

ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 8, 2014
TOWN HALL 7:00 P.M.

Present: Chairman Don Truskauskas, Joseph Marzullo, Lynne Steincamp, Anne Marie Buonocore and Land Use Coordinator Polly Redmond

Absent: David Mathes and Alternate Member Daniel Thurston

PLEDGE OF ALLEGIANCE

Chairman Truskauskas opened the meeting with the Pledge of Allegiance and a roll call of members present.

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/25/14

A. Buonocore would like to add an addendum to Item 5, after the first paragraph, to include more of what she had said concerning the Zoning Regulation Change Procedure form. Added verbage will be as follows:

A. Buonocore continues by stating that looking at our role as Zoning Commissioners, and as a Commission, and our history and where we are right now with our Regulations, which goes back to the beginning to the late 1950s when the Commission came to be, it's been 50 years that we've gotten to this point and developed this large number of Regulations. In all that time, we haven't had a process like this other than the minutes and the discussions and common sense of what was needed for the town. She's not sure where we're going on why there is a large focus on doing this now. Back in 2011 the town applied for and received a grant for thirty thousand dollars for Low Impact Development and at that time a Planner versed in LID was involved who went through all of the Zoning Regulations with the Commission to make sure everything was in place to support the way we would like Harwinton to be and to support Low Impact Development and at that time there were some changes made. At this time, she believes the Regulations are in good shape. She's not sure what it is we'll be looking at in the future, what this is heading up that we would need to ask questions of but we may miss some questions, some of these questions may not even apply or would be difficult to answer. Her point is, the Regulations were all buffed and polished recently and in the last 50 years we didn't need a list of questions so what is the purpose of this and where are we going? Why do we need to be prepared for making new regulations? She doesn't understand what all this time and energy is for and if we abide by the Regulations that we have now we should have a town that considers Low Impact Development and maintains the character of Harwinton without any new proposals being needed if we indeed wish to keep Harwinton as it is.

J. Marzullo **motioned** to approve the minutes of the previous meeting with the addendum made by Commissioner Buonocore, seconded by L. Steincamp. Motion passed unanimously.

3. PUBLIC COMMENT.

Gary Schaff, 333 Burlington Road, states he has a copy on hand of the Zoning Commission's thoughts on the proposal made by Commissioner Marzullo to use the Zoning Regulation Amendment Worksheet and believes it to be a good proposal. Upon questioning on what he was referring to when he spoke of the Zoning Commission's thoughts, he states that he received an email from J. Marzullo after a private conversation they had together about the use of the form. Commissioner Buonocore and Commissioner Steincamp believe they haven't seen the email he is referring to and do not know what the content concerning the Zoning Commission's thoughts on the proposal are. J. Marzullo states that it is the letter he wrote dated 6/17/2014 to the Zoning Commissioners (on file in the Land Use office). L. Steincamp states that she wishes to receive the email sent to Mr. Schaff.

Debbie Kovall, 789 Hill Road, states she is confused as to why the email was sent to only one person by a Zoning Commissioner and not to her also. Commissioner Marzullo explains that it is the same information that was given to the Zoning Commissioners and that Mr. Schaff asked about it and asked for a copy. Commissioner Buonocore states that this was not a document that was shared with the Commission.

Jim Zagryn, 78 Shingle Mill Road, states that he also is in support of the form J. Marzullo created and asks that the Zoning Commissioners do the same.

Bill Hekeler, 201 Harmony Hill Road, states his belief in the process of doing things so they don't boil over and that it doesn't matter who or what party is in charge, as long as there's a process. If something is put through a process and it passes, it works, if it doesn't, it gets pushed off to the side.

Debbie Kovall, 789 Hill Road, states that at the last meeting, this process was approved and she finds this "cheering squad to be weird". She is in favor of this form but finds it self-serving to have these supporters present tonight.

Commissioner Steincamp states that Commissioner Marzullo put forward a procedural idea, which is a good thing, but any proposed regulation change will be put through a vote. The process proposed does not equal a vote nor dictates votes. The Zoning Commission is given tools regardless of the worksheet and the Commission is dictated by Regulations and State of CT guidelines. If the public wishes to have more information on what the Zoning Commission does here, they should attend meetings and view minutes that are online.

Bill Hekeler, 201 Harmony Hill Road, explains that he doesn't want to see what happened the last time the Zoning Commission put forth Regulation amendment proposals happen again. The proposals put up last time seemed to have happened so fast and that perhaps with the process of using the Worksheet it will alleviate that from happening again.

Gary Schaff and Jim Zagryn both state for the record that Commissioner Marzullo did not ask them to attend tonight's meeting.

Commissioner Marzullo at this time explains the intent of the procedure and form stating that it is a list of questions the Commission ask themselves so that nothing is missed. The sheet is not for public review. The intent of the sheet with the boxes for information on Reason and Objective is intended for public viewing and will be made part of the record of any public hearing held.

4. INFORMAL DISCUSSION – MEDICAL MARIJUANA REGULATION OR MORATORIUM.

Commissioners discuss whether the Zoning Regulations should be amended to specifically prohibit the production and dispensing of medical marijuana or whether the lack of any mention in the Zoning Regulations of medical marijuana will automatically prohibit it. Chairman Truskauskas distributes a draft of a definition of a Medical Marijuana Dispensary Facility and a Medical Marijuana Production Facility with notation that specifically states they are not allowed in any zone. This definition could be placed in the Zoning Regulations after a public hearing is held if that is what the Zoning Commission wishes to do. Commissioners agree that Town Atty. Michael Rybak should be contacted and asked, should the Commission act at all on regulating Medical Marijuana, and also requesting him to look at the draft wording prohibiting these facilities and whether that wording can just be added to the Zoning Regulations after a public hearing. Atty. Rybak should also be asked whether the permitted use of a Store for Retail Trade allows for a pharmacy to be brought in. Debbie Kovall adds that perhaps the question should be asked that if uses are not expressly permitted they are prohibited, will that in itself keep a Medical Marijuana Dispensary/Production Facility out.

A. Buonocore states that she believes the Commission should not act at this time on any proposed Regulation regarding Medical Marijuana.

5. COMPLAINTS/ENFORCEMENT ACTIONS. None.

6. ANY OTHER BUSINESS. None.

7. CORRESPONDENCE.

A letter dated 8/26/14 from Michael Dumond, South Shore Drive, is received concerning roosters and chickens that his neighbors own and that come on to his property. He has concerns over property damage the chickens can do and also that they upset his dog. He asks that changes be made to require chickens and roosters to be caged or fenced in at all times and that a land requirement be put in place. Commissioners ask that Town Atty. Michael Rybak be contacted asking if the town can regulate chickens either by Regulation or Ordinance.

8. INVOICES. None.

9. ADJOURN.

L. Steincamp motioned to adjourn the meeting at 8:25 p.m., seconded by A. Buonocore. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 09-10-2014 AT 10:53AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK