

HARWINTON ZONING COMMISSION

MONDAY, JUNE 24, 2019

TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Theodore Root, ZEO Troy LaMere and LUC Polly Redmond

Absent: Alternate Member Don Truskauskas

PLEDGE OF ALLEGIANCE

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/10/19

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

3. PUBLIC COMMENT.

None.

4. JAMES THIBAUT – APPLICATION FOR AFTER-THE-FACT 10' x 22' SHED, 94 CAMPVILLE HILL ROAD.

Mr. Thibault is present. ZEO Troy LaMere states that the reason Mr. Thibault is here tonight is because a complaint was received for initially a water issue with the complainant stating water was entering onto his property from Mr. Thibault's land. While investigating, ZEO LaMere states that he saw a shed on the Thibault property that was not listed on the street card. Mr. Thibault explained that the shed has always been on the property and that he just replaced the old shed with a new shed and placed it in the exact same location. The neighbor informed ZEO LaMere that he has no problem with where the shed is but that it is the run-off he is concerned with. ZEO LaMere and Highway Supervisor Dave Bousquet met with Mr. Thibault at the Thibault property where Mr. Thibault agreed to put in a swale to direct the water away from the neighboring complainant's property. According to ZEO LaMere, D. Bousquet informed him that there are some road issues in this area that the Public Works Department will be addressing as well. A new shed is being applied for as an after-the-fact where the shed was placed 21-23 feet from the side property line without a permit. The property is located in a Country Residential zone and requires a 35 foot setback. Mr. Thibault states that he will move the shed so that it meets the setback in order to avoid going for a variance in front of the ZBA. M. Szydlo **motioned** to approve the 10' x 22' shed once it is relocated to meet the side yard setback of 35 feet and after ZEO LaMere inspects the location for compliance and giving LUC Redmond the authority to sign off on the application once the inspection is done. C. Kasey seconded the motion and it passed unanimously.

5. BRIAN MCNICHOLAS – APPLICATION FOR 8' X 40' STORAGE UNIT, 444 CLEARVIEW AVENUE.

No one is present to represent. LUC Redmond will update Commissioners on details of the application under Any Other Business.

6. RONALD VISINI – APPLICATION FOR SINGLE FAMILY DWELLING, CORNER OF SCOVILLE HILL ROAD AND ORCHARD HILL ROAD, ASSESSORS MAP NO. A6-03-0014.

Mr. Visini is present and provides plans prepared by Berkshire Engineering, titled Septic System Design, 6/21/19. Mr. Visini explains that the plans have been revised to provide radius and driveway detail (cross-section) and spot elevations as requested by Zoning at the last meeting. TAHD and IWWC approvals have been received. Soil and erosion permit and driveway opening permit is on file. D. Kovall **motioned** to approve the application, seconded by C. Kasey. Motion passed unanimously.

7. 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 notes that TAHD approved his application for “Adding an apartment to two-story garage with bedroom, 2 full baths and kitchen.” Mr. Schneider is reminded that an accessory apartment in a detached garage is not a permitted use. Mr. Schneider states that he spoke to the person operating the Equestrian Estates barn on Break Maiden Lane off Plymouth Road and was told that the barn is on a separate lot and the operator lives next door on another lot. Mr. Schneider asks if he subdivided his land, could the garage with the accessory apartment be permitted as an agricultural use. He is informed that if he has people staying in the garage for weekend retreats as he stated at a previous Zoning meeting, it would not be permitted and that the use of the garage can’t be a “for-profit” use. Mr. Schneider states that perhaps he will look into the possibility of applying for a Bed and Breakfast. Mr. Schneider states he will discuss with LUC Redmond in the future regarding the option of subdividing his land.

8. 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.

A letter from Atty. William J. Tracy, legal counsel for Bumper Brook Estates, dated 6/14/19 has been received informing the Commission that Bumper Brook Estates, LLC is withdrawing the Special Permit for Housing for the Elderly and the application for site plan approval at this time. The letter states that the applicant will be filing substituted applications once the inter-town process between Harwinton WPCA and Torrington WPCA is completed. D. Kovall **motioned** to accept the withdrawal of the application, seconded by M. Szydlo. Motion passed unanimously.

C. Kasey **motioned** to amend the agenda to add **Eric Rahn – discussion of construction of 12’ x 12’ trapper’s cabin on vacant land located on Birge Park Road, Assessors Map No. C7-05-26.** Motion seconded by M. Szydlo and passed unanimously. Mr. Rahn explains that he recently purchased the 30 acre parcel and would like to put up a 12’ x 12’ cabin, with no electricity and no water, to use when he is there. He explains that he is working with the USDA on the invasive plants that the property is riddled with. There is also an old apple orchard there that he will be getting back to producing. The property is in 490 Farm and Forest and that through the USDA he has a farm number. Mr. Rahn also informs the Commission that he is a licensed beaver trapper. The property will be prepared for eventual land conservation because when he is through with it, he states he will be turning it over to the Harwinton Land Trust. Mr. Rahn states he will be bringing this proposal before the IWWC on 7/1/19 for their review. M. Szydlo **motioned** that this is approved as an agricultural use of the property as defined under Section 2 Rules and Definitions, Agriculture, of the Zoning Regulations. C. Kasey seconded the motion and it passed unanimously.

9. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO LaMere informs the Commission that he has inspected a pool at 66 Hayden Road and all is in compliance. He inspected a deck at 37 Wilson Pond Road and that is also in compliance. He sent a Notice of Violation to James Thibault, who was in attendance tonight and he sent a Notice of Violation to Ralph Johnson for violations of keeping commercial vehicles overnight in a residential zone at 508 Hill Road. Mr. Johnson has not yet picked up the certified letter as no Return Receipt has been received.

10. ANY OTHER BUSINESS.

LUC Redmond explains to Commissioners that **Brian McNicholas, 444 Clearview Avenue**, called the office to inquire about the possibility of obtaining Zoning approval for placement of a metal storage container on his 23 acre parcel. He will be putting siding on the container and a false roof to make it look like a shed. The location will greatly meet the setbacks required for a Town Residential zone. Commissioners ask that Mr. McNicholas come before the Commission for an approval and to have him state for the record that he will side the container and place a roof on it so it will look like a shed.

D. Kovall informs the Commission that she drove down Orchard Hill Road to check on the commercial dumpster that was mentioned at the last Zoning meeting by Ron Visini. The dumpster is used in connection with a Day Care Center on Orchard Hill Road and is maybe six inches off the road and slightly kitty corner in order for it to be dumped. It is placed in this area because of the grade of the driveway that the hauler's truck would not be able to access. D. Kovall notes that in order for the dumpster to be emptied out, the truck has to be across the entire road which, as previously noted by Ron Visini, is a hazard to anyone traveling on that road and comes upon it. Commissioners agree that this matter is a law enforcement matter and a safety issue perhaps meant for the Resident Trooper to handle. ZEO LaMere states that he will talk to Highway Supervisor Dave Bousquet about this because the dumpster is on the town's right of way. At this time there is nothing the Zoning Commission can do as it is not against any Zoning Regulation.

11. CORRESPONDENCE.

Correspondence dated 6/13/19 from Atty. Steven Byrne regarding pending litigation is received.

12. INVOICES.

None.

13. ADJOURN.

D. Kovall **motioned** to adjourn the meeting at 8:07 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-26-19 AT 11:50am
ATTEST TOWN CLERK
Janet Bryan