

**ZONING COMMISSION MEETING
MONDAY, APRIL 25, 2011
TOWN HALL 7:00 P.M.**

Present: Chairman Ronald Sherlock, Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Anne Marie Buonocore, Alternates Robert Lavoie and Judith Pleau, Land Use Coordinator Polly Redmond and ZEO Karen Nelson.
Absent: Amy Calabrese

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Sherlock called the meeting to order at 7:05 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4-11-11

N. LaGanga **motioned** to approve the minutes of the previous meeting, seconded by P. Brazaitis. Motion passed unanimously.

3. STEVE KACZYNSKI – APPLICATION FOR 30' X 36' BARN, 77 BURLINGTON ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. Kaczynski is present. The request for a waiver of an engineered plan is rescinded as plans by Denis Miller & Associates, revised 4-9-11 are presented. TAHD and IWWC approvals have been received.

P. Brazaitis **motioned** to approve the application, seconded by N. LaGanga. Motion passed unanimously.

P. Brazaitis **motioned** to add **Pellegrino Palomba, 94 Wildcat Hill Road**, to the agenda; application for 576 square foot additional decking to existing deck attached to house. Request for waiver of engineered plan is submitted in writing. T. Ouellette seconded the motion and it passed unanimously.

Mr. Palomba is present and has supplied a sketch of the proposed additional decking that includes stairs. TAHD has not yet approved though an application has been submitted to them. T. Ouellette **motioned** to approve the application, and grant the waiver request, with the condition that TAHD approval is received. The Land Use Coordinator can sign off on the application once received. P. Brazaitis seconded the motion and it passed unanimously.

4. DISCUSSION – PROCEDURES ON ENFORCEMENT.

ZEO job description is distributed to members and to Karen Nelson who states this is the first time she has seen it. Chairman Sherlock asks commissioners for comments in which T. Ouellette states that he believes any complaints received should be signed by the person making the complaint and that the ZEO should not act on them until the commission reviews and directs her. Ms. Nelson explains that she reports to the Board of Selectmen as well and has the responsibility to investigate complaints the First Selectman receives if so directed by him. Chairman Sherlock notes that he attended a Land Use Chairman meeting with the Board of Selectmen last week in which Town Atty. Michael Rybak was present. M. Rybak agreed that the ZEO could act on issues from the First Selectman but that the direction should be in writing and signed by the First Selectman. The commission agrees that if the First Selectman directs the ZEO to act on signed or unsigned complaints, he is to sign a letter of action to give to the ZEO. ZEO Nelson explains that when she does receive a complaint through the First Selectman's office, she investigates and informs the Zoning Commission of her findings. Discussion continues on types of complaints and various courses of action. If the ZEO happens on a violation, it is the commission's consensus that she could investigate, observe with no contact, and bring the matter to the Zoning Commission for direction. Matters of health, safety and welfare allow the ZEO to act immediately as do open permits.

The commission believes that any person listed in a complaint should be informed and given notification of when the item will be discussed at a Zoning meeting. Residents with complaints against a person who show up at a Zoning meeting with no prior notice of their attendance will be afforded a chance to briefly explain their complaint, will be directed to put it in writing and informed of when to attend the next Zoning meeting for further discussion. No

enforcement action will take place until all parties have been informed.

Discussion on a Hearing Officer is discussed and the possible need for a newly appointed one. The present Officer was appointed in 2006 and may be unable to serve in that capacity at this time.

The Land Use Coordinator will create a list of "Procedures of Zoning Enforcement Officer" that will be reviewed in its draft form at the next Zoning meeting to be held on May 9, 2011.

Chairman Sherlock will contact the First Selectman to request "Procedures on Enforcement" be placed on a Board of Selectman's meeting agenda for discussion.

5. **COMPLAINTS/ENFORCEMENT ACTIONS.**

The Land Use Coordinator requested and received a copy of a letter from TAHD dated 4/11/11 to Alicia Metz, GRJH, Inc., that outlines outstanding issues with regard to both the well and septic system at 207 Birge Park Road. Each Zoning commissioner has received a copy. Matters of concern are in samples of water taken, lack of testing and additional permitting required through TAHD, septic location in proximity to a neighboring well, among other things. Letter will remain on file in the Land Use office. Item will be placed on the next Zoning agenda for May 9, 2011 for further updates.

R. Lavoie leaves at 8:37 p .m.

6. **ANY OTHER BUSINESS.**

The Land Use Coordinator received an inquiry from Robin Pedone requesting permission to place a 2' x 1.5' sign on the Harwinton Conservation entrance area at the corner of Rte. 118 and Rte. 4 for Camp Moe, a newly created not-for-profit day camp in Torrington. They would like to display the informational sign from 5/1/11 to 7/1/11. LUC Redmond contacted Sue Alender, Chairman, Conservation Commission, for consultation. S. Alender polled some members of that commission and the general response was that they are not in favor of supporting this as the proposed placement would seem like an endorsement from the town and could lead to the placement of other unwanted signs there. The Zoning Commission agrees that the Conservation land is not the place for signs. There is a possibility of placing the sign in the traffic circle and Ms. Pedone has contacted DOT for their permission. Land Use Coordinator Redmond will inform Ms. Pedone.

7. **CORRESPONDENCE.**

None.

8. **INVOICES.**

P. Brazaitis **motioned** to approve the invoice from Atty. Steve Byrne in the amount of \$525.00 for work done 2/28/11 to 3/31/11 in Lucas v HZC, seconded by A. Buonocore. Motion passed unanimously.

A. Buonocore **motioned** to approve the invoice of ZEO Karen Nelson in the amount of \$140.00 (4 hours) for work done April 1-25, 2011, seconded by N. LaGanga. Motion passed unanimously.

9. **ADJOURN.**

P. Brazaitis **motioned** to adjourn the meeting at 9:00 p.m., seconded by N. LaGanga. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator