

**ZONING COMMISSION MEETING
MONDAY, JANUARY 9, 2012
TOWN HALL 7:00 P.M.**

Present: Chairman Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Anne Marie Buonocore, Don Truskauskas, and Land Use Coordinator Polly Redmond

Absent: Alternate Member Robert Lavoie, Alternate Member Glenn Bradley, Alternate Member Kevin Ferrarotti and ZEO Karen Nelson

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Brazaitis called the meeting to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 12/12/11.

T. Ouellette **motioned** to approve the minutes of the previous meeting, seconded by N. LaGanga. Motion passed unanimously with D. Truskauskas refraining from vote due to his absence at the previous meeting.

3. INFORMAL DISCUSSION – RYAN & AMY FERRARI – USE OF PROPERTY AT 8 WOODCHUCK LANE AS A DAY CARE FACILITY/NON-RESIDENCE.

Mr. & Mrs. Ferrari are present with a site plan of the property at 8 Woodchuck Lane prepared by Berkshire Engineering for a septic system repair done in 2008. The property is located on the corner of Woodchuck Lane and Route 4 with a building located on the property that was once a schoolhouse. The present owner is proposing to demolish the building and the Ferraris are interested in purchasing the lot and building a small house to be used as a primary day care center with a plan to eventually retire to that house, downsizing from their New Hartford home on East Cotton Hill Road. The existing footprint of the building is 21' x 31', 650 square feet, on a non-conforming lot and they do not wish to increase that footprint size. Land Use Coordinator Redmond refers to the Zoning Regulation's definition of Family Day Care that states, "...the home shall be clearly secondary to the use of the home for residential purposes." Unless the Ferraris plan to reside in the home, the use of a day care facility is prohibited.

4. GRJH, INC./SUNOCO GAS STATION – APPLICATION FOR MODIFICATION TO APPROVED SITE PLAN, 207 BIRGE PARK ROAD. CORRECT AND ABATE NOTICE ISSUED BY ZONING ENFORCEMENT OFFICER.

No one is present to represent. Chairman Brazaitis acknowledges a letter received from Atty. Steven Byrne dated January 9, 2012 informing the commission of the Notice of Zoning Violations served on Alicia Metz, President of GRJH and on Lloyd Helm on behalf of GRJH.

D. Truskauskas **motioned** to address Item 6 Complaints/Enforcement Actions at this time, seconded by T. Ouellette. Motion passed unanimously.

The Land Use Coordinator is in receipt of a written complaint received on 1/4/12 through the First Selectman's office from a couple who is renting a house at **39 Catlin Road**. Their complaint is that the owner is living in the basement of the home. Land Use Coordinator invited both parties to tonight's Zoning meeting; only the property owner, Doug Morrow, attended. He explains that the house is a single family dwelling with no accessory apartment. The Assessor's street card lists one bathroom, three bedrooms and a finished basement though Mr. Morrow states there is one room in the basement with no bathroom, no kitchen and in fact has cement floors. He visits the property daily to take care of his dog that remains on the property in a pen with shelter. He has mail delivered to this address and his vehicle is also registered to this address though he states he lives elsewhere. He explains that the tenants have no access to the attic or the basement as these areas are used for his personal storage. He is open to inviting the building

inspector/zoning enforcement officer to inspect the basement area for evidence of living quarters. Mr. Morrow explains that he had a Marshal serve the tenants a Notice to Quit which is the first step in the process of eviction. He states that January 31, 2012 should be the tenants last day before they must leave. The consensus of the Zoning Commission is that the complaint is unfounded and no further action is to be taken. Mr. Morrow will keep Land Use Coordinator Redmond apprised of this situation as it unfolds.

5. **DISCUSS/REVIEW SIGN REGULATIONS, SECTION 11 OF THE ZONING REGULATIONS.**

Land Use Coordinator Redmond has written up a draft of definitions for various types of signs.

Commissioners make suggestions for changes. LUC Redmond will make revisions and send out with the next meeting's agenda packet.

6. **COMPLAINTS/ENFORCEMENT ACTIONS: 39 CATLIN ROAD – POSSIBLE ILLEGAL TWO-FAMILY DWELLING.**

See above.

7. **ANY OTHER BUSINESS.**

T. Ouellette **motioned** to add discussion of Zoning Enforcement Officer to the agenda, seconded by D. Truskauskas. Motion passed unanimously.

T. Ouellette questions whether ZEO Nelson has submitted a report in her absence for tonight's meeting to which LUC Redmond replies she has not. T. Ouellette reminds commissioners that the ZEO was to have reports ready for mailing with the agenda packets and that has not been the case. He states that, even if there is nothing to report, the ZEO should inform the commission of this in writing. T. Ouellette **motioned** to have Land Use Coordinator Redmond write a letter to ZEO Nelson reminding her of her duty to do this. It is not an order but just so that ZEO Nelson understands what is expected of her. Motion seconded by D. Truskauskas and passed unanimously.

8. **CORRESPONDENCE.**

See Item 4 above.

9. **INVOICES.**

A. Buonocore **motioned** to approve the invoice of ZEO Nelson for 17.5 hours, seconded by T. Ouellette. Motion passed unanimously.

10. **ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 8:42 p.m., seconded by T. Ouellette. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator