

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

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

Absent: Todd Ouellette, Robert Lavoie, Kevin Ferrarotti and ZEO Karen Nelson

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Brazaitis called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Glenn Bradley seated for T. Ouellette. The hearing is being audio recorded as required.

2. PETER & CATHERINE NEAG – APPLICATION FOR SPECIAL PERMIT FOR ACCESSORY APARTMENT TO COINCIDE WITH CONSTRUCTION OF A SINGLE FAMILY DWELLING, LOT 15, HARMONY HILL ROAD, ASSESSORS MAP NO. D7-2-0015.

Anne Marie Buonocore reads the call to hearing as published in the Republican-American on March 30, 2012 and April 6, 2012. Eric Strachan, builder, Phoenix Holdings, LLC, is present along with Mr. & Mrs. Neag. For the record, the owner names are Peter and *Cathleen* Neag. Proof of certified return receipt mailings to neighbors within 200 feet of the property giving notification of this public hearing are submitted and remain on file in the Land Use office. Site 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. Floor plans are reviewed by the commission and will be given to the Building Inspector when the building permit is taken out. IWWC and TAHD approvals have been received. The proposed home will be 3500 square feet, two floors, with a 728 square foot three room first floor accessory apartment that will have common entrances, one separate entrance and two other egresses from the apartment. The garage will have four bays meeting Zoning Regulation 9.3.5 requirements for off-street parking. Chairman Brazaitis opens the floor to public comment to which there is none. With no further comments, N. LaGanga **motioned** to close the hearing at 7:09 p.m., seconded by D. Truskauskas. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

The call to hearing as published in the Republican-American on March 30, 2012 and April 6, 2012 was previously read at the opening of Public Hearing #1. The hearing is being audio recorded as required. The same quorum of Zoning Commissioners exists as in Public Hearing #1.

2. JOHNNYCAKE AIRPORT PROPERTY/SUPREME INDUSTRIES – APPLICATION FOR SPECIAL PERMIT FOR RETAIL SALES OF EARTH PRODUCTS, 529 BURLINGTON ROAD.

Atty. William Tracy is present to represent Johnnycake Airport Property and Supreme Industries. Mark Vigneault, Vice President, Supreme Industries, is also present. Proof of certified return receipt mailings to neighbors within 200 feet of the property giving notification of this public hearing are submitted and remain on file in the Land Use office. Site Plans by Robert Green Associates, titled Plan Showing Mulch Processing and Sales Facility Land Owned by Johnnycake Properties, LLC and dated 4/5/12 are reviewed. Atty. Tracy reminds the commissioners that he was before them in January 2012 with an application by Supreme Forest to conduct wholesaling of earth material in relation to a DEEP Emergency Authorization for Solid Waste Management (storage of wood chips) resulting from the natural disaster Storm Alfred. Supreme Forest was subcontracted by AshBritt, Inc., Deerfield Beach, FL who is the DEEP's contractor. The scope of this authorization by DEEP (as found in the DEEP's Emergency Authorization No. 20112009-EA dated 11/10/11 on file in the Land Use office) was to operate a temporary debris storing and reduction site (TDSRS) and to authorize activities included in the

operation of the TDSRS to include the staging, processing, storage and transferring of disaster debris consisting solely of green waste generated by the subject event and suitable for subsequent reuse. Atty. Tracy notes that Supreme Forest has received interest from the public in purchasing and picking up material and not taking delivery. Landscapers in particular have shown an interest in retail sale, being able to come in and purchase the material on site. Atty. Tracy states that the retail activities will be on the east side of the existing hangar and that one space within that hangar would be rented by Supreme Forest to be used for office space and some indoor material but that the bulk of the material will be primarily outside. The different types of mulch and loam will allow landscapers and homeowners to come in and pick up the material themselves. Six (6) designated parking spaces are proposed for customers including one handicapped space and five (5) designated parking spaces for employees with Atty. Tracy noting that there will only be two to four employees. Additional parking in the rear of the property where stockpiling occurs also provides parking. The parking lot is not paved but has stone placed down and Atty. Tracy states there are no improvements to the site being proposed as they will use only a portion of an existing building and the materials primarily being used are already on site. The application includes signage on an existing post at the entrance of the property and a diagram of the sign is shown on the Site Plan provided. Atty. Tracy states that hours of operation will be Monday through Saturday, 7:00 a.m. to 5:00 p.m. as allowed in the previous January 2012 application. N. LaGanga points out that the sign proposal on the plan shows hours to be Monday through Friday, 7:00 a.m. to 4:30 p.m. and Saturday 8:00 a.m. to 1:00 p.m. Mark Vigneault states that they are looking at 7:00 a.m. to 5:00 p.m. with Atty. Tracy adding that 5:00 p.m. would allow for employees to clean up and that Supreme Forest would like to be open on Saturdays until 5:00 p.m. D. Truskauskas questions whether Supreme Forest is proposing to bring more material on site and adds that during the January public hearing the commission was told that no more material would be brought on site with Atty. Tracy stating that more material may be brought in. D. Truskauskas questions whether TAHD approval would be required based on the number of employees with Mark Vigneault stating that there are men and women bathrooms in the hangar that have supported the use for several pilots in the past and that the facilities are in fact presently being used. D. Truskauskas is concerned on whether the septic system is up to code with Atty. Tracy stating that any approval could be conditional upon receiving TAHD approval. D. Truskauskas questions whether any additional equipment will be brought on site besides what was expressed at the January 2012 public hearing. Mark Vigneault states that perhaps one more loader may be needed. D. Truskauskas questions whether CT DOT should be contacted for any traffic issues that they may wish to comment on with Atty. Tracy stating that past contractors have used the premises with no DOT issues and there are no new curb cuts for DOT to approve. Upon questioning by D. Truskauskas on the location of the heliport on the property, Atty. Tracy points out the location which is in the area northeast of the hangar building. N. LaGanga questions whether helicopters will affect the piles of mulch close by with Mark Vigneault stating they may want to move the piles of mulch but they won't know if there will be any issues until it happens. Chairman Brazaitis opens the floor to public comment at this time.

George Pelletier, 517 Burlington Road, owner of Courtside Sports Complex, states to the commission that the applicant was last here for an application to process woodchips resulting from debris from the storm and that material was to be stored on the east side of the property. He states there is a lot of misconceptions of what was applied for by Supreme Forest and what is being done on the property and claims that woodchips are now being trucked in which may be a concern of the DOT. He has concern over the use of the property as a heliport and that the woodchips and mulch will no doubt become airborne causing him to believe that the property cannot support both uses without conflict. He also states that it's his understanding that the same helipad, recently brought before the Zoning Commission by Fred Pesce/Johnnycake Airport Property for discussion, must be the same one used in the past with the same location and he wonders how that is possible with the mulch piles now being stored on that helipad. He believes that the State of CT Bureau of Aviation and Ports should be made aware of the new use of the property. Mr. Pelletier states that he is speaking here tonight in order to protect the investment of his newly constructed building next door. He has concern that the term "earth products" can include anything, not just mulch and woodchips.

D. Truskauskas states that Mr. Pesce never presented a plan to this commission and that this commission determined the use of the property as a heliport was a grandfathered use.

Atty. Tracy notes that he and the applicant are not here to speak of the heliport and that the State of CT is to make a determination on that use. The property has always been used for helicopter exercises, which has been going on for years but this application has no relation to that. He continues by saying that the Zoning Regulations has a very definitive definition of Earth Removal permits and that this application does not fall under that regulation. With no other comments from the public, D. Truskauskas states that if the commission is acting on this now, and the heliport goes through, perhaps the commission should like to give Mr. Pesce a chance to respond. Atty. Tracy states that Mr. Pesce provided a lease to Supreme Forest and is aware that the State of CT will come out to the property to approve the approach zone. A. Buonocore suggests that the commission keep the public hearing open and conduct a site walk of the property. She also states that TAHD should be contacted and approval received. Atty. Tracy states he will contact TAHD and DOT with M. Vigneault stating that DOT may want to have “truck entering” signs. D. Truskauskas **motioned** to continue the public hearing to Monday, April 23, 2012 at 7:00 p.m. in the town hall and to hold a Special Meeting on Wednesday, April 18, 2012 at 6:00 p.m. at 529 Burlington Road to conduct a site walk of the property. N. LaGanga seconded the motion and it passed unanimously. The public hearing adjourned at 7:43 p.m.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Brazaitis called the meeting to order at 7:44 p.m. The same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/26/12.

D. Truskauskas **motioned** to approve the minutes of the previous meeting, seconded by N. LaGanga. Motion passed with D. Truskauskas, N. LaGanga and P. Brazaitis voting. A. Buonocore and G. Bradley abstained from voting due to their absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - PETER & CATHERINE NEAG – APPLICATION FOR SPECIAL PERMIT FOR ACCESSORY APARTMENT, TO COINCIDE WITH CONSTRUCTION OF A SINGLE FAMILY DWELLING, LOT 15, HARMONY HILL ROAD, ASSESSORS MAP NO. D7-2-0015.

No discussion. Based on testimony heard and floor plans presented, A. Buonocore **motioned** to approve the application for accessory apartment as it conforms to Zoning Regulation 9.3 and Section 9.1.1. D. Truskauskas seconded the motion and it passed unanimously. An as-built will be required upon completion of construction in order to receive a Certificate of Occupancy.

4. DISCUSSION/POSSIBLE DECISION - JOHNNYCAKE AIRPORT PROPERTIES/SUPREME INDUSTRIES – SPECIAL PERMIT FOR RETAIL SALES OF EARTH PRODUCTS, 529 BURLINGTON ROAD.

No discussion.

5. PAUL HAZARD – APPLICATION FOR 20’ X 30’ ADDITION (BEDROOM, BATHROOM & KITCHENETTE) AND 20’ X 22’ OPEN DECK, 7 UNICORN PASSWAY.

Mr. Hazard is present. Plans by B&B Engineering, titled Proposed Addition & B100a Reserve Area Plan of Hazard Property, dated 1/14/12, revised 3/26/12 are reviewed. IWWC, TAHD, Lake Harwinton Association approvals are all received and on file. E&S permit is also on file. Floor plans are reviewed by the commission and will be given to the Building Inspector when the building permit is taken out. Mr. Hazard points out areas of ingress and egress including sliding doors that will open out onto the proposed deck from the first floor addition. The existing home has two bedrooms and this addition will make it a three-bedroom home and Mr. Hazard states

there is no intention of creating a separate apartment or an income-generating rental. N. LaGanga **motioned** to approve the application with the condition that the addition is to never be used as an income-generating rental. D. Truskauskas seconded the motion and it passed unanimously. An as-built will be required upon completion of construction.

6. **WILLIAM PALOMBA - APPLICATION FOR SINGLE FAMILY DWELLING, 194 DELAY ROAD.**

Mr. Palomba is present. Plans by Gary Giordano, P.E. titled Improvement Location Survey and Subsurface Sewage Disposal System Design, dated 5/21/11, revised 6/10/11 are reviewed. Mr. Palomba explains that the location of the house will be relocated farther south and moved toward the east of the property so it is further from the setback lines. Mr. Palomba is informed that an as-built will be required in order to receive a Certificate of Occupancy. Floor plans are reviewed by the commission and will be given to the Building Inspector when the building permit is taken out. IWWC approval has been received. Driveway permit and E&S permit are on file. TAHD is outstanding. D. Truskauskas **motioned** to approve the application with the condition that TAHD approval is received and allowing LUC Redmond to sign off on the application. 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. ZEO Nelson has sent a letter to the Zoning Commission dated 4/9/12 with copies of information attached for Atty. Joel Perlotto, Harwinton Hearing Officer, for the 4/12/12 Citation Hearing. The letter also updates the status of the DOT improvements which are unclear to her although the site appears to be nearly completed and paving is still on track.

8. **REVIEW DRAFT LETTER WRITTEN BY LUC REDMOND TO ECONOMIC DEVELOPMENT COMMITTEE REGARDING TOWN CENTER BUSINESS ZONE/POSSIBLE MIXED USES ALONG ROUTE 118 & ROUTE 4/ROUTE 72 & ROUTE 4 NORTH CORRIDORS.**

The letter is revised and will be sent to members of the EDC. Letter remains on file in the Land Use office.

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

No discussion. The item will be placed on each Zoning agenda for any open discussion from commissioners or members of the public.

10. **EXECUTIVE SESSION – PENDING LITIGATION, LUCAS V. HARWINTON ZONING COMMISSION.**

D. Truskauskas **motioned** to enter into Executive Session at 8:25 p.m., seconded by N. LaGanga. Motion passed unanimously. D. Truskauskas **motioned** to exit out of Executive Session at 8:32 p.m., seconded by A. Buonocore. Motion passed unanimously. Letter from Atty. Steve Byrne dated 4/5/12 regarding Lucas v. Harwinton Zoning Commission was acknowledged and read by Chairman Brazaitis.

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

ZEO Nelson's letter of 4/9/12 updated the commission on GRJH as did her Zoning Report dated 4/5/12 which remains on file. Her report states that she is starting research on a complaint received from Richard Kelly, 90 Clearview Avenue regarding business operations at 119 Clearview Avenue. Other matters in her report pertain to wetland activities.

12. **ANY OTHER BUSINESS.**

None.

13. **CORRESPONDENCE.**

Letter from Atty. Steve Byrne dated 4/5/12 updating the commission on Lucas v. HZC was received and acknowledged.

14. **INVOICES.**

Two invoices received from Atty. Steve Byrne dated 4/1/12. Lucas v HZC invoice in the amount of \$855.00 and invoice for GRJH in the amount of \$390.00. N. LaGanga **motioned** to approve the invoices submitted, seconded by D. Truskauskas. Motion passed unanimously.

15. **ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 8:35 p.m., seconded by A. Buonocore. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 4/16/2012 AT 10:56 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK