

ZONING COMMISSION MEETING
MONDAY, MAY 13, 2013
TOWN HALL 7:00 P.M.

Present: Chairman Todd Ouellette, Anne Marie Buonocore, Don Truskauskas, Cory Iacino, Alternate Member Glenn Bradley and Land Use Coordinator Polly Redmond

Absent: Nancy LaGanga, Alternate Member Robert Lavoie and Alternate Member Kevin Ferrarotti

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Ouellette called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate G. Bradley seated for N. LaGanga.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/22/13

D. Truskauskas motioned to approve the minutes with amendment to Item 6, line 2 to read as follows:

“...be screened parking, no on-street parking shall be allowed, no meals shall be served to guests **unless approved by TAHD** and that the...” A. Buonocore seconded the motion and it passed unanimously with G. Bradley refraining from vote due to his absence at the previous meeting.

3. COLIN & JENNIFER DINWOODIE – APPLICATION FOR 18' X 24' BARN, 87 CEMETERY ROAD. REQUESTING WAIVER OF ENGINEERED PLAN.

Mr. Dinwoodie is present. A written request to waive the engineered plan requirement is on file. Site plans dated December 1972, revised to May 1975 are presented with the location of the barn drawn in. The barn shall be 60' to the west side yard property line, 300+ feet to the front yard property line and 600+ to the rear property line of the 6.523 acre lot. IWWC and TAHD approvals have been received. TAHD has placed conditions on the structure including no heat and that it shall be non-habitable. The barn shall be used for housing of rabbits, ducks, chickens and has two stalls for either goats or miniature donkeys that may be brought onto the property. D. Truskauskas motioned to approve the request for waiver of an engineered plan, seconded by C. Iacino. D. Truskauskas motioned to approve the application, seconded by C. Iacino. Both motions passed unanimously.

4. BRENT LAFFERTY – RENEWAL OF 2007 ZONING APPROVAL FOR SINGLE FAMILY DWELLING, LOT 3, CAMPVILLE HILL ROAD.

Mr. Lafferty is present and informs the commission that the house location will change when construction begins. The commission would like to see a revised site plan and a revised TAHD approval letter prior to construction.

5. INFORMAL DISCUSSION – PICKETT BROOK PROPERTY, LLC – REMOVAL OF FILL AND GRADING OF LOT 1 WITHIN EQUESTRIAN ESTATES. (NOT AN APPROVED BUILDING LOT) (NO ACTIVITY WITHIN 100 FEET OF WETLANDS)

Jared Braddock, Supreme Industries, is present to represent. A copy of Sheet G-13 from Equestrian Estates Subdivision site plans is provided for review of the area close to the street where some trees will be removed and fill will be taken out to improve the site line. The area is the location of the proposed entrance/outlet of the subdivision though not yet approved by any land use commission. Mr. Braddock states that Highway Supervisor John Fredsall visited the site today for the purpose of viewing the project and has written a letter to Zoning dated 5/13/13 in which he noted items he would like agreed upon by Pickett Brook Property. Upon questioning by D. Truskauskas on the amount of fill to be removed, Mr. Braddock stated he was not sure but could provide this figure after checking. He explained that the material would be stockpiled on site, outside the wetland buffer, and some material may be taken off site to other job sites. Mr. Braddock informed the commission that erosion controls will be in place prior to any work being done. D. Truskauskas motioned to approve the application with conditions as set forth by Highway Supervisor John Fredsall as follows: 1) The proposed work area be finished and graded to the point where grass

could be planted so the site line could be easily mowed. 2) Boundary monuments will be installed where the old stone wall is removed so as to easily identify the Town's boundary line. 3) When and if the proposed road is ever built, the property where this site line improvement is made should have a site line easement granted to the Town of Harwinton and so recorded on the property deed so the Town would be able to maintain this site line if the property owner doesn't. The easement should also prohibit the planting or construction of anything in this area other than mowable grass. G. Bradley seconded the motion and it passed unanimously. Mr. Braddock will stop by the Land Use office to provide the application.

A. Buonocore motioned to add to the agenda John Jacques – Informal Discussion for possible construction of agricultural barn on vacant lot off South Road. C. Iacino seconded the motion and it passed unanimously.

Mr. Jacques is present with his son, Curtis, and explains that he lives at 730 Hill Road that contains ten acres of land that he farms (assessed as eight acres of farm, two acres for building lot). He owns abutting land with frontage on South Road containing 25.7 acres that is assessed as forest. His plan is to construct a barn on this vacant land and harvest timber on the land, which is an agricultural use. D. Truskauskas states that the Assessor's Office should be informed of this proposal and if there are no issues, Mr. Jacques can come before Zoning with a formal application for construction. *LUC Redmond checked with Michele DaSilva, Assessor, regarding the construction of a barn on Jacques' South Road property and was told that one cannot remove trees when land is in Forest, for harvesting or clearing for construction, because that creates "less forest". Therefore, no construction can be allowed on the South Road property. Mr. Jacques has been informed.

A. Buonocore motioned to add to the agenda Tom Hickey – application for 15' x 27' inground pool, 153 Meadowview Drive. Request for waiver of requirement for engineered plan, seconded by C. Iacino. Motion passed unanimously.

Phil Bregonzio, Dolphin Pools, is present to represent. IWWC and TAHD approvals have been received. Commissioners review site plans used in 2007 for construction of single family dwelling, Lot 7, Meadowview Farms that were presented by Brycorp. Side yard setback on the north side of the property will be 120 feet, side yard setback on the south side will be 80 feet. C. Iacino motioned to grant the request for waiver of an engineered plan, seconded by D. Truskauskas. C. Iacino motioned to approve the application, seconded by D. Truskauskas. Both motions passed unanimously.

D. Truskauskas motioned to amend the agenda in order to take up Item 8 at this time, seconded by C. Iacino. Motion passed unanimously.

8. COMPLAINTS:

BRENT LAFFERTY – DISCUSSION OF CONDITIONS PLACED ON 8/9/2004 ZONING APPROVAL OF 60' X 100' COMMERCIAL BUILDING AND USE OF BUILDING, 128 CLEARVIEW AVENUE, LOT 3A. COMPLAINT RECEIVED ON HOURS OF OPERATION FROM PAUL MATTHEWS, 136 CLEARVIEW AVENUE.

Mr. Lafferty is present and states that he believes the conditions placed on his 2004 approval regarding hours of operation means *working in the yard* and not *taking trucks in and out*. To limit tenants use of access would prove difficult to keep them as tenants. Mr. Matthews is present and states that his major complaint is trucks coming and going on Sundays, especially during the warmer months when his windows are open and he would like to enjoy sitting outside. Mr. Lafferty explains that his property is in a Light Industry zone as Mr. Matthews' is also. He states that if he gets a job for a parking lot, it must be done on the weekend when cars are not parked there. Mr. Matthews states that he is okay with traffic on Saturdays and some Sundays but would not like for every Sunday to have trucks going in and out.

DOUG MORROW – DISCUSSION OF USE OF HOME AS POSSIBLE TWO-FAMILY, 39 CATLIN ROAD.

Mr. Morrow is present and insists that he is not using the basement of his house as living quarters for himself. He describes the basement as having cement floors, unfinished ceiling and no bathroom (though a permit for one was issued by the Harwinton Building Inspector). Discussion of the lease agreement issued by Mr. Morrow to his tenant is discussed and it is noted that the agreement mentions the division of the house into two living quarters. Mr. Morrow states that his tenant is moving out, under a Notice to Quit, and that he plans on using the entire house himself. Tiffany Torres, tenant, is also present and explains the many issues she has had with Mr. Morrow being her landlord. These matters are not of Zoning compliance nature.

6. DISCUSSION – ZONING REGULATIONS.

D. Truskauskas distributes copies of possible proposed amendments to the definition of **Garage** within the Zoning Regulations which should have the additional wording “*not owned by property owner*” to the end of the definition. **Impervious Surfaces** which should have the additional wording “*unless specifically designed and approved by a CT licensed engineer to be pervious.*” added to the end of the definition. **Roadside Stand**, in Section 4.1c should state that “*at least 75% of*” the produce offered for sale is produced on the property “*owned or leased by the operator*” of the farm on which the stand is located. D. Truskauskas states he is not comfortable with the requirement of 100%. The Agricultural Committee will be contacted regarding the percentage issue. Possible new proposed regulation wording to be added as 4.1e: “**Recreational use** including operation of ATVs or Snowmobiles is permitted (*in residential zones) as long as there is no commercial aspect to the operation.” be added. D. Truskauskas has submitted copies to Commissioners of 4/10/12 P&Z minutes from the Town of Granby that supports recreational useage. D. Truskauskas would like the commission to amend the Zoning Regulations bit by bit, move on to other proposed amendments and then send to public hearing all together. Discussion will continue at the next Zoning meeting.

7. DISCUSSION – ZONING ENFORCEMENT OFFICER POSITION.

Commissioners agree that the candidate interviewed for the ZEO position is qualified but not officially certified. They do not wish to make a decision on hiring of an enforcement officer until the town budget is passed.

8. COMPLAINTS/ENFORCEMENT ACTIONS. SEE ABOVE

9. ANY OTHER BUSINESS.

None.

10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

C. Iacino motioned to adjourn the meeting at 8:35 p.m., seconded by G. Bradley. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 5/21/2013 AT 12:36 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK