

HARWINTON ZONING COMMISSION

MONDAY, JUNE 10, 2019

TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Theodore Root, Zoning Enforcement Office Troy LaMere and Land Use Coordinator Polly Redmond.

Also Present: Town Counsel Michael D. Rybak

Absent: Alternate Member Don Truskauskas

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated.

2. BUMPER BROOK ESTATES –APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006. PUBLIC HEARING OPENED 3/11/19.

No one is present to represent. Atty. Rybak states that he believed the application was going to be withdrawn tonight because the applicant has not yet received Torrington WPCA approval and that is critical to the project with that having to be received. He states that if there is no public comment tonight, the hearing must be closed because the statutory time limit has run out to keep the hearing open and then the record is what has been received while the hearing was open. If there is no approval from Torrington WPCA, Atty. Rybak advises the Commission not to wait the 65 days permitted to make a decision. Commissioner D. Kovall questions that if the Commission has 65 days to make a decision and the Torrington sewer hook-up approval comes in, the Commission can then vote? Atty. Rybak replies, yes, but the Commission shouldn't wait as there are things to consider such as bonding and other conditions as well as revisions to the site plans.

Commissioner T. Root states that he has listened to the audio recordings of the hearings he has missed, 3/25/19 and 5/13/19, and asks to review the cut sheet on light fixtures (Exhibit A20) and compares that information to the figures shown on Sheet P100.

3. CLOSE PUBLIC HEARING.

With no further comments, D. Thurston **motioned** to close the public hearing at 7:12 p.m., seconded by M. Szydlo. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman Rewenko calls the regular meeting to order at 7:12 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/13/19

M. Szydlo **motioned** to approve the minutes of 5/13/19, seconded by C. Kasey. Motion passed unanimously.

3. PUBLIC COMMENT.

None.

4. MICHAEL DULL – APPLICATION FOR SINGLE FAMILY DWELLING, 460 LITCHFIELD ROAD.

Mr. Dull is present. Plans prepared by Gary Giordano, P.E., titled Zoning Location Survey Map, 5/28/19 and Subsurface Sewage Disposal System, revised 5/28/19, are reviewed. IWWC and TAHD approvals have been received. Soil and erosion permit is on file. The driveway opening permit was approved by CTDOT in 2003 when previous owner Randy Serkey applied for it and the Zoning Commission also approved the driveway and the house location on 1/23/06. Fees were paid at that time by R. Serkey but current additional fees will be applied to this application for a total of \$85.00 due that includes the Permit Link Fee. Commissioners ask that pull-offs be put in every 200 feet along the 550 foot long driveway to allow for the driveway to remain clear during winter storms and to keep open for emergency vehicle access. Mr. Dull states that the driveway is not going to be paved at any time in the near future but he will provide for pull-offs. Mr. Dull is advised not to bury the pin of his neighbors in the location of the turning point heading east of his new proposed driveway since it is approximately five (5) feet from the property line. Commissioners note that there is no cross-section of the driveway on the site plan and informs Mr. Dull that Engineer Certification of the driveway will be required along with the as-built. Mr. Dull states that the driveway apron is in and paved but that the remaining driveway is stone with ZEO Troy LaMere stating that the Commission is asking for a cross-section of the base material. M. Szydlo **motioned** to approve the application with the condition that pull-offs be put in place every 200 feet and shall be noted on the as-built plans and that the driveway be certified by an engineer with a cross-section provided. D. Thurston seconded the motion and it passed unanimously.

5. ROBERT SCHNEIDER – INFORMAL DISCUSSION ON USE OF ACCESSORY BUILDING (GARAGE) APPROVED BY ZONING ON 4/8/19, 280 SOUTH ROAD.

Mr. Schneider is present and provides Commissioners with a write-up of his intentions for the property and the use of the recently approved garage that includes groups coming in for seminars, camping and riding lessons. It includes his intention of advertising for weekends as a New England horse farm with weekend rides on trails through Roraback State Forest. There is also the intention of having a barn manager/operator efficiency apartment on the second floor of the garage. Mr. Schneider states that when he applied for building the garage his thought was that within five years he would be able to live there. LUC Redmond states that any accessory apartment must be within the existing house and not in an accessory structure. LUC Redmond notes that the TAHD and the State of CT Dept. of Public Health approval on file were for a garage with “no water supply” that was revised for approval of a half-bath in an existing garage. The Harwinton Building Inspector informed LUC Redmond that his site visit showed intentions of a full bath on the first and also on the second floor of the garage, a kitchen on the second floor of the garage, and a separate staircase going up to the second floor of the garage. LUC Redmond provides a file from 2012 where Mr. Schneider applied for a Special Permit for activities on the property that included a for-profit day camp and the Commission at that time informed him that it was not a permitted use because it didn’t comply with Zoning Regulation 4.2b where activities are allowed if they are “not conducted for profit.” Legal Opinion 12-02 dated 9/13/12 from Atty. Rybak regarding Mr. Schneider’s 2012 proposal is provided and read by Chairwoman Rewenko. Commissioners will receive copies of that legal opinion. Chairwoman Rewenko notes that the Zoning Regulations have not changed since 2012 in that “for profit” activities are not allowed in residential zones. ZEO Troy LaMere notes that with any activity that brings the public in, the TAHD would have to give their approval. D. Kovall questions where the people who stay for the weekend would sleep with Mr. Schneider stating they would stay in the second floor apartment of the garage

with two to four people at a time. Chairwoman Rewenko asks Atty. Rybak what his thoughts are on this proposal with Atty. Rybak stating that whatever the Commission decides, it “better fit in the Zoning Regulations.”

Having the overnight aspect of the proposal is more of a Bed and Breakfast type of use. He adds that the previous owner, Mr. Ferro, did just boarding and riding of horses on the property. Atty. Rybak also states that the Zoning Commission approved a barn within Equestrian Estates that is for riding and boarding of horses on a lot that does not have a principal use on it and no one who sleeps in the barn. Commissioners should review how that application received an approval and under what Zoning Regulation. Atty. Rybak states that if Mr. Schneider is to proceed with an application, the Commission needs a very clear application regarding shows, whether there will be use of outside speakers, the number of people coming in, site plans, ADA Compliance, TAHD approvals, etc. Mr. Schneider will return to the next Zoning meeting with additional information.

6. DISCUSSION/POSSIBLE DECISION - BUMPER BROOK ESTATES – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.

C. Kasey questions the status of the IWWC decision to rescind their approval for this project and whether they held a public hearing to do so. Atty. Rybak states that the Zoning Commission does need a report from the Inland Wetlands Commission on final action but rejection of the approval by IWWC doesn’t matter for Zoning. The revocation of the Wetlands permit is in litigation now and he cannot comment any further. The Zoning Commission has 65 days to make their decision and if Torrington WPCA approval is not received for sewer connection, the Commission must deny the application. Chairwoman Rewenko notes that the application can be withdrawn at any time but after three months of public hearings, there are still no sewer hook-up approval by Torrington or Harwinton. She advises Commissioners not to make a hasty decision but perhaps the application can be discussed tonight and at the next Zoning meeting. D. Kovall states that she is willing to wait to the next Zoning meeting to see if the sewer connection permit comes in. D. Thurston notes that considering the time this Commission put in on this application, he agrees to one more meeting to hold off on a decision. M. Szydlo **motioned** to continue discussion to the next Zoning meeting on 6/24/19, seconded by D. Kovall. Motion passed unanimously.

M. Szydlo **motioned** to add to the agenda: **Ron Visini – application for single family dwelling, Assessors Map No. A6-03-0014, Lot 1, Melnic Subdivision, corner of Scoville Hill Road and Orchard Hill Road**, seconded by C. Kasey. Motion passed unanimously.

Mr. Visini is present and provides plans prepared by Berkshire Engineering, titled Septic System Design, 5/17/19. The property is a corner lot within a Town Residential zone and will have an address on Scoville Hill Road. IWWC and TAHD approval has been received. Soil and erosion permit is on file. Driveway permit was taken out in 2018 and is still being held by the town. M. Szydlo notes the grade in the driveway is at 14% as noted on the site plan and Zoning Regulations call for 10% grade. The driveway will need to be engineer certified and can be certified after the fact but it is better to have it drawn in and designed on the site plan for assurance. R. Visini states that he will get additional driveway information off of the Melnic Subdivision plans and will return to the Zoning Commission on June 24, 2019 for a decision.

Mr. Visini mentions to Commissioners that he believes there should be a Zoning Regulation on commercial dumpsters in residential zones as there is a dumpster located at a residence on Orchard Hill Road and when the hauling truck comes to unload it, it has to back into the property leaving the front portion of the truck in the roadway which can become a traffic hazard.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO Troy LaMere informs the Commission that he is sending letters to Ralph Johnson for possible violations at 508 Hill Road and also to James Thibault for construction of a shed without proper permits, 94 Campville Hill Road.

8. ANY OTHER BUSINESS.

None.

9. CORRESPONDENCE.

None.

10. INVOICES.

C. Kovall **motioned** to approve the invoice of ZEO T. LaMere for \$93.20, seconded by M. Szydlo. Motion passed unanimously.

11. ADJOURN.

D. Thurston **motioned** to adjourn the meeting at 8:55 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 6-13-19 AT 2:00 pm

ATTEST TOWN CLERK

Laurel Beyer