

Present: Anne Marie Buonocore, Joseph Marzullo, Lynne Steincamp, Alternate Member Dan Thurston, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins
Absent: Don Truskauskas and David Mathes

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

A. Buonocore called the hearing to order at 7:00 p.m. and calls for a motion to appoint a temporary Chairman for tonight's meeting. L. Steincamp **motioned** to appoint A. Buonocore as Acting Chairman for tonight, seconded by J. Marzullo. Motion passed unanimously.
All members present are seated.

2. HEIDI KIRCHOFER – APPLICATION FOR SPECIAL PERMIT FOR HOME OCCUPATION OF A DANCE STUDIO, 221 BURLINGTON ROAD.

Acting Chairman Buonocore reads the call to hearing as published in the Republican American on May 1, 2014 and May 9, 2014. Ms. Kirchofer is present and provides proof of mailing to neighbors within 200 feet of the property lines giving notice of this public hearing. TAHD approval has been received and is dated 4/28/14. Ms. Kirchofer explains that an 18' x 24' addition was added to the home and it is this addition where she intends to hold dance classes two to three times per week, depending on enrollment. Acting Chairman Buonocore opens the floor for public comment to which there is none. Commissioner L. Steincamp has questions concerning the proximity to neighboring homes, how many clients will be in a class, whether there will be music played, whether there is air conditioning in the home or whether windows will be open, what the parking situation will be and whether there are any site line issues entering and exiting out onto Burlington Road, the number of employees and whether Commissioners feel that the Fire Marshal should sign off on this application. Ms. Kirchofer answers these questions stating that the neighboring homes are quite a distance from her home and her parents are one of those neighbors. She provides a site plan of her property for reference. She continues explaining there would be approximately eight clients in a class with some music that includes a conga and a berimbau and that there is no air conditioning in the home. There is ample parking with a circular driveway allowing approximately 15 cars to park along the outer circle. There are no site line issues for entering out onto Burlington Road. There will be no outside employees and Ms. Kirchofer explains that she has been in contact with the Fire Marshal who had no concerns. L. Steincamp questions Commissioners that if this application were to be approved, would it be setting a precedence for trouble or for future applications such as this. Acting Chairman Buonocore explains that there are no businesses allowed in Country Residential zones and therefore, the Zoning Regulations allow for home occupations such as this. LUC Redmond points to Zoning Regulation 9.4 and states that the Commissioners must ask themselves whether this application complies with those provisions. Commissioner J. Marzullo states that the proposal does not violate anything in Section 9.4 and **motioned** to close the public hearing at 7:26 p.m., seconded by L. Steincamp. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING -- ESTABLISH QUORUM.

Acting Chairman Buonocore called the meeting to order at 7:28 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 4/28/14

L. Steincamp **motioned** to approve the minutes of the previous meeting, seconded by J. Marzullo. Motion passed unanimously with D. Thurston refraining from vote.

3. DISCUSSION/POSSIBLE DECISION - HEIDI KIRCHOFER -- APPLICATION FOR SPECIAL PERMIT FOR HOME OCCUPATION OF A DANCE STUDIO, 221 BURLINGTON ROAD.

J. Marzullo **motioned** to approve the application for Special Permit for Home Occupation as it meets Zoning Regulation 9.4 and the General Standards of 9.1.1. D. Thurston seconded the motion and it passed unanimously.

3. BARBARA WHITE -- APPLICATION FOR 16' X 20' ADDITION TO HOME, 880 HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

No one is present to represent.

4. JOHN VECHITTO -- APPLICATION FOR 32' X 24' BARN, 233 TERRYVILLE ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Travis Charter, Builder, is present along with Mr. & Mrs. Vechitto. Letter requesting waiver of engineered plan is acknowledged and remains on file. IWWC and TAHD approvals have been received. The barn will be a pole barn used to store vehicles and will have electricity but no water. The barn will be 40 feet from the side yard property line and a small amount of fill will be brought in. L. Steincamp **motioned** to grant the request for the waiver of an engineered plan, seconded by D. Thurston. L. Steincamp **motioned** to approve the application, seconded by J. Marzullo. Both motions passed unanimously.

5. BORGHESI BUILDING AND ENGINEERING -- APPLICATION FOR SITE PLAN APPROVAL AND SPECIAL PERMIT/CHANGE OF USE -- SCHOOL BUS PARKING ON PORTION OF PROPERTY FORMERLY OPERATED AS JOHNNYCAKE AIRPORT, 529 BURLINGTON ROAD (ROUTE 4). PROPERTY OWNED BY JOHNNYCAKE AIRPORT PROPERTY, LLC.

Alan Borghesi, Borghesi Building and Engineering is present and submits manufacturer information on *Highland Dike Tanks* in connection with the proposed above ground fuel tank. Information has been given to the Fire Marshal for review and approval. L. Steincamp states she would like to see detailed plans showing the location of the fuel tank and the property line out to the Sports Complex to the west. Mr. Borghesi will provide this information. D. Thurston **motioned** to accept the application and set a public hearing for Monday, June 9, 2014 at 7:00 p.m. in the town hall. J. Marzullo seconded the motion and it passed unanimously.

6. SKIP DAY -- INFORMAL DISCUSSION ON USE OF PROPERTY, 8 OLD ROUTE 72.

No one is present to represent.

7. INFORMAL DISCUSSION - MORATORIUM ON MARIJUANA DISPENSARIES. INFORMATION RECEIVED FROM TOWN ATTY. M. RYBAK.

L. Steincamp questions why the Zoning Commission doesn't just put the Moratorium in place with A. Buonocore explaining that the Moratorium would have an expiration date and then an action must be taken. She believes there is no interest in Harwinton by Medical Marijuana producers or providers and thinks that this topic is a non-issue. The Zoning Regulations do not permit such activities as they are written and she suggests not doing anything to change them. The item will be revisited for discussion the first meeting date of every month by this Commission.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

Follow-up:

4/12/14 & 4/21/14 - Jessica Genovese, 109 Scoville Hill Road against Don Truskauskas, 99 Scoville Hill Road -- commercial vehicles parked overnight in a residential zone, operating a business out of home.

ZEO Perkins states that he has sent a Notice of Violation to Mr. Truskauskas and received a letter back from him stating he is planning to appeal. At this time it is the Zoning Board of Appeals who will now be involved.

3/26/14 - Alysen Almand, 401 Burlington Road against Fred Pesce, 529 Burlington Road – trailer on property. ZEO Perkins informs the Commission that the trailer has been removed.

9. PUBLIC COMMENT.

Debbie Kovall, 789 Hill Road, questions the actions of Commissioner Joe Marzullo who arrived at her daughter, Alysen Almand's property unannounced last Saturday. Alysen was not home and, according to her mother, chose not to answer back to Mr. Marzullo. She states that Mr. Marzullo called the Almand residence and left messages three times on Sunday with no contact made by Alysen. Ms. Kovall states she finds it very irregular for a Commissioner to reach out to an individual who has submitted a complaint. Mr. Marzullo apologizes for his actions stating that his intentions were good in that he was just trying to further understand what the complaint was about.

10. ANY OTHER BUSINESS.

A. Buonocore questions if the hot dog cart that is located at 263 Burlington Road is a permitted use. LUC Redmond explains that a past Zoning Chairman claimed that the Zoning Commission does not require applications for hot dog carts but should have TAHD approval and inform the Resident Trooper. It is noted that this hot dog cart sits on blocks and has no wheels making it a stationary, permanent structure that may need permits. ZEO Perkins will visit the property and report back to this Commission.

L. Steincamp states that this Commission may wish to address *Drones* in the future.

J. Marzullo – Discussion on June 3, 2014 Workshop

J. Marzullo **motioned** to cancel the June 3, 2014 Workshop that was meant to review Zoning Regulations in general with other Commissions, Town Atty. Michael Rybak and the public seconded by L. Steincamp. Motion passed unanimously.

J. Marzullo – Discussion on ZEO Procedure

Commissioner Marzullo distributes forms he created that could be used by the ZEO. They include a Complaint Worksheet and an outline of ZEO Action Procedures. He also distributes a Time Line Analysis he created. Commissioners and ZEO Perkins will review this information and it will be discussed at the next Zoning meeting on Tuesday, May 27, 2014.

11. CORRESPONDENCE.

LUC Redmond informs the Commission that Icarus R.E.M, LLC has sent a letter requesting that the P.O. Plaza's *For Lease* sign be permitted for an additional 6 months. Commissioners are in agreement to allow this.

12. INVOICES. None.

13. ADJOURN.

J. Marzullo **motioned** to adjourn the meeting at 8:40 p.m., seconded by L. Steincamp. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 5-15-2014 AT 12:33 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK