

**ZONING COMMISSION MEETING
MONDAY, MARCH 12, 2012
TOWN HALL 7:00 P.M.**

Present: Chairman Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Anne Marie Buonocore, Don Truskauskas, Alternate Member Robert Lavoie and Land Use Coordinator Polly Redmond
Absent: Glenn Bradley and Kevin Ferrarotti

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: 2/27/12.

D. Truskauskas **motioned** to approve the minutes of the previous meeting with an amendment to page 5, Executive Session after Item 10, line 5 to be replaced with the following: "It is the consensus of the commission to invite Atty. Steve Byrne to the next Zoning meeting on 3/12/12."

3. DAVE LOCKHART – APPLICATION FOR 288 SQ. FT. SHED, 15 NORTON PASSWAY.

No one is present to represent. Mr. Lockhart would like to be placed on the next meeting agenda.

4. SHAWN SAVICKAS – INFORMAL DISCUSSION ON USE OF COMMERCIAL PROPERTY AT 128 CLEARVIEW AVENUE (OWNED BY BRENT LAFFERTY) FOR AUTOMOTIVE, LIGHT TRUCK REPAIR. PROPERTY IS ZONED LIGHT INDUSTRIAL LI-A.

Mr. Savickas is present and distributes to commissioners a copy he downloaded from the DMV website on "How to Obtain a Dealers or Repairers License" and notes that there are rules set forth by DMV that must be followed. Mr. Savickas states that the activity will not really be retail but that he will use Craigslist and Ebay to sell vehicles that will be on the property and informs the commission that he was doing similar business in the City of Torrington from 1999 to 2006. N. LaGanga questions whether there would be any problems with existing renters in the building with Mr. Savickas stating he believes not. D. Truskauskas questions whether he will obtain a General Repairers License with Mr. Savickas stating no, he would just be selling used cars and would seek only a Dealer's License allowing him to go to auctions and sell the cars. Zoning Regulation 4.5.2g allows for this activity under a Special Permit. D. Truskauskas questions whether a sign would be constructed with Mr. Savickas stating he wasn't sure but he may want to have one so people know where the business is located. If a sign is to be applied for it would fall under Zoning Regulation 4.5.12b. Mr. Savickas states that once town approval is received, someone from DMV will inspect the property and check for proper paperwork and space requirements, etc. D. Truskauskas **motioned** to accept the application for special permit use of property at 128 Clearview Avenue, and set a public hearing date of Monday, March 26, 2012 at 7:00 p.m. in the town hall. N. LaGanga seconded the motion and it passed unanimously.

Mr. Savickas will stop in the Land Use office to fill out an application and pay the \$140 application fee.

5. FRED PESCE - INFORMAL DISCUSSION - HELIPORT, 529 BURLINGTON ROAD.

Mr. Pesce is present. Kaman Aerospace Corporation has submitted a letter dated 2/29/12 stating they have used the property at 529 Burlington Road for their helicopter operations since 1995 when it was still part of Mt. Meadow Airport and even after the runway was closed. The letter supports allowing Mr. Pesce to obtain a heliport license because they will continue to use his land for helicopter operations when necessary. This fulfills the Zoning Commission's request for proof that the heliport is still in use. N. LaGanga questions if LifeStar has been using his property with Mr. Pesce replying, "yes". Matthew Kelly, Airport Operations Coordinator II, Bureau of Aviation and Ports is present and states that up until 2004 helicopters have been using the property as a heliport. D. Truskauskas states that it appears to him that the use is a legal non-

conforming use and should be allowed to continue. D. Truskauskas **motioned** that upon the consensus of the commission, they find that the use of a heliport at 529 Burlington Road is a legal non-conforming use, seconded by N. LaGanga. Motion passed unanimously. Mr. Pesce states that the State of CT will be conducting an inspection of the property. The commission requests that a copy of the license be forwarded to the Land Use office once it is issued.

N. LaGanga **motioned** to amend the agenda to address matters under Item 10 Any Other Business: Don Cromwell, 25 Mansfield Road, discussion of 9/12/11 Zoning approval of 120' x 60' barn, application by Ernie Petrovits, 251 Wildcat Hill Road. T. Ouellette seconded the motion and it passed unanimously.

Mr. & Mrs. Cromwell, along with other unidentified neighbors of Mr. Petrovits, are in attendance. Mr. Cromwell addresses the commission and asks that the approval for the barn be repealed for the reason that the process of approval was flawed. It is his belief that the construction of the barn is not a permitted use under the CR Zone criteria in the Zoning Regulations and should only have been permitted through a Special Permit and hearing process with notification to neighbors. Discussion ensued on past complaints received of the numerous unregistered cars on the property that resulted with the previous First Selectman and past Resident Trooper issuing an order to Mr. Petrovits that the cars be removed from the property or kept in an enclosure. Mr. Cromwell expresses concern over fluids such as antifreeze that could leak into the ground once the approximately ten cars are stored inside the proposed barn. The barn is not yet constructed and T. Ouellette notes that the activity is a work in progress and that the property may be landscaped to make it more aesthetically pleasing. Mr. Cromwell is worried that the barn may be used as a storage business or a rental property. D. Truskauskas states that if there is proof of a business being conducted at the property, once the barn is constructed, the commission could act if a written complaint is received. At this time it is the consensus of the commission that the barn has been properly approved.

6. EXECUTIVE SESSION – DISCUSSION WITH ATTY. STEVE BYRNE ON PENDING LITIGATION, LUCAS V. HARWINTON ZONING COMMISSION.

D. Truskauskas **motioned** to enter into Executive Session at 7:53 p.m., seconded by T. Ouellette. Motion passed unanimously. First Selectman Michael Criss and Selectman Jon Truskauskas are invited to remain.

N. LaGanga **motioned** to exit out of Executive Session at 8:18 p.m., seconded by T. Ouellette. Motion passed unanimously.

T. Ouellette **motioned** to grant the courts an additional sixty (60) days from March 21, 2012 to make a decision on the matter of Lucas v HZC. A. Buonocore seconded the motion and it passed unanimously. Atty. Steve Byrne leaves the meeting at 8:30 p.m.

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

No one is present to represent. A letter dated 3/6/12 from Atty. Byrne has been received in the Land Use office forwarding a letter he received from GRJH regarding septic system approval from TAHD with copies of those approvals enclosed. A letter dated 3/8/12 from Lloyd Helm, GRJH, to Atty. Byrne gives an update on the progress at 207 Birge Park Road. It notes that the contractor performing the site work for them is going to be moving his equipment back on site on 3/8/12 to complete the DOT drainage work at the front of the property. Mr. Helm notes that he has been in touch with the asphalt plants for opening dates.

ZEO Karen Nelson's report of 3/8/12, sent with the agenda mailing, reported that a Citation for Violations of the Harwinton Zoning Regulations was sent out to Alicia Metz, GRJH and Lloyd Helm, GRJH. No contact

has been received from either. ZEO Nelson's addendum to that report, dated 3/12/12 states that she received a phone message from Lloyd Helm and did speak with him on Friday, March 9th. A site walk of the property was set for 3/12/12 at 3:00 p.m. After discussions during the site walk it is Karen's understanding that Mr. Helm will be submitting an as built soon. All letters and reports remain on file in the Land Use office.

8. DISCUSS/REVIEW AMENDMENTS TO SIGN REGULATIONS (SECTION 11) AND ADDITION OF DEFINITION OF AGRICULTURE AND SEVERABILITY CLAUSE TO ZONING REGULATIONS.

Atty. Rybak offered suggestions in an email to LUC Polly Redmond dated 3/7/12 after her request to do so in a letter to him dated 3/5/12. Commissioners received a copy of his comments and the draft sign regulations have been amended to omit the proposal to add the Historical District Committee's sign regulations. The commission sets a public hearing date of Monday, April 23, 2012 at 7:00 p.m. in the town hall to present revisions to the Zoning Regulations. In addition to new wording for Section 11 Signs, the amendments will also add a definition of Agriculture, amend Section 6.5 Keeping of Animals to clarify acreage requirements of 1.5 and 2 acres for horses and new wording to Section 17 Invalidity, changed to read "Severability" with new wording.

9. COMPLAINTS/ENFORCEMENT ACTIONS: GRJH, INC./SUNOCO GAS STATION – CITATION UPDATE.

See Item 7 above.

10. ANY OTHER BUSINESS.

D. Truskauskas expresses that ZEO Nelson gave a fine report to the commission with complete information on what she has been working on. He only asks that the Inland Wetlands Commission receive a copy of the Zoning Reports and that Zoning receives copies of her IWWC Report. LUC Redmond will relay this to ZEO Nelson. D. Truskauskas asks that ZEO Nelson add these reports to her invoices when she submits them.

D. Truskauskas downloaded a copy of the Town of Goshen's regulations on Town Business Center Zone. LUC Redmond will make copies for all members and discussion on mixed uses along the Route 118 and Route 4/Route 72 corridors (town entrance areas) will be placed on the next meeting agenda.

11. CORRESPONDENCE.

None.

12. INVOICES.

N. LaGanga **motioned** to approve the invoice of Atty. Steve Byrne in the amount of \$1,155.00 for work regarding GRJH. D. Truskauskas seconded the motion and it passed unanimously.

13. ADJOURN.

T. Ouellette **motioned** to adjourn the meeting at 8:55 p.m., seconded by N. LaGanga. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator