19 Use of Home for Personal Business – to delete the existing wording and replace with new wording under title of *Home Based Business – Minor*.

Zoning Regulation 9.4 Home Occupations – to delete the existing wording and replace with new wording under title of *Home Based Business – Major*.

Chairwoman M. Rewenko opens the floor to public comment at this time noting that each speaker will have three minutes to speak but will also be afforded a second opportunity to speak. No votes will be taken tonight and the Commission will take all public comments into consideration.

Victoria Elliott, 10 Litchfield Road, supports home based businesses as long as they do not disrupt neighbors or the neighborhood and she notes that any business that is permitted would be reviewed by the Zoning Commission.

Myrna Watanabe, 155 Woodchuck Lane, supports a home based business if it was a quiet business such as cake baking. She does have concerns with types of businesses allowed that are not mentioned in the regulations. She expresses concern over the proposed regulation stating a home based business shall be operated by a “resident” of the premises and states that the property could be rented out to a business owner who does not live in the house but is just operating the business out of the house with the actual homeowner living out of state. She refers to the proposed home based business regulation allowing for trucks to be brought on to the property and she notes that trucks can’t be hidden even with a tarp over it and neighbors could be affected by this.

Marie Pierce, Garden Lane, states she is relieved after the Statement of Purpose was read by Commissioner D. Truskauskas because the post card mailing that was sent out by the Democratic Town Committee to all Harwinton residents warned that the proposed Zoning Regulations would bring parking lots, full-time employees, service areas and trucks. She states she now realizes that the proposed regulation amendments are not so bad.

Ernie Torizzo, 4 Green Acres Road, states that when he received the post card mailing sent out by the Democratic Town Committee, he was upset. He believes not enough thought went into the proposed Home Based Business regulation. He also questions whether those with Home Based Businesses would have to have ADA compliance, fire alarms, etc. and who would make sure these are in place within the home? He states the thought of people working on cars on residential lots makes him wonder if this would put a strain on Police and Fire Departments and would affect neighboring land values.

Nancy Schnyer, 535 Hill Road, questions whether a massage therapist could work out of their home? She doesn’t approve of the home based business regulation being proposed. She states that there are trucks kept at her neighbor’s home and by passing this proposed regulation would give them the okay to continue keeping their trucks there.

Mike McGoff, 580 Litchfield Road, states his belief that most people who are present here tonight are against the proposed regulation amendments and that people in Harwinton don’t want businesses/service areas in town.

Naomi Toftness, 3 Birch Hill Road, thanks the Commission for the proposals. She explains that she operates a business out of her home and has a farm stand that she hopes, in relation to having no more than two clients coming to the premises, that more than two people would be allowed to come to her farm stand to buy eggs. She states she is also in favor of protecting the rural character of Harwinton.

Dane Deleppo, 73 Hayden Road, questions whether there are restrictions on trucks idling to warm up? He questions how the town would be able to resolve complaints received? He asks what Special Permits mean? He speaks of an issue he had in the past with a neighbor who runs a business out of his residence and who dropped mulch along the property line as a berm and the DEEP had to get involved after he contacted them and ordered the removal of the berm. He questions how the town would be able to resolve these types of problems.

John Vecchitto, 233 Terryville Road, states that he lives next to a resident who is operating a business from their property but is an absent landlord. The business is a wood processing business with logging trucks entering the property and the property is being used as a transfer station for logs. He has spoken to his neighbor about this and he feels that the town has done nothing to enforce the illegal activity, that he himself is the enforcer of this matter. He states that when the town changes rules, monitoring those rules is important.

Thomas Schoenemann, 23 North Road, speaking as the Chairman of the Economic Development Committee states for informational purposes that there are presently 273 businesses on the town's tax role. 17 businesses have taken out Home Occupation permits through the Land Use office and there are 107 businesses listed on the town's Business Directory. He explains that the EDC looked at regulations concerning home occupations in twenty different towns and none of them forbid customers coming to the home. He points out that there are contradictions in the Harwinton Zoning Regulations where under Section 4.2e Special Permit Uses in a Country Residential zone and Town Residential zone allows for "Professional office for the owner occupant and not more than *two non-resident employees* on the premises at any one time in a single family dwelling." which contradicts current Zoning Regulation Section 9.4.3 that states "There shall be *no outside employee other than members of the resident family.*" Mr. Schoenemann speaks of a letter the EDC sent to the Zoning Commission back in December 2015 (**Exhibit H**) giving their review of the Zoning Regulation amendment being proposed with their recommendation that three clients be allowed on the premises. He states that the EDC still stands by their comments and he submits the letter for the record.

Bruce Baldwin, 127 North Road, states that when the proposed amendments were presented to the Planning Commission (9/13/17) the Planning Commission didn't like any of the proposals on Home Occupations; that they felt the changes would take away residential zoning. He thought that these proposals would be acted on at that point.

At this time Commissioner C. Kasey clarifies the confusion that seems to be present on the proposed Home Business – Minor and Home Business – Major amendments. She states that with home occupation permits, the residence will remain residential. There will be no lumber yards allowed and that there are current regulations on where commercial uses can take place and they are not in residential zones.

Stacey Sefcik, 252 Lead Mine Brook Road, states she believes in having home-based businesses but that they should be done in a way respectful to neighbors. Her concerns with the Home Based – Minor proposed regulation include the following: that the wording is vague with not enough definitions, the wording, "Anything more would be required to be kept under cover." is vague and hard to enforce, the allowing of trucks, and allowing outside storage which conflicts with other wording within the proposed regulation.

Lynne Steincamp, 160 Plymouth Road, states that she appreciates home businesses but the Commission has to be more specific. She doesn't want signs, parking or traffic generated next door to her residence in connection with a home based business. She believes it would destroy the value of her property.

Verna Moran, 2 Hannah Way, states that the Zoning Commission doesn't seem to be able to enforce regulations now and her concern is that the town will not be able to enforce when neighbor's peace is disrupted by home based businesses.

Shawn Lane, 65 Hayden Road, states that although he has concerns over home based businesses, he believes more consideration should be given to Section 2.3 and the inclusion of Affordable Housing. By putting this regulation in place he believes it would affect property values.

Dorothy Cromwell, 25 Mansfield Road, expresses her concern over parking lots, service areas and trucks as warned of in the post card mailing by the Democratic Town Committee. She refers to the blight on the corner of Mansfield Road and Wildcat Hill Road that has been complained about for years and the lack of enforcement to clean that property up. She wants to be clear in her understanding that if Zoning decides on approving these proposals, the residents do not get to vote on them, only the Zoning Commission? LUC Redmond states that there would be no town meeting for a vote on these proposals, that it would be the Zoning Commission voting. Chairwoman M. Rewenko explains that the Zoning Commission is here to hear everyone's concerns tonight.

Anne Marie Buonocore, 137 Woodchuck Lane, speaks as a past member of the Zoning Commission and feels she can answer Dorothy Cromwell's question by stating that the Zoning Commission can vote on these proposals however they want. She states her belief that the Zoning Commission doesn't have the experience to make these changes to the regulations and that there hasn't been a lot of thought put into them. She believes the Zoning Regulations do need working on but that there isn't a lot of power to enforce them.

Gene Masciangioli, 19 Windmill Road, states that commercial activities should be kept in commercial zones and residential should remain residential. He states that he lives in a neighborhood where commercial trucks are kept on residential lots and make much noise leaving the property.

Robin Churpin, 54 South Road, states there is ambiguity in both Home Based Business – Minor and Major. Where the term "normal" is mentioned in both proposals referring to storing of equipment outdoors; that the home based business shall not "have, use or store any have any equipment outdoors beyond what is normal to a single family resident" and the same wording included regarding hazardous material, and also the term "normal" used in referring to commercial vehicles stating "there shall be no parking, use or storage of a commercial vehicle or trailer having a gross vehicle weight rating greater than 19,500 pounds....beyond what is normal to a single family residence." is ambiguous. She also believes that noise is a subjective term. She sees the proposals as unclear and too broad.

Terrance Kelly, 7 Scoville Road, states that it appears a lot of people have home businesses and only a few get permits through the town. He believes the town should do research on who does business in town and how it affects their neighbors and then the Commission could go forward.

Robert Zbuska, 111 Swimming Hole Road, states that it seems objections are related to home based businesses operating machinery. He notes that any auto repairs would be through a permit from the DMV and there are regulations on the number of vehicles that can be worked on per year. He states he understands there are a lot of people who are forced to operate a business out of their home but businesses involving machinery or disturbance should not be allowed. Regarding Affordable Housing, he states that there is no way to control who could use Affordable Housing.

Jim Stewart, 407 Clearview Avenue, states that signage has not been discussed and he believes there is sign pollution in town with election signs and real estate signs.

Elaine Schiavone, 6 Lake Shore Drive, President of the Lake Harwinton Association, states that she approves of the fencing proposal for chickens and adds that there should be a housing requirement for them.

Ann Bott, 80 Lead Mine Brook Road, states that she used to run a consulting business from her home in Harwinton and suggests that general information on how to apply for a home based business be added to the proposed regulation. She believes that Minor and Major Home Based Businesses are different and different areas should be designated for where each would be allowed.

William Toftness, 3 Birch Hill Road, suggests that types of businesses allowed for Home Based Businesses should be outlined, i.e., farm stand, commercial, consulting. It's his understanding that this is an attempt to capture what's going on in town in order to have a better handle on it. He is opposed to the overburden of regulations but in this case, it might be helpful. Regarding parking of large vehicles, he states he has a neighbor who operates a business and has heavy machinery in the business. He's not sure of the weight, if it is 19,500 pounds, and he doesn't care. He states that most of the people running those operator/owner businesses with trucks leave in the morning, work all day, and come back in the evening. It's not an in and out thing. He would hate to see that someone had to spend thousands of dollars a year to rent a place out to park those vehicles somewhere else when their office is run out of their home and the vehicles are just being taken out once, maybe twice a day.

Franci Knight, 500 Burlington Road, refers to the point of the gentleman who just spoke and states she owns one of those 17 registered business in this town and she bought industrial land to have her business there and she believes it's unfair that those who did the right thing are competing with those running a business out of their home and paying a lot less in taxes than she's paying. A contractor who has to rent industrial property versus a contractor running the business out of the house isn't fair to the people doing it correctly. She states it's silly to have commercial activity in a residential zone, that residential areas should be protected. If there are that many businesses not following the rules now, if that can't be policed, how would what's being proposed be policed?

Paul Chiappa, 106 Scoville Hill Road, refers to the post card mailing and questions who would want parking lots on residential properties? He states that there could be a way to get around having two full time employees working in the home by having full time employees and also having family members working for you that could create a 24-hour operation. He asks who would regulate service areas with gas, antifreeze and perhaps leaking barrels?

Tom Fausel, 62 Harwinton Heights Road, states that he has had his own business that started in an apartment that eventually grew out of the space used in the home and eventually he moved the business back into the home. He states that there's got to be some towns doing Home Based Businesses right and encourages the Commission to look for best practices. He notes that Steve Jobs and Michael Dell started their businesses at home.

John Vecchitto, 233 Terryville Road, states that he is not opposed to Home Based Businesses but believes there should be more rules for them. If having a commercial business in a residential zone, there has to be setbacks for commercial vehicles and equipment on the property. There should be some accommodation for neighbors.

Doug Cartona, 12 Rocky Road West, states he is on the fence with these proposed regulations. He states he built a home on Rocky Road West because he heard the town was more forgiving on what people do in Harwinton, then he had a 50 lot subdivision in his neighborhood and now as traffic going by his house. If a person has a couple of service trucks and does business throughout the state, he believes that person should be able to keep those trucks on their property.

Pam Root, 16 Branch Road, thanks the Commission for serving and explains that she had a Home Based Business which was a service business. She made sure that there were plantings to shield the trucks kept on the property from the road and that signage was in compliance. She asks that any changes made to the Zoning Regulations are not ambiguous, that they stay with the character of Harwinton, because no one wants commercial property all around.

Leslie Kelly, 7 Scoville Hill Road, states that she had lived in a rural area out of town where a neighbor had a lot of clients coming to the home and it turned out the person was a dominatrix. Her point is that some towns have a beautiful main street and stately old homes such as the one she is referring to and this activity was taking place on Main Street in a barn behind the house. Her point is, she would like to know what the regulations are allowing because she wouldn't want to live next to a business and there are other service areas that she wouldn't want to live next to.

Michael D. Rybak, Town Attorney, 100 Litchfield Road, states that he has listened to the Commissioners and the public tonight and attended the Planning Commission meeting where they gave their Referral on the proposed amendments and notes that the Planning Commission did not give a favorable review to Home Based Business – Minor or Home Based Business – Major which now requires the Zoning Commission to adopt the proposed regulation by a 2/3 vote of all Commission members. He suggests keeping the public hearing open tonight and that the Commission should carefully look at other towns for regulations on Affordable Housing. He states he would like to take up discussion on Affordable Housing with the Commission at another time.

Stacey Sefcik, 252 Lead Mine Brook Road, speaks in regards to Home Based Business – Major, which requires a Special Permit. She states that Special Permits are filed on the land records and that the regulation should state "Requirements for Renewal" instead of "permits shall expire". She notes, again, that there is contradiction on storage within the proposed regulation. She has concerns of parking heavy equipment on streets and states that she believes there should be a lot area requirement. She states that "storage" should have its own section within the regulations and has samples from other towns' regulations on Home Occupations and Contractor Shop and Storage. She notes that the proposed regulation for Home Based Business has no definitions, i.e. contractors' storage, personal services, motor vehicle repair, if that is something the town wanted. She states that if the Commission were to "button up" definitions up front it would be helpful.

3. CONTINUE OR CLOSE HEARING.

D. Truskauskas **motioned** to continue the public hearing to the next Zoning Commission meeting to be held on Tuesday, October 10, 2017 at 7:00 p.m. in the town hall, seconded by C. Kasey. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chair M. Rewenko called the meeting to order at 8:55 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for D. Thurston. (Regular Member Matthew Szydlo is seated and Alternate Member Brooke Cheney is unseated.)

2. APPROVE MINUTES OF PREVIOUS MEETING: 9/11/17

M. Szydlo **motioned** to approve the minutes of the previous meeting, seconded by D. Truskauskas. Motion passed unanimously.

3. PUBLIC COMMENT. None.

4. DISCUSSION/POSSIBLE DECISION - COMMISSION-INITIATED PROPOSED ZONING REGULATION AMENDMENTS.

No discussion.

5. KEN WOOD – APPLICATION FOR 50.6' X 34.6' AND 35.7' AND 26.8' ADDITIONS TO EXISTING POLE BARN, 68 GRIFFEN ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Lawrence Bryant is present to represent. Written waiver request is on file. A copy of a filed subdivision plan (Map 479) prepared by Paul Neveu, Jr. & Associates, Bristol, CT, dated 12/6/77 showing the location of an existing house and barn on the 23.59 acre parcel is reviewed. The additions will be made to an existing barn (with 7 stalls) and will be 95 feet to the south side property line. One addition (marked 2 on the plans) will be used for more stalls and the other addition (marked 3 on the plans) will be used for storage of horse carriages. M. Szydlo questions how many horses are on the property with Mr. Bryant answering 7. D. Truskauskas **motioned** to grant the request for waiver of an engineered plan, seconded by C. Kasey. D. Truskauskas **motioned** to approve the application, seconded by D. Kovall. Both motions passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO T. Mitchell asks the Commission for clarification of Zoning Regulation 6.5 Keeping of Animals where it states, "The minimum land area for the keeping of horses...shall be 65,340 square feet for one horse..." He asks whether "land area" means "lot area" for acreage requirements. Commissioners agree that the wording is "land area" and land acreage does not apply to the number of horses kept on a property. If land is diminished in size, the number of horses on the property would also have to diminish.

7. ANY OTHER BUSINESS.

None.

8. CORRESPONDENCE.

None.

9. INVOICES.

None.

10. ADJOURN.

C. Kasey **motioned** to adjourn the meeting at 9:10 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10/02/17 AT 10:48 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK