

ZONING COMMISSION MEETING

MONDAY, MARCH 9, 2015

TOWN HALL 7:00 P.M.

Present: Chairman Don Truskauskas, Joseph Marzullo, David Mathes, Todd Ouellette, Alternate Member Dan Thurston, Alternate Member Michele Rewenko, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins

Absent: Anne Marie Buonocore and Alternate Member Lynne Steincamp

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Truskauskas called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member M. Rewenko seated for A. Buonocore.

2. ELECTION OF OFFICERS.

J. Marzullo nominated Don Truskauskas to the position of Chairman, seconded by T. Ouellette. With no other nominations a vote was taken and all members present and seated affirm the nomination.

D. Truskauskas nominated David Mathes to the position of Secretary, seconded by T. Ouellette. With no other nominations a vote was taken and all members present and seated affirm the nomination.

3. APPROVE MINUTES OF PREVIOUS MEETING: 2/23/15

D. Mathes **motioned** to approve the minutes of the previous meeting with correction to Item 6, line 10 to read: "...hold a public hearing (first) in order to satisfy Zoning Regulation **4.4.1e** *omit 4.5.2g* (Special Permit Uses),..." J. Marzullo seconded the motion and it passed unanimously with T. Ouellette refraining from vote due to his absence at the previous meeting.

4. PUBLIC COMMENT.

None

5. JAMES DELAY – APPLICATION TO RELOCATE ORIGINAL HOUSE FOOTPRINT AND 693 SQUARE FOOT ADDITION 50 WOODCHUCK LANE.

No one is present to represent.

T. Ouellette **motioned** to take up Item 7 before Item 6, seconded by M. Rewenko. Motion passed unanimously.

6. (Item 7) INFORMAL DISCUSSION – USE OF PROPERTY AT 207 BIRGE PARK ROAD (SUNOCO GAS STATION – 3 FRONT BAYS FORMERLY KELLY'S POWER EQUIPMENT) FOR AUTO REPAIR AND AUTO SALES.

Joyce and Angel Voltaire are present and explain that they are looking to lease the three bays, formerly occupied by Kelly's Power Equipment, to operate an auto repair shop that will eventually include selling of cars. Mrs. Voltaire explains that the State of CT DMV does not require a license to sell cars under a certain number, that number being six, and their idea is to sell four cars at a time since parking spaces for that section of the building is limited to seven. They have spoken to the previous owner, George Iffland, who has operated a repair business and auto sales out of this property for a number of years, and whose father had done the same before him, and informed the Voltaire's that the use was grandfathered and therefore permitted.

David Perkins, ZEO, has some information on the history of the property and acknowledges that sale of cars also took place in addition to past auto repair. It is his belief that the use was never abandoned once Kelly's Power Equipment moved into the three front bays and that George Iffland continued repairing cars in the two back bays of the building.

Mrs. Voltaire states that she would like to have this settled tonight with approval of the use being an auto repair business that includes approval to sell no more than six cars that will be kept on the property. Again, she explains that the main focus would be repairing cars.

ZEO Perkins explains that the Zoning Commission would entertain a formal application for Site Plan approval and then the Zoning Board of Appeals would hold a public hearing, in accordance with State Statute 14-54(b), and issue a Location Approval Certificate if they deem it is an appropriate location.

J. Marzullo states that ultimately six cars for sale can simultaneously be on the lot at one time with Mrs. Voltaire stating that there would only be room for three or four cars for sale since parking spaces would also be used for cars needing repair.

Mrs. Voltaire questions why they would need to go before the Zoning Commission for Site Plan approval if the use is the same as what was once being conducted there. ZEO Perkins states that the Zoning Commission would then be able to ask questions regarding such things as hours of operation, review exterior lighting, proposed signage and also review the site plan for parking and traffic flow, all which are unique to each new tenant's operation.

Mrs. Voltaire states that she will contact LUC Redmond to fill out the Site Plan approval application and to obtain information on applying to the Zoning Board of Appeals.

7. (Item 6) INFORMAL DISCUSSION – USE OF PROPERTY AT 242 BIRGE PARK ROAD (LITCHFIELD FENCE CO.) BY CAMPBELL TRANSPORT FOR TOW TRUCK BUSINESS.

LUC Redmond updated the Commission on discussion held at the 3/5/15 WWC meeting regarding the proposed use of this property. LUC Redmond has left messages for Shane Campbell regarding those Inland Wetlands concerns.

8. INFORMAL DISCUSSION – MEDICAL MARIJUANA MORATORIUM LANGUAGE.

J. Marzullo reads a prepared statement on his belief that there is no benefit of medical marijuana to the citizens of Harwinton, young and old, and motions that a Zoning Regulation be written prohibiting the retail sale, distribution, wholesaling and production of marijuana within the boundaries of Harwinton, seconded by M. Rewenko. Motion passed unanimously. LUC Redmond will take wording written previously by D. Truskauskas prohibiting medical marijuana dispensary and production facilities and seek Town Atty. Michael Rybak's advice on such wording and placement within the Zoning Regulations.

9. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

10. ANY OTHER BUSINESS.

None.

11. **CORRESPONDENCE.**

None.

12. **INVOICES.**

None.

13. **ADJOURN.**

J. Marzullo **motioned** to adjourn the meeting at 7:49 p.m., seconded by T. Ouellette. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 03/11/15 AT 8:45AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK