

HARWINTON ZONING COMMISSION MEETING

MONDAY, DECEMBER 9, 2013

TOWN HALL

7:00 P.M.

Present: Acting Chairman Don Truskauskas, Cory Iacino, David Mathes and Land Use Coordinator Polly Redmond.
Absent: Chairman Todd Ouellette, Anne Marie Buonocore, Alternate Member Joseph Marzullo and Alternate Member Lynne Steincamp
Also present: Town Atty. Michael Rybak

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Acting Chairman D. Truskauskas called the hearing to order at 7:00 p.m. All members present are seated.

2. JENNIFER FOX – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR ACCESSORY APARTMENT ABOVE EXISTING GARAGE AND ADDITION OF 12' X 20' DECK OFF OF PROPOSED APARTMENT, 346 NORTH ROAD.

Acting Chairman D. Truskauskas read the call to hearing as published in the Republican-American on 11/27/13 and 12/6/13. Ms. Fox and Raymond Ferro are present and submit two mail receipts for certified letters to neighbors notifying of this public hearing. Plans by Berkshire Engineering dated 11/25/13, titled B100a Sketch Plan are reviewed. TAHD approval for In-Law Apartment with potential two bedrooms dated 12/9/13 is received. IWWC approval is not required as the apartment is to be located on the second floor of an existing garage with the deck off the second floor apartment. The apartment shall be 850 square feet with access through the existing house. Floor plans are provided and reviewed by commissioners.

With no public comments, D. Mathes **motioned** to close the public hearing at 7:07 p.m., seconded by C. Iacino. Motion passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Acting Chairman D. Truskauskas called the hearing to order at 7:07 p.m. All members present are seated.

2. ROGER PLASKETT, CHAIRMAN, HARWINTON HOUSE COMMITTEE FOR TOWN OF HARWINTON – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF THE HARWINTON HOUSE, BENTLEY DRIVE, MUNICIPAL COMPLEX, TO BE USED AS A MUSEUM AND HOME TO THE HARWINTON HISTORICAL SOCIETY.

Acting Chairman D. Truskauskas read the call to hearing as published in the Republican-American on 11/29/13 and 12/6/13. Roger Plaskett, Chairman, Harwinton House Committee and Rafael Amaya, Amaya Architects, are present. Site plans prepared by Land Engineering & Surveying, LLC, titled Proposed Site Plan for New Two-Story Building, revised 12/3/13 for Special Permit Application to include lighting and landscaping, are reviewed. Twelve certified letters to neighbors within 200 feet of the Municipal Complex property lines notifying them of this public hearing have been sent by LUC Redmond. TAHD approval dated 11/13/13 has been received. IWWC approval was received on 11/4/13. The Planning Commission gave a favorable referral (SS 8-24) on 11/13/13. Fire Marshall approval was received on 12/5/13. Upon questioning by D. Truskauskas regarding light transmission, Mr. Amaya states that he is in discussion with First Selectman Michael Criss regarding lighting for the entire Municipal Complex that will match the Harwinton House outside lighting. C. Iacino questions hours of operation with Mr. Plaskett stating that it is proposed to be open three days a week for approximately two hours each day, depending on staffing. C. Iacino questioned whether there was intent on renting rooms for functions with Mr. Plaskett replying that there is nothing in the plans to do so at this time.

Acting Chairman D. Truskauskas opened the floor for public comment at this time.

Wesley Seixas, 65 Burlington Road, asks to review the site plans. He states he was on the building committee for the town hall and library and notes that at that time it was found that a subterranean aquifer was in the area where the Harwinton House is proposed. He states he just wanted to make sure people were aware of that fact. He also states that Bentley Drive is not a public street and the commission may want to consider the application for constructing another building with access off a private driveway.

With no further comments from the public, C. Iacino **motioned** to close the hearing at 7:18 p.m., seconded by D. Mathes. Motion passed unanimously.

PUBLIC HEARING #3

1. OPEN HEARING – ESTABLISH QUORUM.

Acting Chairman D. Truskauskas called the hearing to order at 7:18 p.m. All members present are seated.

2. BROOKE CHENEY – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL TO OPERATE A SHOOTING AND GUN SAFETY TRAINING SCHOOL, 144 MANSFIELD ROAD.

Acting Chairman D. Truskauskas read the call to hearing as published in the Republican-American on 11/29/13 and 12/6/13. Brooke Cheney is present along with her attorney, Doug Dubitsky, who notes that IWWC approval has been received on 11/25/13 and TAHD has been contacted regarding noise regulations. He notes that sound measurements taken at the property are significantly low from TAHD sound regulations with Mrs. Cheney stating that there is no documentation from TAHD. Fire Marshal approval has been received on 11/26/13. Proof of certified mailings to neighbors within 200 feet of the property lines notifying them of this public hearing are collected and remain on file. The application is in the name of “A Great Start Shooting School” for activities relating to a firearm safety school using an existing shooting range currently used by the Cheney family. The 77+ acre property is located in a Country Residential Zone surrounded by woods, is 941 feet from the shooting range area and the nearest home being 800 feet away from the shooting range area and at a 70 foot elevation. Referring to a Compilation Plan prepared by Roy V. Cheney, LLS, Bethlehem, CT, dated October 2013, that shows notation that no shooting will take place to the north or east of the property (“No Shooting” signs will be posted), Atty. Dubitsky states that the shooting range is located in a hollow with 20 foot berms. He states that this application and site plan is in compliance with Zoning Regulation Section 9.1.1 General Standards in that the property is proper and suitable, is in the vicinity of the Harwinton Rod and Gun Club, will produce no greater noise than what already exists in the neighborhood and hours of operation would be similar to the Harwinton Rod and Gun Club; 9:30 a.m. to sunset. No additional buildings will be constructed and there will be no increase in traffic due to Mrs. Cheney only wanting a few students coming at one time. Parking will not be an issue and landscaping will not change. The only change to the property is to allow Mrs. Cheney to operate a business instead of it just being a family use. Mrs. Cheney notes that there are letters of support from neighbors in her application. D. Mathes questions what the berms are made of with Atty. Dubitsky replying they are made of dirt. D. Mathes questions if there is intention to dig them out and clean with Mrs. Cheney stating that, if this question is in regards to lead contamination, she has an NRA Source book and will follow the same EPA Guidelines that the Harwinton Rod and Gun Club does. She adds that based on the amount of shooting that will take place, no remediation will be necessary for many years. She adds that “green” ammunition will be used for her classes with Atty. Dubitsky noting that that is not to say lead shot won’t ever be used. C. Iacino questions Mrs. Cheney that if she is successful, will she increase the number of students. Mrs. Cheney responds by stating it is her passion to teach one-on-one and that her hope in this school is to provide adequate one-on-one lessons and that she is not interested in building an additional range or school.

Acting Chairman D. Truskauskas opened the floor for public comment at this time.

Tracy Mirsky, 129 Mansfield Road, states that she has lived in the neighborhood since 1970 and has explored the land when it was under previous ownership. Noise has never been an issue since the Cheney's purchased the property nor from The Harwinton Rod and Gun Club. She supports this application and believes that the more people understand guns, the safer people will be.

Mike Critser, 21 Williams Road, Trumbull, states he is a former Chicago Police Officer, Certified Range Officer, Certified Safety Officer and Instructor, Competitive Shooter and Vietnam Veteran who has known Mrs. Cheney for some time. He finds her compassionate about safety and education and he believes that education is what keeps guns safe. He supports this application.

Tamara Barry, 195 Mansfield Road, states her belief that it is good to have gun education and has no concern that these classes will be taking place.

LUC Redmond notes for the record that the file contains 12 Exhibits. They are as follows:

- 1) IWWC APPLICATION
 - 2) SPECIAL PERMIT APPLICATION
 - 3) SITE PLAN
 - 4) LEGAL NOTICE ANNOUNCING DECEMBER 9, 2013 PUBLIC HEARING
 - 5) LETTER FROM LUC REDMOND TO TOWN ATTY. MICHAEL RYBAK DATED 12/2/13 GIVING INFORMATION ON SUBMITTALS
 - 6) ASSESSOR'S STREET CARD
 - 7) ASSESSOR'S MAP
- NEW FOR THE RECORD SUBMITTED ON DECEMBER 9, 2013 AT PUBLIC HEARING:
- 8) LETTER RECEIVED FROM THE LAW OFFICE OF RYAN THOMAS TRUSKOSKI, P.A. DATED 7/12/13 IN REGARDS TO A SPECIAL MEETING SET FOR 7/22/13 FOR A SITE WALK OF THE CHENEY PROPERTY. (*THE SITE WALK WAS SUBSEQUENTLY CANCELLED.) HE STATES HIS OPPOSITION TO THE ZONING REQUEST.
 - 9) LETTER FROM LUC REDMOND TO TOWN ATTY. MICHAEL RYBAK DATED 8/14/13 NOTIFYING HIM OF POSSIBLE APPLICATION FROM B. CHENEY.
 - 10) LETTER FROM TOWN ATTY. MICHAEL RYBAK TO LUC REDMOND DATED 8/23/13 WHICH IS TO BE CONSIDERED INFORMAL DISCUSSION AND INFORMATION ON HOW TO ACCEPT A PROPOSED APPLICATION FROM B. CHENEY.
 - 11) EMAIL FROM TOWN ATTY. MICHAEL RYBAK TO LAND USE OFFICE DATED 9/13/13 FORWARDING A COPY OF BROOKFIELD, CT ZONING REGULATIONS FOR FIREARM PLAN REQUIREMENT, A COPY OF THE CITY OF WATERBURY'S ZONING REGULATIONS FOR SPECIAL USE STANDARDS THAT INCLUDES FIRING RANGES AND A COPY OF OL R RESEARCH REPORT DATED 5/28/10 CONCERNING SAFETY STANDARDS ON SHOOTING RANGES.
 - 12) RETURN RECEIPTS FROM CERTIFIED MAILINGS BY BROOKE CHENEY.

Atty. Dubitsky was given a copy of the exhibits and exhibit list.

With no further comment from the public C. Iacino **motioned** to close the hearing at 7:43 p.m., seconded by D. Mathes. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chairman D. Truskauskas called the meeting to order at 7:43 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 11/12/13 AND 11/25/13

Item is tabled until the next meeting due to lack of a voting quorum.

3. DISCUSSION/POSSIBLE DECISION - JENNIFER FOX – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR ACCESSORY APARTMENT ABOVE EXISTING GARAGE AND ADDITION OF 12' X 20' DECK OFF OF PROPOSED APARTMENT, 346 NORTH ROAD.

C. Iacino **motioned** to approve the application for Special Permit and Site Plan prepared by Berkshire Engineering dated 11/25/13, titled B100a Sketch Plan, for the reason that it meets Zoning Regulation 4.2f and the General Standards of Zoning Regulation 9.1.1. D. Mathes seconded the motion and it passed unanimously.

3. DISCUSSION/POSSIBLE DECISION - ROGER PLASKETT, CHAIRMAN, HARWINTON HOUSE COMMITTEE FOR TOWN OF HARWINTON – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF THE HARWINTON HOUSE, BENTLEY DRIVE, MUNICIPAL COMPLEX, TO BE USED AS A MUSEUM AND HOME TO THE HARWINTON HISTORICAL SOCIETY.

D. Mathes **motioned** to approve the application for Special Permit and Site Plan prepared by Land Engineering & Surveying, LLC, titled Proposed Site Plan for New Two-Story Building, revised 12/3/13, for the reason that it meets Zoning Regulation 4.2a and the General Standards of Zoning Regulation 9.1.1.

C. Iacino seconded the motion and it passed unanimously.

4. DISCUSSION/POSSIBLE DECISION – BROOKE CHENEY - APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL TO OPERATE A SHOOTING AND GUN SAFETY TRAINING SCHOOL, 144 MANSFIELD ROAD.

D. Mathes **motioned** to approve the application for Special Permit and Site Plan/Compilation Plan prepared by Roy V. Cheney, LLS, Bethlehem, CT, dated October 2013 for the reason that it meets Zoning Regulation 4.2a and the General Standards of Zoning Regulation 9.1.1. with the following conditions:

- 1.) That hours of operation be 9:30 a.m. to sunset, seven (7) days a week.
- 2.) That the maximum number of students in a class be ten (10) and a maximum of two (2) students be allowed at one time on the range.
- 3.) That the applicant follows and incorporates NRA Range Safety Standards.

D. Mathes seconded the motion and it passed unanimously.

5. DISCUSSION – PROPOSED ZONING REGULATIONS.

C. Iacino **motioned** to set a public hearing date for Monday, January 27, 2014 at 7:00 p.m. in the town hall to present Commission initiated proposed Zoning Regulation amendments, seconded by D. Mathes. Motion passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

7. **ANY OTHER BUSINESS.**

None.

8. **CORRESPONDENCE.**

None.

9. **INVOICES.**

Final invoice of former ZEO Karen Nelson is received for 18 hours. C. Iacino **motioned** to approve the invoice of Karen Nelson, seconded by D. Mathes. Motion passed unanimously.

10. **ADJOURN.**

D. Mathes **motioned** to adjourn the meeting at 8:00 p.m., seconded by C. Iacino. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 12/11/2013 AT 12:32 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK