

ZONING COMMISSION MEETING

MONDAY, MARCH 25, 2013

TOWN HALL 7:00 P.M.

Present: Chairman Todd Ouellette, Don Truskauskas, Cory Iacino and Land Use Coordinator Polly Redmond

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

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

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

2. SAMANTHA TILLEY – SPECIAL PERMIT TO REESTABLISH HOME OCCUPATION PERMIT, BED & BREAKFAST INN, 33 SOUTH ROAD.

Mrs. Tilley is present. Chairman Ouellette reads the call to hearing as published in the Republican-American on March 14, 2013 and March 22, 2013. Notification to neighbors has not been done. At 7:02 p.m. D. Truskauskas motioned to continue the hearing to Monday, April 8, 2013 at 7:00 p.m. C. Iacino seconded the motion and it passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Ouellette called the meeting to order at 7:02 p.m. Same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/11/13

D. Truskauskas motioned to approve the minutes of the previous meeting with one correction to page 3, item 5, Line 8: "...considerable height and also to fill the width of the 15 (omit "50") foot buffer area." C. Iacino seconded the motion and it passed unanimously.

3. GREG MELE/BIRGE PARK COMMONS, LLC – REVIEW OF LANDSCAPING PLAN FOR 182 BIRGE PARK ROAD.

Mr. Mele is present along with Kim Barbieri, Landscape Architect, Pony Legs Studio. Ms. Barbieri distributes two sets of landscaping plans. One to satisfy the Harwinton Wetlands Commission's condition of wetland plantings to be planted along the brook providing a natural buffer and one that addresses Zoning Regulation Section 12. Ms. Barbieri reviews the landscaping plan for Zoning requirements, which has been expanded from the previous plan submitted. The plan now shows a second row of plantings and Ms. Barbieri explains that immediate coverage cannot be planted and provided right away as over time (perhaps five years) the plantings become crowded out and some would die. She also explains the growing nature of the plants she has chosen and how each plant would fill in the area over time. She notes that evergreens would not do well in this area as there is a presence of wetlands in the area of the landscape buffer and evergreens do not do well in these conditions.

D. Truskauskas states that the buffer should extend back further to shield light emitting from the Eastside Electric garage bays with Ms. Barbieri asking the question of whether the planting screen can be outside the 50 foot landscape buffer to allow some plantings, perhaps seven to eight evergreens, staggered, to the area immediately north of the paved parking area on the side of the building where the garage bays are located. Fencing was discussed as an option with the commission stating that fencing and vegetation could both be used but that if fencing was the preferred buffer, they would prefer to see stockade fencing installed. D. Truskauskas notes that if the buffer is fencing, this must be shown on the landscaping plan along with any existing vegetation within the 50 foot buffer area and that the buffer must be brought further east and parallel to the rear of the building housing Eastside Electric. Upon questioning by Mr. Mele, Chairman Ouellette informs him that landscaping is put in last and before any C.O. is issued. Mr. Mele will return to the next Zoning meeting on April 8, 2013 with an improved landscaping plan.

4. GREG MELE/BIRGE PARK COMMONS, LLC – CHANGE OF USE/SPECIAL PERMIT APPLICATION, SECTION 9.7, HARWINTON ZONING REGULATIONS, 182 BIRGE PARK ROAD.

Mr. Mele notes that the address should read 178/182 Birge Park Road. He submits a *Change of Use* application requesting the use of the property to become a proposed office or retail site for retail sale or serving of alcoholic liquor from that of an approved office site. The *Special Permit* application is to seek approval for liquor sales/consumption on premises at 178/182 Birge Park Road as permitted by Section 9.7 of the Zoning Regulations. Upon questioning by Chairman Ouellette as to whether Mr. Mele is seeking to have a restaurant or a package store, Mr. Mele explains that he is aware of the State Liquor Control Act regulating the number of package stores based on a town's population but that the Harwinton Zoning Regulation allows the commission to approve locations for establishments selling or serving alcoholic liquor. Mr. Mele submits a Zoning Location Survey prepared by GM2 Associates showing a 1000 foot separating distance from any town line boundary, church, school, library, park, playground, or any establishment selling or serving alcoholic liquor that is in compliance with Zoning Regulation Section 9.7.1. D. Truskauskas **motioned** to accept the application for Special Permit and set a public hearing date for Monday, April 8, 2013 in the town hall immediately following the Tilley continued public hearing, seconded by C. Iacino. Motion passed unanimously.

5. PETER LEVASSEUR – APPLICATION FOR 36' X 44' BARN, 86 GALE ROAD.

No one is present to represent.

6. DISCUSSION/POSSIBLE DECISION – SAMANTHA TILLEY – SPECIAL PERMIT TO REESTABLISH HOME OCCUPATION PERMIT FOR BED & BREAKFAST INN, 33 SOUTH ROAD.

No discussion.

7. FRANCOIS TARTAGLINO – INFORMAL DISCUSSION – USE OF PROPERTY AT 29 COUNTY LINE ROAD.

No one is present to represent.

8. BILL TAYLOR – INFORMAL DISCUSSION – USE OF PROPERTY AT 151 LITCHFIELD ROAD (HOME TOWN PLAZA) – DRIVE-THRU SANDWICH SHOP.

Mr. Taylor, representative for Subway, is present and states that the company is interested in the property at 151 Litchfield Road and in particular, the east end unit, to open up a sandwich shop. Upon questioning by Chairman Ouellette regarding drive-thru service, Mr. Taylor states that having a drive-thru is a major factor in having the business come to town. He explains that an outside speaker to take orders would be added to the back of the building and payment and pickup would be at the drive-thru window. Zoning Regulations call for 15 parking spaces per 1000 square feet of building space. The space to be used by Subway is approximately 1150 square feet. Mr. Taylor notes that having the drive-thru would help alleviate any parking issues. Members of the commission are unsure whether a drive-thru window is permitted as the Zoning Regulations do not address this type of use. Mr. Taylor is advised to contact Torrington Area Health for approval if the matter is to be pursued and that a parking site plan should be provided to this commission.

9. PATRICK DOYLE – APPLICATION FOR 12' X 12' WOOD SHED, 37 HUNGERFORD LANE. VARIANCE MAY BE REQUIRED.

No one is present to represent.

10. DISCUSSION - ZONING REGULATIONS.

D. Truskauskas distributes information on proposals he has worked on that include definitions of livestock and poultry to the Zoning Regulations and also amendment to Section 6.5 Keeping of Animals. Addition of a statement concerning silt fence inspections as Section 8.5.16 for Site Plan Requirements is suggested and the addition of Section 8.6.1d for Narrative Requirements regarding silt fence inspections are also suggested. D. Truskauskas also notes that the commission should adopt the proposed Right to Farm Ordinance wording once it passes town meeting.

11. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

12. ANY OTHER BUSINESS.

Discussion on alternate member attendance takes place.

* See below

13. CORRESPONDENCE.

None.

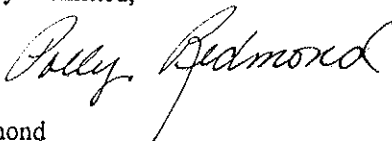
14. INVOICES.

None.

15. ADJOURN.

C. Iacino motioned to adjourn the meeting at 8:22 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,



Polly Redmond

Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 4-1-13 AT 11:07AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK

* D. Truskauskas motioned to allow the Land Use Coordinator to deny applications that do not meet setback requirements eliminating the need for the applicant to appear before the Zoning Commission for a formal denial. Applications will be brought directly before the Zoning Board of Appeals Commission. The motion was seconded by C. Iacino and passed unanimously.