

## HARWINTON ZONING COMMISSION

TUESDAY, OCTOBER 9, 2018

TOWN HALL 7:00 P.M.

\*Motions only. Full minutes to follow.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston (arriving at 7:20 p.m.), Matthew Szydlo, Deborah Kovall, Alternate Member Nancy Schnyer (arriving at 7:05 p.m.) and Land Use Coordinator Polly Redmond  
Absent: Alternate Member Don Truskauskas and Alternate Member Theodore Root

### PLEDGE OF ALLEGIANCE

#### 1. OPEN MEETING – ESTABLISH QUORUM.

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

#### 2. APPROVE MINUTES OF PREVIOUS MEETING: 9/24/18

D. Kovall **motioned** to approve the minutes of the previous meeting, seconded by M. Szydlo. Motion passed unanimously.

Alternate Member N. Schnyer arrives at 7:05 p.m.

#### 3. PUBLIC COMMENT.

None.

#### 4. DISCUSSION/POSSIBLE DECISION - THE EDISON GRILL, LLC, 178/182 BIRGE PARK ROAD – APPLICATION TO MODIFY A SPECIAL PERMIT GRANTED BY THE ZONING COMMISSION ON APRIL 8, 2013 AND SPECIFICALLY CONDITION (3) IN ORDER TO ALLOW FOR LIVE ENTERTAINMENT.

Public Hearing closed 8/13/18. 65<sup>th</sup> day to make a decision without extensions: 10/16/18.

At the request of the applicant, Item 4 will be taken up after Items 5 and 6. C. Kasey **motioned** to amend the agenda to take up Item 5 and 6 at this time, seconded by M. Szydlo. Motion passed unanimously.

#### 5. DISCUSSION/POSSIBLE DECISION – BUMPER BROOK ESTATES, LLC – PETITION TO AMEND ZONING REGULATIONS, DATED 11/20/17, SECTION 2.3 DEFINITION OF ELDERLY HOUSING AND SECTION 9.9 ELDERLY HOUSING.

Public Hearing closed 9/24/18. 65<sup>th</sup> day to make a decision without extensions: 11/27/18.

Scott Bayne, S&W Custom Home Builders, Bristol, CT is present.

M. Szydlo **motioned** to continue discussion to the next Zoning meeting scheduled for October 22, 2018, seconded by D. Thurston. Motion passed unanimously.

#### 6. DISCUSSION/POSSIBLE DECISION – BUMPER BROOK ESTATES, LLC - PETITION FOR A ZONE CHANGE FROM LIGHT INDUSTRIAL TO A TOWN RESIDENTIAL ZONE, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.

Public Hearing closed 9/24/18. 65<sup>th</sup> day to make a decision without extensions: 11/27/18.

C. Kasey **motioned** to continue discussion to the next Zoning meeting scheduled for 10/22/18 as the application for zone change is tied to the petition to amend the Zoning Regulations. Motion is seconded by M. Szydlo and passed unanimously.

Item 4 is taken up at this time. Town Counsel Michael D. Rybak is present at this time.

**DISCUSSION/POSSIBLE DECISION - THE EDISON GRILL, LLC, 178/182 BIRGE PARK ROAD – APPLICATION TO MODIFY A SPECIAL PERMIT GRANTED BY THE ZONING COMMISSION ON APRIL 8, 2013 AND SPECIFICALLY CONDITION (3) IN ORDER TO ALLOW FOR LIVE ENTERTAINMENT.**

Public Hearing closed 8/13/18. 65<sup>th</sup> day to make a decision without extensions: 10/16/18.

D. Kovall **motioned** to ALLOW indoor live music only until 10:00 p.m., as requested by the applicant and noted to be “normal” business hours even though the restaurant is open until 11:00 p.m. Noise levels shall not exceed 55 decibels as in compliance with a letter on file from Thomas Stansfield MPH, R.S., Deputy Director of Health, Torrington Area Health District, and CGS 22a-69-1 – 22a-69-7.4 as quoted in his letter, that specifies the permitted level of noise on the premises between the hours of 7:00 a.m. and 10:00 p.m. to be 55 decibels and to NOT ALLOW outdoor music or live entertainment for the following reasons:

- That the request for outdoor live music and entertainment is a broad request that could involve many types of entertainment that may exceed the noise level of 55 decibels.
- The Zoning Commission finds that the request is not in keeping with Zoning Regulation 1.1 Purpose: to promote health, safety and general welfare.
- The request is not in keeping with Zoning Regulation 9.1.1 General Standards and finds that outdoor live music and entertainment will not be in harmony with the neighborhood of residential properties surrounding the property at 182/178 Birge Park Road.
- The application lacks a proposal and site plan showing the area where music and/or entertainment will be set up.
- The Zoning Commission also finds it impossible to monitor the noise levels of the live music and/or entertainment as the town does not own a decibel reader and the Enforcement Officer will be unavailable at times of evening entertainment to monitor the noise levels of activities taking place on the property.

C. Kasey seconded the motion. Those voting in favor of the motion are C. Kasey, D. Kovall and Chairwoman M. Rewenko. D. Thurston and M. Syzdlo oppose the motion. Motion passes 3-2.

**7. COMPLAINTS/ENFORCEMENT ACTIONS.**

Follow up on complaints: Ralph Johnson, 508 Hill Road  
Fernando Nieves, 222 Woodchuck Lane

**8. ANY OTHER BUSINESS.** None

**9. CORRESPONDENCE.** None

**10. INVOICES.** None

**11. ADJOURN.**

C. Kasey **motioned** to adjourn the meeting at 9:45 p.m., seconded by M. Syzdlo. Motion passed unanimously.

Respectfully submitted,  
Polly Redmond, Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 10-16-18 AT 1:25 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK