

ZONING COMMISSION MEETING
MONDAY, AUGUST 12, 2013
TOWN HALL 7:00 P.M.

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

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Ouellette called the meeting to order at 7:02 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/28/13, 6/10/13 & 7/8/13

C. Iacino **motioned** to approve the minutes of 6/10/13, seconded by D. Truskauskas. Motion passed.
5/28/13 and 7/8/13 approval of minutes are tabled until the next Zoning meeting due to lack of a quorum.

3. BROOKE CHENEY – INFORMAL DISCUSSION ON USE OF HOME FOR PERSONAL BUSINESS, 144 MANSFIELD ROAD, COUNTRY RESIDENTIAL ZONE.

Mrs. Cheney is present and has photos of her property to show where the shooting practice for classes would be held. She would like the commission to deem the activity as “use of home for personal business” and likens it to a previous Zoning Commission approval for use of a home for fitness training. Chairman Ouellette states that he would like to seek town counsel opinion on how to proceed. He sees the activity as a business (gun range) which he believes is not permitted in a Country Residential zone. D. Truskauskas states that if this falls under Zoning Regulation 6.19 Use of Home for Personal Business, then no Zoning approval is required at all. He believes the activity could take place under Zoning Regulation 6.19 until a complaint came in to the Land Use office for noise which would then force the Zoning Commission to shut the business down and require Mrs. Cheney to apply for a Special Permit. D. Truskauskas did inform Mrs. Cheney that it might be in her best interest if she filed for a Special Permit and that the activity might be permitted under Zoning Regulation Section 4.2a as a school. No application will be submitted until town counsel opinion is received. Item will be taken up at the next Zoning meeting on August 26, 2013.

4. DON & HEATHER WING – INFORMAL DISCUSSION ON CHANGE OF USE, 21 BURLINGTON ROAD, RETAIL SERVICE ZONE, FROM GIFT SHOP TO USED FURNITURE STORE.

Mr. & Mrs. Wing are present and informs the commission that they are currently using the space at 21 Burlington Road for a year now for a workshop and storage. They would like to repurpose furniture onsite and question whether a change of use application is required. Upon questioning, the Wings state that there will be no milling or stripping of furniture, only repainting and no upholstering. Chairman Ouellette believes that the previous use included sale of small furniture and that it is a permitted use in this Retail Service zone. No Zoning Commission approval is required.

5. DIANA BONE – APPLICATION FOR 40' X 40' BARN AND 6 FOOT COVERED FRONT DECK, 880 SOUTH ROAD. ZBA GRANTED VARIANCE ON 7/10/13.

Ms. Bone is present. Plans by Peter B. Keefe, Surveyor, dated June 2013 are reviewed. Barn will be used for keeping horses. IWWC, TAHD and Zoning Board of Appeals have all given approvals. C. Iacino **motioned** to approve the application with the condition that an as-built be provided after construction, seconded by D. Truskauskas. Motion passed unanimously.

6. WESLEY CYR – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 2, OAKWOOD DRIVE.

Mr. Cyr is present. Plans by Berkshire Engineering, titled Septic System Design, dated 6/11/13 are reviewed. IWWC, TAHD approvals and driveway permit is on file. Soil and erosion permit is on file. D. Truskauskas **motioned** to approve the application, seconded by C. Iacino. Motion passed unanimously.

7. **TOM ROTONDO – APPLICATION FOR 33' X 27' GARAGE AND 11' X 14' MUD ROOM, 400 LOCUST ROAD.**

No one is present to represent.

8. **STEPHEN GREER – APPLICATION FOR 20' X 40' INGROUND POOL, 59 CAMPVILLE HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED SITE PLAN PLOTTING POOL. 2005 SITE PLAN SHOWING 8.63 ACRES TO BE PROVIDED.**

Mr. Greer is present. Letter requesting waiver of engineered plan remains on file. IWWC and TAHD approvals have been received. No erosion control measures are required. D. Truskauskas **motioned** to approve the waiver request, seconded by C. Iacino. D. Truskauskas **motioned** to approve the application, seconded by C. Iacino. Both motions passed unanimously.

9. **WESLEY SEIXAS – INFORMAL DISCUSSION OF PROPERTY LOCATED AT 65 BURLINGTON ROAD.**

Mr. Seixas is present to discuss the use of his home at 65 Burlington Road. The house is a two-family home with a garage in the back that has converted into an accessory apartment. Copies of permits for any work done have not been located at the town hall and may in fact pre-date Zoning Regulations of 1955. He purchased the property in 2007 and notes that all was in place at that time. Commissioners would like to see paperwork that shows this work pre-dates the 1955 Zoning requirements. Any statements from previous owners should be notarized. LUC Redmond believes that Fire Marshal and TAHD code compliance should be sought. Fire Marshal approves single family home and two-family homes for c.o.'s, propane, smoke detectors and life safety issues. TAHD code compliance proves that the septic system can support the two-family home and accessory apartment.

D. Truskauskas **motioned** to proceed to Item 11 at this time, seconded by C. Iacino. Motion passed.

11. **DISCUSSION – ZONING REGULATIONS.**

D. Truskauskas distributes proposals on Zoning Regulation amendments pertaining to Garage – public, Impervious Surfaces, Definition of Poultry, Section 6.5 Keeping of Animals, 4.1c Roadside farm stands, permitting of ATVs and snowmobiles not in relation to commercial use, removal of cross-section requirement under driveways, requirement of paved driveways in excess of 10% grade where erosion could enter onto town, state or neighboring properties, amending Section 6.4.6 Driveways to include capability of accommodating emergency vehicles and proposal to amend Section 6.19 to include wording: "There shall be no more than two clients at the home at the same time, and no more than four in any 24-hour period." Notation of silt fence inspection requirement is also proposed.

Discussion on the Agricultural Committee's 7/26/13 comments on proposed wording for Agriculture and Keeping of Animals takes place.

Former ZEO Karen Nelson is present and informs the commission that she has signed off on a unit within Sunset Ridge, applicant: Targa I, but that the site needs to be cleaned up as there are uncontained piles of dirt. Drainage has also changed from the original plan. The road doesn't have the binder coarse on and drains are above grade. She told Len Lopardo, developer, that the site needs to be completely cleaned up and reminded him that the E&S bond is still in place that could be used.

10. **EXECUTIVE SESSION – INTERVIEW FOR ZONING ENFORCEMENT OFFICER POSITION.**

D. Truskauskas **motioned** to enter into Executive Session at 8:02 p.m., seconded by C. Iacino. Motion passed.

D. Truskauskas **motioned** to exit out of Executive Session at 8:23 p.m., seconded by C. Iacino. Motion passed.

D. Truskauskas **motioned** to recommend Dave Perkins to fill the Zoning Enforcement Officer position with a 90-day probationary period, seconded by C. Iacino. Motion passed unanimously.

11. **DISCUSSION – ZONING REGULATIONS.** See Above.

12. **COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

13. **ANY OTHER BUSINESS.**

None.

14. **CORRESPONDENCE.**

None.

15. **INVOICES.**

None.

16. **ADJOURN.**

C. Iacino motioned to adjourn the meeting at 8:20 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 8-14-13 AT 2:07pm
ATTEST NANCY E. ELDRIDGE TOWN CLERK