

ZONING COMMISSION MEETING
MONDAY, JUNE 27, 2016
TOWN HALL 7:00 P.M.

Present: Chairman Don Truskauskas, Deborah Kovall, Michelle Rewenko, Alternate Member Dan Thurston, Zoning Enforcement Officer David Perkins and Land Use Coordinator Polly Redmond

Also Present: Town Counsel Michael D. Rybak

Absent: David Mathes, Steve Maston and Alternate Member Brooke Cheney

PLEDGE OF ALLEGIANCE

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 Dan Thurston seated for Steve Maston.

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/13/16

D. Thurston **motioned** to approve the minutes of the previous meeting with the following amendments: Page 2, Paragraph 3, Line 18 to read “Tracy states that there will probably be no charge for public shows...” Paragraph 3, Line 23 to read “what agricultural use does to this community. There is a **surgence** of agricultural activities...” M. Rewenko seconded the motion and it passed unanimously.

3. PUBLIC COMMENT.

None.

4. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR 120’ X 200’ 20 STALL HORSE BARN WITH INDOOR RIDING ARENA, PARKING, GRADING AND ACCESS - LOT 21, EQUESTRIAN ESTATES, 485 PLYMOUTH ROAD.

William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT, is present to represent the applicant along with Jason Riccio, Supreme Industries/Pickett Brook Property. Plans prepared by R.R. Hiltbrand Engineers and Surveyors presented at the last Zoning meeting on 6/13/16 are reviewed with the cover sheet, Sheet O, titled Proposed Site Plan – Lot 21, Equestrian Estates, revised to 6/13/16 for Additional Acquired Land, the second Sheet O, titled Proposed Plot Plan – Lot 21, revised to 4/26/16, Sheet SP, Proposed Site Plan – Lot 21, revised to 4/26/16, Sheet D, Site Details – Lot 21, revised to 4/26/16 and Sheet S&E, Sediment & Erosion Control Details, 3/29/16.

Atty. Tracy reminds the Commission that at the last Zoning meeting there was discussion on horse shows and whether that activity incorporates agricultural use and whether there could be conditions on any application approval deemed an agricultural use. Through his discussions with Atty. Rybak it has been determined, with Atty. Rybak in agreement, that horse shows are part of agricultural uses. Atty. Rybak has given his opinion in a 6/14/16 and 6/22/16 email to Land Use Coordinator Polly Redmond with copies given to Commissioners and Atty. Tracy. Atty. Tracy introduces Alison McCallum, Owner/Trainer at Oakendale Farm in Bristol, CT, who will be leasing the building and conducting the operation of boarding, caring for and training of horses at 485 Plymouth Road. According to Atty. Tracy, types of activities that will be taking place include breeding shows from time to time where the value of horses will be judged for stud, also, an event called “schooling”, which is judging without all the formalities and what is similar to a horse show but is a training device for the horses to perform under different settings and distractions and lastly, what is known as an Association Show which is a formal horse show where each horse gains points.

Atty. Tracy states that these shows are an important use with participation in the winter months when riding is mostly done indoors. He states there will be five to six shows hosted per year with some animals coming from outside the facility and some from within the facility on Plymouth Road. Riders will be charged an entry fee but spectators will not be charged. Those spectators, which shouldn't draw crowds, are usually people who have a connection to the rider, be it family or friends.

In regards to parking, Atty. Tracy explains that he has asked Robert Hiltbrand to put together numbers for parking though there are no specifics for parking found in the Harwinton Zoning Regulations for this type of use. With only five to six shows per year held, Atty. Tracy believes parking is not significant. He submits a reduced sized copy of Sheet O, revised to 6/13/16, that shows in green the additional parking areas aside from the parking lot that are being considered. Those areas are located on the south side of the gravel drive, east of the turnaround, where 6 trailers or 10 cars can park, on the south side of the gravel drive, approximately 100 feet in from Plymouth Road, where 14 cars or 9 trailers could park and also near an existing building on the south side of the accessway where 10 cars or 6 trailers can be parked. Chairman Truskauskas questions whether an actual parking plan is available with Atty. Tracy replying, no, not one with delineated parking spaces. Atty. Tracy states that parking on the south side of the gravel accessway will still allow for emergency vehicle access and that the cul-de-sac radius is also sufficient for emergency vehicles turning around. He notes that the shoulder of the access road near the wetlands will be blocked to deter parking in those areas. It is recommended that Highway Supervisor John Fredsall review the plans regarding parking along the accessway. LUC Redmond questions whether the Access Easement has been reviewed by Town Counsel Michael D. Rybak and filed on the land records in the town clerk's office in accordance with Equestrian Estates Subdivision approval from the Planning Commission with Atty. Tracy stating it has been reviewed and will be filed as soon as he can get the developer/owner to sign it.

Alison McCallum speaks of hours of operation being from 9:00 a.m. to 5:00 p.m. with all outside activities taking place during daylight hours. Atty. Tracy states that outside lighting is not being proposed except for security lighting.

Atty. Rybak addresses the Commission stating that the Zoning Regulations categorize this type of activity as a permitted use in a residential zone under agriculture but without much definition. He reminds the Commission that this application is not a Special Permit where conditions can be tied to it. The Commission can, however, request modifications to the site plan, as permitted in Section 8.2 of the Zoning Regulations, in order to determine if the use is compatible but that this is the narrowest review that can be done. The Commission can control parking, access and emergency access as well as make certain that the cul-de-sac is kept open at all times. Atty. Rybak questions whether the dry hydrant proposed at the time of Equestrian Estates Subdivision approval by the Planning Commission is installed and operational. This will be confirmed by Highway Supervisor John Fredsall. (*It is not installed.) Atty. Rybak states his concern over whether this proposed activity will one day morph into something that is not agricultural such as rodeos and outside shows with speakers. Atty. Tracy states that these types of uses are not part of the plans at all though some shows will take place outside with the use of a small speaker to announce riders.

Chairman Truskauskas begins to list what the Commission should consider asking for prior to any decision being made such as no outdoor lighting except for security lighting, no parking lot lighting, provide for emergency vehicle access and that the parking areas including the parking lot outside the facility must be viable after rainstorms since they will not be paved areas. Chairman Truskauskas questions Atty. Rybak on whether these things should be noted on modified site plans with Atty. Rybak replying, yes, on the site plan and or on the permit. In addition to the items noted above, Commissioners believe that additional parking areas should be shown on the site plans and that Highway Supervisor John Fredsall should review those plans with parking prior to the next Zoning meeting to be held on July 11, 2016. That the cul-de-sac shall remain open to thru traffic at all times and there shall be no parking on either side of the accessway 100 feet in from the entrance off Plymouth Road. ZEO Perkins questions whether there can be controls on locations of areas for outside activities with Atty. Tracy stating that outside activities will only take place in the pasture area which is noted on the site plans. ZEO Perkins states that the outside 100' x 100' riding arena should be shown on the site plans as well as delineation on where the horses will be walked from the building to the pasture and riding arena. Chairman Truskauskas refers to one of Atty. Rybak's suggestions he made in his email that the Commission could request, as a courtesy, that the town's emergency services be notified when a show is taking place. Atty. Rybak refers to one of IWWC's conditions of approval calling for daily removal of manure from the dumpster and that he then read in the 7/13/16 Zoning minutes that Atty. Tracy reported manure would be taken off site weekly. Atty. Rybak states he doesn't believe Zoning has an issue with the weekly removal but suggests that Atty. Tracy go back before IWWC to advise that Commission it will be a weekly removal or, on an as-need basis. The final notation that should be placed on the site plans is that manure removal will be done at least weekly.

Atty. Tracy states that the driveway opening permit through the Highway Department is still a work in progress due to site line issues and proposed road construction on Plymouth Road by the developer for improving the site line for exiting the accessway and also the driveway at 493 Plymouth Road. It is noted that Torrington Area Health District approval has not yet been received.

No decision is made at this time until revised plans are received.

5. VICKY BASILE -- APPLICATION FOR 12' X 40' DECK, 53 SHINGLE MILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Vicky Basile is present. A sketch of the proposed front porch is submitted that shows the porch to be 64.5 feet from the front property line, 50 feet to the east side property line and 35 feet from the west side property line. IWWC and TAHD approvals have been received. D. Kovall **motioned** to grant the request for an engineered plan, seconded by D. Thurston. D. Thurston **motioned** to approve the application, seconded by M. Rewenko. Both motions passed unanimously.

6. LAURIE JACKSON -- APPLICATION FOR 12' X 24' DECK, 130 SCOVILLE HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Laurie Jackson is present. A sketch of the proposed deck is submitted along with a copy of an engineered plan titled Boundary Survey prepared for The Estate of Lucille Marconi (previous owner), dated 6/26/08 prepared by Dufour Surveying Associates. The proposed back deck will be approximately 50 feet to the north side property line, 100 feet to the south side property line and 100 feet to the back property line. IWWC and TAHD approvals have been received. D. Kovall **motioned** to grant the request for an

engineered plan, seconded by D. Thurston. D. Thurston **motioned** to approve the application, seconded by M. Rewenko. Both motions passed unanimously.

7. **COMPLAINTS/ENFORCEMENT ACTIONS.**

IWZEO Perkins informs the Commission that he has not heard back from Anita Negley, 40 Harmony Hill, regarding her complaint about their neighbors lighting after he had written to her asking her to clarify her complaint.

8. **ANY OTHER BUSINESS.**

D. Thurston **motioned** to add to the agenda: **Alex & Jamie Pearston, 34 Barber Road – application for modification of previous approval for garage/request for waiver of engineered plan.** The Zoning Commission previously approved a 24' x 28' attached garage for this property and the new property owners wish to construct a detached 38' x 36' barn. Site plan prepared for Maston Property, 34 Barber Road, by JEB Group, dated 12/26/02 is used to show the proposed location of the detached barn with a 38 foot side yard property line setback, the same setback distance as the original garage location. TAHD approval is being sought by the new property owners who just closed on the house on 6/24/16.

D. Thurston **motioned** to grant the request for an engineered plan, seconded by D. Kovall. D. Thurston **motioned** to approve the application, seconded by D. Kovall. Both motions passed unanimously.

It is acknowledged that Commission Member Steve Maston has moved out of town. The town clerk will be requesting a resignation letter from him.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

D. Kovall **motioned** to approve the invoice of ZEO David Perkins for 3 hours, seconded by D. Thurston. Motion passed unanimously.

11. **ADJOURN.**

D. Thurston **motioned** to adjourn the meeting at 8:00 p.m., seconded by M. Rewenko. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-30-16 AT 9:42 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK