

Present: Daniel Thurston, Deborah Kovall, Alternate Member Theodore Root, Alternate Member Dave Foster, Alternate Member Michelle Whitford, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Don Truskauskas

Absent: Chairwoman Michelle Rewenko, Secretary Cynthia Kasey, Regular Member William Ponte

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair Deborah Kovall called the meeting to order at 7:00 p.m. All regular and alternate members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 1/10/2022

T. Root **motioned** to approve the minutes of the previous meeting, seconded by D. Foster. Motion passed unanimously with M. Whitford refraining from vote due to her absence at the 1/10/2022 meeting.

3. PUBLIC COMMENT. None.

4. JARED BRADDOCK FOR PICKETT BROOK PROPERTY – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 16, STEEPLE CHASE ROAD, EQUESTRIAN ESTATES SUBDIVISION OFF PLYMOUTH ROAD.

Jared Braddock, Building Division General Manager, Supreme Industries is present. Plans by Robert Green Associates titled Zoning Location Survey, January 6, 2022 are reviewed. LUC Redmond signed off on the Wetlands application as a non-regulated activity with condition that seven (7) Protected Wetlands markers be placed along the conservation area. These markers have been purchased by Mr. Braddock. TAHD approval received on January 10, 2022 and driveway opening permit has been issued by the Highway Supervisory. Soil and erosion permit is on file with ZEO D. Truskauskas asking Mr. Braddock to contact him once erosion control measures are in place. D. Thurston **motioned** to approve the application, seconded by T. Root. Motion passed unanimously. *No house number has been issued at this time with Mr. Braddock stating that the Assessors told him it would take two weeks to issue a house number.

5. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO D. Truskauskas informs the Commission that he spoke with Dakota Hock on December 18, 2021 who told him he was taking the millings off the property and he is not bringing any material on site. Equipment is still on the property. ZEO Truskauskas informed Atty. Kent Mancini that no activity is taking place at this time and questioned on how to proceed. T. Root asks if the equipment is permitted on the property by regulation with ZEO Truskauskas stating that matter was not pursued as the equipment could be considered farm equipment. ZEO Truskauskas will contact Atty. Mancini for further guidance and will advise the Commission of his response.

**6. INFORMAL DISCUSSIONS: Accessory Apartments – Review Draft Regulation
Cannabis Establishments – Temporary Moratorium 12/3/2021 to 12/3/2022**

Section 2.3 DEFINITIONS should identify the Accessory Apartment as an **Accessory Dwelling Unit**.

Accessory Apartment proposed regulations are discussed with Commissioners reviewing Accessory Apartment regulations from Goshen, New Hartford and Cornwall in addition to past review of Torrington's, Burlington's and Thomaston's.

D. Foster agrees with the Town of New Hartford's regulation that states "No more than one (1) Accessory Dwelling Unit may be permitted per Lot." and add that **the Accessory Dwelling Unit must be a permanent structure.**

T. Root states that the size of the lot should be considered for square footage of the accessory apartment.

Harwinton's proposed regulation 4.1.b.1. should read: The accessory apartment shall have a minimum net floor area of 400 square feet and a maximum net floor area of 1,000 square feet **and shall be served by public sewer and public water.**

VVV

***Harwinton's proposed regulation 4.1.b.7.d. should be deleted as the same wording is found in Harwinton's proposed regulation 4.1.b.1. above.

T. Root believes that Harwinton's proposed regulation 4.1.b.7.a. should read, "The accessory apartment shall be limited to a maximum of two (2) adult occupants **being related to the owner of record, or the minor children thereof.**" **Prior to beginning construction, the owner shall file a copy of the Zoning Permit for an Apartment Use in a Residential Zone on the Town Land Records.**

VVV

***Town of Cornwall regulation (2.) reads: "The subject property shall be owner occupied [continuously]. For the purpose of this regulation, owner occupied shall mean that the lot owner or a parent, spouse or child of the lot owner shall reside on the property either in the main dwelling or the apartment for the duration of the permit. This requirement shall be stated on the Zoning Permit."

Harwinton's proposed regulation 4.1.b.7.c. should require two (2) off-street parking spaces to be provided for the accessory apartment, not one (1). *Current Zoning Regulation Section 10.6 Off-Street Parking Requirement calls for 2 parking spaces per apartment unit in an Accessory apartment.

Harwinton's proposed regulation 4.1.b.7.e. should read, "The accessory apartment shall not be allowed in a basement or cellar unless one wall thereof opens to grade **and meets Building Code for egress.**

Acting Chair D. Kovall suggests that Commissioners make a list of the proposed regulations that are most important to them and that discussion will continue at the next Zoning meeting on February 14, 2022.

Discussion on the possibility of opting-out of the requirements of Public Act 21-29, and after the deadline to amend regulations according to the Act expires, could the Commission initiate Zoning Regulations on Accessory Apartments that are of their own wording and not wording found in the Public Act. This would have to be discussed with town counsel at some point.

Cannabis Establishments – Temporary Moratorium 12/3/2021 to 12/3/2022

Commissioners will carry discussion over to their next meeting on February 14, 2022.

7. **ANY OTHER BUSINESS.** None.

8. **INVOICES.**

T. Root **motioned** to approve the invoice of the ZEO D. Truskauskas for 25 hours, seconded by D. Foster. Motion passed unanimously

9. **ADJOURN.**

T. Root **motioned** to adjourn the meeting at 8:05 p.m., seconded by D. Foster. Motion passed unanimously.

Respectfully submitted,
Polly Redmond
Land Use Coordinator

