

ZONING COMMISSION MEETING
MONDAY, MARCH 26, 2012
TOWN HAL 7:00 P.M.

Present: Chairman Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Don Truskauskas, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Karen Nelson

Absent: Anne Marie Buonocore, Alternate Members Robert Lavoie, Glenn Bradley and Kevin Ferrarotti

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

The hearing is being audio recorded.

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

2. SHAWN SAVICKAS – APPLICATION FOR SPECIAL PERMIT USE OF PROPERTY AT 128 CLEARVIEW AVENUE (OWNED BY BRENT LAFFERTY) FOR AUTOMOTIVE REPAIR AND SALES. PROPERTY IS ZONED LIGHT INDUSTRIAL A.

N. LaGanga reads the call to hearing as published in the Republican-American on 3/15/12 and 3/23/12. Eight proof of mailing cards giving notification of this public hearing to neighbors within 200 feet of the property are on file in the Land Use office. Mr. Savickas is present and explains that he will be renting a bay from Brent Lafferty who is the owner of an approximate 6000 square foot building at 128 Clearview Avenue. The bay is 22' x 30' which will house two small cars and where there are two available parking spaces in front of the building outside and three off to the side. Mr. Savickas states that he at one time operated a similar business in Torrington, has a good customer base, and will be a small LLC independent business here in Harwinton. T. Ouellette questions Mr. Savickas on whether he is applying for car sales through DMV to which he replies he will sell cars via Craigslist or on Ebay as it is not feasible to place cars on the property. In order to sell cars, the DMV requires one to obtain a dealer/repairers license and that he is in the process of obtaining this license. He is also awaiting an A2 from Berkshire Engineering to provide to the DMV that will show parking and customer access that they will keep on file. D. Truskauskas questions whether DMV will monitor waste oil disposal with Mr. Savickas stating, yes, DMV requires one to have an approved 275 gallon oil tank and 55 gallon antifreeze drum in spill-proof containers. A contractor comes out and vacuums out the material. N. LaGanga questions whether the business will be open every day with Mr. Savickas stating that DMV gives a perimeter on hours and days the business and be open based on volume of business. He is planning to be open for business five days a week.

The floor is open for public comment at this time.

Richard Kelley, 90 Clearview Avenue questions whether this is a permitted use in the Zoning Regulations or whether the application involves a zone change. He is assured that the activity is a permitted use in a Light Industry A zone. Mr. Kelley questions whether Mr. Savickas will be working alone with Mr. Savickas replying that his father recently retired and may help out. Mr. Kelley also expresses a concern for the wetlands on the property. Mr. Savickas explains that the DMV does not allow for washing or degreasing of trucks on site and they will inspect the property periodically and will also check to make certain there are no floor drains in the building, which there are none as it is a newer building. Mr. Kelley questions who will do the inspections periodically, DMV and a town official? Chairman Brazaitis notes that it may be the Harwinton ZEO but only if complaints are received. Mr. Kelley questions whether there will be placement of a sign to which Mr. Savickas states that he is applying for a sign and will be conscientious as to location so as to not offend the neighbors. With no further comments from the public or the commissioners, N. LaGanga **motioned** to close the hearing at 7:13 p.m., seconded by T. Ouellette. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Brazaitis called the regular meeting to order at 7:13 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/12/12.

N. LaGanga **motioned** to approve the minutes of the previous meeting with an amendment to Item 2 to include after the last sentence: “A. Buonocore seconded the motion and it passed unanimously.” Item 4, last line should read \$240.00 application fee, not \$140.00.

Page 3, Item 8, LUC Redmond is uncertain of a motion made to set the public hearing for 4/23/12. Discussion will be taken up on this matter at the end of the meeting. *It is noted that after discussion under Any Other Business it is determined that D. Truskauskas motioned to set the public hearing for Monday, April 23, 2012 at 7:00 p.m., seconded by A. Buonocore. Motion passed unanimously.

3. DISCUSSION/POSSIBLE DECISION - SHAWN SAVICKAS – APPLICATION FOR SPECIAL PERMIT USE OF PROPERTY AT 128 CLEARVIEW AVENUE (OWNED BY BRENT LAFFERTY) FOR AUTOMOTIVE REPAIR AND SALES. PROPERTY IS ZONED LIGHT INDUSTRIAL A.

D. Truskauskas **motioned** to approve the application for the reason that it is a proper location for this type of business and conforms to Zoning Regulation 4.5.2g which allows for motor vehicle or farm equipment sales, storage and service, equipment rental, service and repair, small machine shop uses and other similar uses in this zone. It also conforms to Zoning Regulation 9.1.1 General Standards. N. LaGanga seconded the motion and it passed unanimously.

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

No one is present to represent.

5. RICHARD MASOTTI – APPLICATION FOR 24’ X 36’ BARN, 75 MEADOWVIEW DRIVE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. Masotti is present and submits a letter requesting a waiver of an engineered plan. He has drawn the barn on a site plan previously submitted in 1996 for construction of his home. Site plan prepared by Streeter Engineering Associates and is no longer in business. Location of the barn will be 35 feet to the side property line. Mr. Masotti is informed that it *must* meet the 35 foot setback requirement. The barn is to be used for storage of vehicles. TAHD approval has been received (including TAHD sign off on a copy of the site plan) and the Land Use Coordinator has signed off on the wetlands application. D. Truskauskas **motioned** to grant the waiver request of an engineered plan, seconded by N. LaGanga. N. LaGanga **motioned** to approve the application, seconded by T. Ouellette. Both motions passed unanimously.

6. JOHNNYCAKE AIRPORT PROPERTIES/SUPREME INDUSTRIES – SPECIAL PERMIT FOR RETAIL SALES OF EARTH PRODUCTS, 529 BURLINGTON ROAD.

Atty. William Tracy is present to represent for Johnnycake Airport Properties and Supreme Industries and requests a public hearing be set for April 9, 2012 when at that time he will provide a full size site plan. He has submitted a wetlands application and states that there are no regulated activities taking place. LUC Redmond has signed off on the wetlands application. Atty. Tracy states that the application includes placement of a sign on the property. A drawing submitted of the proposed signs include wording for “Supreme Forest Products Office” and “Mulch Available Here” and times they would be open (Mon.-Fri. 7 a.m. to 4:30 p.m. and Sat. 8 a.m. to 1 p.m.) D. Truskauskas **motioned** to accept the application and set a public hearing for Monday, April 9, 2012 at 7:00 p.m. N. LaGanga seconded the motion and it passed unanimously.

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.

8. **KURT GRONNEGAARD, REALTOR FOR B&B BOYS – TEMPORARY REAL ESTATE SIGN FOR FIELD STONE ESTATES, WEINGART & LAKE HARWINTON ROADS.**

Mr. Gronnegaard is present and submits a letter from the owners of the property giving their approval to apply for the sign. The sign shall be 3' x 4' and must be set back 20 feet from the property line. Mr. Gronnegaard questions whether the sign could go closer than 20 feet but is informed that it cannot. T. Ouellette **motioned** to approve the application of a temporary sign for six months with renewal option, seconded by N. LaGanga. Motion passed unanimously.

9. **DISCUSSION – TOWN CENTER BUSINESS ZONE/POSSIBLE MIXED USES IN TOWN.**

N. LaGanga questions as to what specific areas the commission is thinking of making a business zone with D. Truskauskas stating the areas along Route 118 and Route 4/Route 72 corridors (town entrance areas) and that there are some businesses in these areas already. T. Ouellette believes a good location would be along Route 4 to the Torrington town line but to minimize business operations to those such as daycares, not gas stations, etc.

N. LaGanga states it would be a good growth plan to help with taxes with T. Ouellette agreeing stating there is a lack of a tax base with businesses in Harwinton. D. Truskauskas refers to the Town of Goshen's Town Center Business Zone and notes that it includes home-based businesses. N. LaGanga states that some dwellings could then be business types such as doctor's offices within the home. N. LaGanga notes that if this discussion/action is to be done for the benefit of just one person, then this is not a good idea. If it helps businesses and people who want to do business in town, then she is agreeable to it. Chairman Brazaitis adds that by changing the zones it could open the door for big changes in town including more traffic flow that might call for more traffic lights. Question came up on whether the Planning Commission could weigh in with their thoughts as mention of this is in the Town's POCD. Chairman Brazaitis suggests that the Town's Economic Development Committee receive a letter asking them to give their opinion on creating a Town Center Business Zone with mixed uses. LUC Redmond will draft a letter to the EDC and Zoning Commissioners will review it at their next meeting.

10. **DISCUSSION – BUILDABLE LOT AREA DEFINITION.**

D. Truskauskas states that the commission needs to discuss whether or not the definition is to remain in the Zoning Regulations. He believes the definition to be too restrictive on property owner's rights and that it adds expense for those who are purchasing lots. Chairman Brazaitis believes the definition should remain and recalls an applicant who appeared before the Zoning Commission some time ago, before the Buildable Area definition, for construction of a new home only to be told that he could not build on the lot as it was unsuitable. T. Ouellette believes the regulation takes existing lot owner's rights away. Further discussion on this matter will take place at the April 9 and April 23 Zoning meetings.

D. Truskauskas **motioned** to add **Peter and Catherine Neag, construction of single family dwelling, Lot 15, Harmony Hill Road** to the agenda, seconded by N. LaGanga. Motion passed unanimously.

Mr. Eric Strachan/Phoenix Holdings, LLC is present to represent for the Neags. Plans by Harry E. Cole & Son, Plantsville, CT titled Plot Plan and one sheet titled Subsurface Sewage Disposal System Design, both dated 2/6/12 are reviewed. TAHD approval has been received as well as Historical District Commission

approval. LUC Redmond has signed off on the wetlands application. Soil and erosion control permit is on file. Driveway permit is outstanding. House plans include a four-car garage and an accessory apartment, which TAHD and the Historic District Commission are aware of. The accessory apartment is permitted by special permit and a public hearing must be held. Architectural drawings are reviewed by the commission. N. LaGanga **motioned** to approve the application for the construction of the single family dwelling, pending driveway permit approval, seconded by T. Ouellette. N. LaGanga **motioned** to set a public hearing for Monday, April 9, 2012 at 7:00 p.m. on the application for accessory apartment. Neighbors within 200 feet of the property lines must be notified by the applicant of this hearing and its purpose. Proof of mailings must be submitted at the time of public hearing. A \$240 fee is to be collected.

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

ZEO Karen Nelson has submitted her report dated 3/22/12. She presents a copy of a 2010 as-built plan by Hrica Associates that GRJH engineer John DiCara will be working off of to show modifications to the site. ZEO Nelson submits a copy of a letter dated 3/15/12 from GRJH to her requesting a hearing before the Citation Officer regarding the alleged violations. A copy of a letter written by Atty. Steve Byrne to First Selectman, Michael Criss, dated 3/20/12 is also submitted by ZEO Nelson. The letter gives notification of C.G.S. 7-152c(e) which governs the appeals hearing process. He notes that a hearing must be set between March 30, 2012 and April 14, 2012. Letters remain on file in the Land Use office. ZEO Nelson is looking to the commission for direction on final on-site parking spaces that must be noted on the as-built. Some areas of the property are unsuitable parking spaces. Regarding paving of the parking lot, ZEO Nelson states that there is still a layer of pavement to be put down but GRJH is waiting for DOT ROW work to be completed. D. Truskauskas wants to see final blacktop put down and striping of the parking spaces on the as-built GRJH is to provide this commission. ZEO Nelson questions whether the commission would accept the TAHD as-built on the septic location with the commission's consensus that it would be acceptable assuming that it shows what the commission is looking for, i.e., topography, etc. and that TAHD is satisfied with it. D. Truskauskas states that whatever is planned for this site must be addressed on the as-built and if there is proposal for reinstating the restaurant then GRJH should show appropriate parking for that as well. Selectman Jon Truskauskas (audience member) suggests that this should all be done within 120 days while the asphalt plants are still open. ZEO Nelson mentions the signage on the fencing and discussion moves to whether or not the fencing is appropriate and meets building code. She notes that the steps leading from the building on the north side to the convenience store can't possibly meet building code. ZEO Nelson confirms that two inches of asphalt has been removed from the neighboring property to the south.

ZEO Nelson states that she has received a complaint against Benton Brown, 260 Valley Road. The complainant believes it to be a Zoning violation but Ms. Nelson does not and is asking that Mr. Brown attend the 4/2/12 Inland Wetlands meeting.

12. ANY OTHER BUSINESS.

D. Truskauskas **motions** to amend Item 8, line 3, of the previous minutes to read as follows: Omit wording: "The commission" and add: "D. Truskauskas **motioned** to set the public hearing for Monday, April 23, 2012 at 7:00 p.m., seconded by A. Buonocore. Motion passed unanimously." N. LaGanga seconds the motion to amend Item 8 and it passes unanimously.

LUC Redmond informs the commission that she received a call from a William Stock who is proposing to use the kitchen at the Harwinton Rod & Gun Club to make candy. The candy will be sold at a sporting goods store in Winsted and he questioned whether he was required to make any type of application to Harwinton. The commission's consensus was that there is no requirement for application.

13. **CORRESPONDENCE.**

Letter dated 3/19/12 received from Atty. Steve Byrne regarding Lucas v Harwinton Zoning Commission. Each commissioner received a copy. Matter will be placed on the next Zoning Commission meeting under Executive Session.

14. **INVOICES.**

D. Truskauskas **motioned** to approve the invoice of ZEO Karen Nelson for 16.5 hours (\$577.50) covering the period February 1, 2012 to March 21, 2012, seconded by N. LaGanga. Motion passed unanimously.

Richard Kelley, 90 Clearview Avenue wishes to address the commission concerning a neighboring property of his at 112 Clearview Avenue. His complaint is that there is a paint smell and solvent odors coming from the property where there are huge propeller/wind turbine blades that the property owner is painting as well as a number of cars on the property that appear to be junk. ZEO Nelson explains that the property always contained old vehicles that were there even before the new owner purchased the property. No complaints have ever been received concerning them. Mr. Kelley is advised to contact TAHD for the issue of odor. He is asked to write a written complaint and submit it to the Land Use office regarding his concerns.

15. **ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 9:15 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator