

## **ZONING COMMISSION MEETING**

**MONDAY, MAY 9, 2011**

**TOWN HALL 7:00 P.M.**

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

### **1. OPEN MEETING – ESTABLISH QUORUM.**

Acting Chairman Brazaitis called the meeting to order at 7:00 p.m. All regular members present are seated.

A. Calabrese is seated for R. Sherlock.

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

A. Buonocore **motioned** to approve the minutes of the previous meeting, seconded by N. LaGanga.

Motion passed unanimously.

### **3. JOHN STOLICNY/MARIE KNUDSEN – APPLICATION FOR 1200 S.F. ADDITION TO EXISTING HOME, 5 COVENTRY LANE. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Mr. Stolicny is present. Recorded map no. 1414 showing the boundaries and structures on the property is reviewed with Mr. Stolicny's drawing in of the proposed two-story addition. The property is located in a Country Residential zone on a corner lot giving the setbacks for two front yards and two side yards. N. LaGanga reads the request for waiver of an engineered plan written by Mr. Stolicny. TAHD approval has been received with condition that the two-story structure with full basement shall be used as non-habitable storage (no accessory apartment), TAHD to approve the construction plan, NO drains within 25 feet of the existing well and OK for heat and electricity, NO water use fixtures. Mr. Stolicny explains that the addition will be 60 feet from the front yard property line and approximately 170 feet to the side property line. The commission discussed the importance of having an engineered plan that would protect the property owner and instruct the builder on exactly where the addition should be located. A. Calabrese **motioned** to not accept the application at this time and to table the item until an engineered plan is submitted. T. Ouellette seconded the motion and it passed unanimously.

Acting Chairman Brazaitis recuses himself from Item 4.

### **4. SCOTT RAGAGLIA – APPLICATION FOR 36' X 24' ATTACHED GARAGE, 154 WOODCHUCK LANE. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Land Use Coordinator represents for Mr. Ragaglia. Torrington Area Health District approval has been received for adding a three-car garage to the existing two-car garage and eliminating one bay (total 4 bays after completion). Waiver request from Mr. Ragaglia is read by LUC Redmond. The construction will leave a 95 foot side yard setback to the north, a 1000 foot setback to the south and a 800 foot rear yard setback. A. Buonocore **motioned** to accept the waiver request, seconded by N. LaGanga. A. Buonocore **motioned** to approve the application, seconded by A. Calabrese. Both motions passed unanimously.

Acting Chairman Brazaitis is reseated.

### **5. DAVE FALLON – REVIEW OF 2009 DRIVEWAY APPROVAL AND 24' X 26' POSSIBLE GARAGE APPROVAL, 265 LEAD MINE BROOK ROAD.**

Land Use Coordinator represents for Mr. Fallon. Clarification is needed on whether the Zoning Commission approved a proposed driveway and a 24' x 26' garage or just the driveway. Zoning minutes from April 2009 do not mention garage approval although TAHD approval on file does. Site plan by Russell Moresi, P.E., dated 10/5/00 is reviewed with garage location being 36 feet to the side property line to the west. The property is located in a Town Residential zone requiring a minimum 25 foot side yard setback. A *temporary* driveway opening on the west side of the property was reviewed and approved by Highway Supervisor, John Fredsall. A. Buonocore **motioned** to approve the application for garage, seconded by A. Calabrese. Motion passed unanimously.

6. **DENNIS PERON – APPLICATION FOR 24' X 24' GARAGE AND 10' X 12' COVERED PORCH, 189 DELAY ROAD. VARIANCE REQUIRED.**

Plans by Berkshire Engineering dated 3/31/11 show the location of the garage and porch requiring variances. T. Ouellette **motioned** to deny the application and directs the applicant to appeal to the ZBA, seconded by A. Buonocore. Motion passed unanimously.

7. **COMPLAINTS/ENFORCEMENT ACTIONS: GRJH, INC./SUNOCO GAS STATION, 207 BIRGE PARK ROAD.**

LUC Redmond updates the commission. An incomplete site plan was presented to IWWC on 5/2/11 therefore, the application was not accepted. The item is being placed on the 6/6/11 Inland Wetlands and Watercourses agenda.

8. **ANY OTHER BUSINESS: DISCUSSION – PROCEDURES FOR ENFORCEMENT.**

Discussion on use of an Investigation Report form by the ZEO takes place. The LUC will create a template to use for Zoning investigations and one for Wetlands investigations. These can be filled out by the ZEO and emailed to the appropriate commission members. The Zoning Commission will want to review the Investigation Report prior to any ZEO action. A copy of the template will be emailed to the ZEO for review. Hard copies will be given to commission members at their next meetings.

A Zoning Inquiry has been received from the Board of Selectman's office dated 5/4/11. This is a new form they are using giving information the Selectman's office receives regarding a) Possible Zoning Safety/Health Violation, b) Zoning Complaint and/or c) Zoning Inquiry. The inquiry is signed by the First Selectman's assistant, Melissa Santoro, and includes the source of information on an inquiry involving property owned by John Bigos, 315 Wildcat Hill Road. It is reported that a large hole is being dug for three weeks now and at times late into the night. LUC Redmond will look into the matter and contact Mr. Bigos.

9. **CORRESPONDENCE.**

The Commission has received a letter dated 5/21/11 from Atty. Steven Byrne concerning Lucas v HZC and giving a June hearing date at Appellate Court.

10. **INVOICES.**

Invoice from Atty. Steven Byrne in the amount of \$930.00 is received. Work covers the time period 3/31/11 to 4/30/11 regarding Lucas v HZC.

A. Buonocore **motioned** to approve the invoice, seconded by A. Calabrese. Motion passed unanimously.

11. **ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 8:10 p.m., seconded by T. Ouellette. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator