

Present: Chairman Donald Truskauskas, Joseph Marzullo, Lynne Steincamp, Anne Marie Buonocore, David Mathes, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins.

Also Present: Town Atty. Michael D. Rybak

Absent: 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: 10/14/14**

A. Buonocore **motioned** to approve the minutes of the previous meeting with an amendment to Item 9, Line 4, deleting the sentence that reads, *"Commissioners agree that they would address enforcement if written complaints were received and that this would give the Zoning Enforcement Officer reason to act."*

L. Steincamp seconded the motion and it passed unanimously with D. Mathes abstaining from voting due to his absence at the previous meeting.

3. **PUBLIC COMMENT.** None.

4. **SEAN GOODNO – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 3, ASSESSORS MAP NO. B9-5-14, WINDEMERE SUBDIVISION, BREEZY HILL ROAD.**

Sean Goodno is present. Plans by Annette S. Turnquist, P.E., Southington, CT, titled Site Plan & Septic Design, dated 9/27/14, are reviewed. IWWC approval for driveway/wetland crossing was received in May 2013 through previous property owner Carl Thompson. Application has been re-approved by LUC/IW Agent P. Redmond as no changes have been made to the site plan. Application for house location and construction is a non-regulated activity and received Agent approval on 9/29/14. TAHD approval dated 10/14/14 is on file. Driveway permit and soil and erosion control permit are on file. Discussion on driveway turnoffs takes place (Zoning Regulation 6.4.3) with Commissioners agreeing that none are required as driveway grade is flat and level. Engineered driveway certification is required prior to the issuance of a Certificate of Completion. D. Mathes **motioned** to approve the application, seconded by J. Marzullo. Motion passed unanimously.

5. **RANDALL & JOANN SURKEY – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 2, LAUREL ROAD ESTATES SUBDIVISION, LAUREL ROAD.**

Mr. & Mrs. Serkey are present. Plans by Gary Giordano, P.E., Bethlehem, CT, titled Zoning Location Survey, dated 10/16/14, are reviewed. IWWC approval was received in June 2012 for the two lot subdivision. LUC/IW Agent P. Redmond approved the application on 10/16/14 for house location and construction as no changes have been made since IWWC approval of the subdivision/site plan and there are no regulated activities. Driveway construction was previously approved by the Zoning Commission on 9/10/12. TAHD approval dated 10/24/14 is on file. Soil and erosion control permit is also on file. D. Mathes **motioned** to approve the application, seconded by L. Steincamp. Motion passed unanimously.

At this time it is acknowledged that students from Lewis Mills High School (Civics Class) are in attendance and they are informed of Commissioner's names.

**6. INFORMAL DISCUSSION – MEDICAL MARIJUANA MORATORIUM LANGUAGE WITH TOWN ATTY. MICHAEL RYBAK.**

Discussion takes place with Town Atty. Michael Rybak on the State Regulations for Medical Marijuana. Atty. Rybak warns the Commission to be very careful and precise with wording of any proposed Zoning Regulation concerning medical marijuana. He informs the Commission on what a Moratorium means and what it does in that it gives the town time to see what other towns are doing in regards to regulations and it also gives the Commission time to see if the State of CT will be doing anything further on regulating, not to mention, giving the Commission time to formulate sound regulations on dispensaries and producers of medical marijuana. LUC Redmond has written a proposed Moratorium modeling it after the Town of Beacon Falls. Atty. Rybak informs the Commission that the Moratorium is to be treated just as a proposed Zoning Regulation amendment in regards to noticing and the holding of a public hearing. Proposal to incorporate the Moratorium into the Zoning Regulations as Section 9.12 is discussed. Atty. Rybak reminds the Commission that any decision to implement the Moratorium or to deny it should be documented with good reasons for the Commission's decision. LUC Redmond is asked to send the proposed Moratorium language to the Planning Commission first to get feedback from them. Once a public hearing is set to present the Moratorium, the Planning Commission will receive a formal request for a report (State Statute 8-3a(b)) and Regional Planning Agencies will also be notified, in accordance with State Statute 8-3b, allowing each entity thirty-five days prior to the public hearing date to make comment. J. Marzullo **motioned** to send the proposed Moratorium language to Planning Commission members for their feedback, seconded by L. Steincamp. Motion passed unanimously.

**7. COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO David Perkins informs the Commission of rock crushing that was taking place at Equestrian Estates Subdivision, Plymouth Road. A Cease and Desist Order was issued and the activity has stopped. A complaint from Mike Dumond, South Shore Drive, that his neighbor is parking a tractor trailer on South Shore Drive overnight was received. A Cease and Desist Order was sent to the offender, Peter Finley, with instruction to remove the vehicle. ZEO Perkins will stop by the property tomorrow to inspect. ZEO Perkins states he has no new information regarding the complaints received about chickens on residential properties.

He reports that he wrote to the Litchfield County Board of Realtors at the request of the Zoning Commission regarding the locations of "For Sale" signs in town that should only be placed on properties to advertise the sale of the premises in which the sign is displayed on.

He reports that he inspected the property at 529 Burlington Road where All Star Transportation is beginning drainage work.

**8. ANY OTHER BUSINESS.**

LUC Redmond informs the Commission that the sign at the Post Office Plaza, allowed for an additional six months, is due to expire on November 12, 2014 and questions whether the Zoning Commission would allow the sign to remain for another six months. A. Buonocore **motioned** to allow the sign to remain at the 122 Burlington Road sight for another six months, second by D. Mathes. Motion passed unanimously.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

ZEO Invoice received in the amount of \$405. Reports are included. A. Buonocore **motioned** to approve the invoice, seconded by J. Marzullo. Motion passed unanimously.

11. **ADJOURN.**

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

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 10/30/14 AT 9:46 AM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK