

Present: Chairman Ronald Sherlock, Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Anne Marie Buonocore, Alternate Judith Pleau, Alternate Amy Calabrese and Land Use Coordinator Polly Redmond Absent: Robert Lavoie
Also present: First Selectman Frank Chiaramonte, Town Atty. Michael Rybak, Glenn Chalder, Planimetrics, and Steve Trinkaus, Trinkaus Engineering

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Sherlock called the hearing to order at 7:00 p.m. All regular members present are seated. Hearing is being audio taped.

2. CONSIDER (1) ADOPTING REVISIONS TO THE ZONING REGULATIONS BY ADDING SECTION 6.21 TO INCORPORATE REQUIREMENTS FOR LOW IMPACT DEVELOPMENT AND DESIGN PRACTICES AND (2) ENDORSING A "RECOMMENDED LOW IMPACT DEVELOPMENT TECHNIQUES" MANUAL.

Chairman Sherlock read the call to hearing as published in the Republican-American on 1/13/11 and 1/21/11. He notes items in the file as being LHCEO notice stating that the proposed amendments do not conflict with any adopted plan or policy of LHCEO, notice from CCRPA finding no conflict with regional plans and policies or the concerns of neighboring towns, final comments from Highway Supervisor John Fredsall on the proposed LID Regulations, final comment from Steve McDonnell, W.M.C. Consulting Engineers, notice to the Planning Commission dated 12/15/10 notifying them of the proposed regulation amendments and notice to the Harwinton Town Clerk of the public hearing date and proposed regulations with copies made available in their office.

No referral was received from the Planning Commission. Their meeting of January 12, 2010, where item was placed on agenda, was cancelled due to snow storm. State Statute 8-3a(b) states "The failure of the planning commission to report prior to or at the hearing shall be taken as approval of such proposals". It was determined by the Planning Chairman and the Land Use Coordinator not to hold a special meeting or respond since the proposed Zoning Regulations are almost identical to the Planning Commission's proposed LID Regulations. Glenn Chalder makes presentation of the proposed regulations. He notes that the Inland Wetlands Commission approved LID Regulations at their 1/3/11 meeting and the Board of Selectmen endorsed the regulations and LID Manual at their 1/19/11 meeting. The Planning Commission will hold their public hearing on their proposed LID Regulations on 1/26/11.

Chairman Sherlock opens the floor for public comment. Atty. Rybak questions if the proposed LID Regulations will only apply to commercial projects and municipal proposals to which Mr. Chalder replies, yes, that Section 2 Requirement states "except any development of a single-family dwelling or any related accessory structures or uses". If a commercial site wishes to expand, the LID Regulations would apply although Section 4 Modifications in the proposed regulations allows the Zoning Commission to review each application individually and grant waivers. Mr. Trinkaus notes that an applicant may not be able to obtain *all* LID goals but perhaps *some* issues can be addressed. If only 50% can be reached then the commission can waiver the other 50%. Mr. Chalder adds that the structure of the LID regulation is good and if the commission wants to apply them to the entire property or craft only to the development area they could. Discussion on possibility of adding under Section 2 Requirement (at the end of the first sentence) "*for the development proposed as part of the application*" which means LID would only be applied to the new portion being proposed. Atty. Rybak recommends this additional language stating it would make the regulation more restrictive.

At this time Chairman Sherlock acknowledges the Farmington River Grant Committee members, including First Selectman Frank Chiaramonte. Also Steve McDonnell, W.M.C. Consulting Engineers, ZEO Karen Nelson, LUC Polly Redmond, Town Atty. Michael Rybak, Steve Trinkaus and Glenn Chalder. Mr. Brazaitis **motioned** to close the public hearing at 7:36 p.m., seconded by Mrs. LaGanga. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Sherlock called the meeting to order at 7:36 p.m. The quorum remains except that A. Calabrese is seated for item 2 only.

2. APPROVE MINUTES OF PREVIOUS MEETINGS: 11/22/10 AND 12/13/10

Mrs. Calabrese **motioned** to approve the minutes of 11/22/10, seconded by Mrs. LaGanga. Motion passed unanimously with Mr. Brazaitis refraining from vote due to his absence at the 11/22/10 meeting.

Mrs. Buonocore **motioned** to approve the minutes of 12/13/10 with the following revisions:

Page 1 under Absent Members; add Nancy LaGanga. Page 1, item 2 should read: Item is tabled to the next meeting when a quorum to vote **on said minutes** is established. Page 2, item 5 should read: Chairman Sherlock questions present members if they would like to consider meeting once a **month** (delete the word "week").

Mr. Brazaitis seconded the motion and it passed unanimously with R. Sherlock, P. Brazaitis and A. Buonocore only voting. N. LaGanga, T. Ouellette, J. Pleau and A. Calabrese refrained from vote due to their absence at the 12/13/10 meeting.

3. DISCUSSION/POSSIBLE DECISION TO CONSIDER (1) ADOPTING REVISIONS TO THE ZONING REGULATIONS BY ADDING SECTION 6.21 TO INCORPORATE REQUIREMENTS FOR LOW IMPACT DEVELOPMENT AND DESIGN PRACTICES AND (2) ENDORSING A "RECOMMENDED LOW IMPACT DEVELOPMENT TECHNIQUES" MANUAL.

After brief discussion and agreement to adding additional wording "*for the development proposed as part of the application*" under Section 2 Requirement, Mrs. Buonocore **motioned** to adopt the revisions to the Zoning Regulations, as amended, and endorse the Recommended Low Impact Development Techniques Manual for the reason that the amendments are advantageous to Harwinton and to the environment, that it promotes health, safety and general welfare, it protects existing and potential public surface and ground drinking water supplies and it provides proper provisions for soil erosion and sedimentation control. Mr. Brazaitis seconded the motion. Mrs. LaGanga questions if the regulation, and specifically the added wording "*for the development proposed as part of the application*" is going to be clear and understood that it is for commercial sites only and commercial activity with expansion and whether it will be understood years from now? Chairman Sherlock believes it will be and Town Atty. Michael Rybak believes it to be fairly clear, "that new construction applies to new rules; the new runoff so to speak". Land Use Coordinator Redmond refers to John Fredsal's letter which expressed that Steve Trinkaus answered his questions and concerns with his letter dated 12/6/10 "but that it would be nice if somehow these replies could be recorded for future reference by this and later commissions when these same questions surface again." Mr. Chalder notes that the file will hold these letters so the intent and effect is clear. A vote was taken and the motion passed unanimously. Effective date: March 1, 2011.

4. DISCUSS 2011 COMMISSION MEETING SCHEDULE (MEET TWICE OR ONCE EACH MONTH).

Commission consensus is to remain at two meetings a month.

Item 6b is taken up for discussion at this time.

DISCUSS LETTER FROM DELOMA ANDERSON RE: OUTDOOR WOOD BURNING FURNACE, 104 HARMONY HILL ROAD.

Ms. Anderson and her daughter are present. Ms. Anderson had written a letter to First Selectman Frank Chiamonte requesting a town meeting to discuss the possibility of banning all outdoor wood burning furnaces and pellet stoves. She states that smoke from nearby outdoor furnaces fills her house and has caused her medical problems. She has contacted the DEP and the Torrington Area Health District with no help offered to her. She was told the furnaces are in compliance with DEP rules in regards to smoke stack height. Town Atty. Michael Rybak states that if regulation of these does not come from the Zoning Commission, and DEP has not banned them, then it could fall under police power under the interest of public safety. Zoning Commissions have police powers as well as Zoning Board of Appeals but existing furnaces would be grandfathered in and be allowed to remain in use. An existing use can be banned if the public is threatened but it could result in litigation as a taking of someone's rights. Atty. Rybak adds that the State of CT is in a legislative battle with the Farm Bureau over these as many farmers are using them. The problem with outdoor wood burning furnaces is that wood is not always being used to burn; that they can be used as incinerators all year round and can be used to burn undesired material. It is suggested that Ms. Anderson contact local legislatures to inquire as to how they may help her.

5. **2011-2012 BUDGET REVIEW.** Amendments to the budget are made with a reduction of \$700.00.

6. **COMPLAINTS/ENFORCEMENT ACTIONS:**

a) GRJH, SITE PLAN COMPLIANCE MATTERS, SUNOCO GAS STATION, BIRGE PARK ROAD.

Nothing to report as the IWWC is awaiting an application to be made at their 2/7/11 meeting.

b) DISCUSS LETTER FROM DELOMA ANDERSON RE: OUTDOOR WOOD BURNING FURNACE, 104 HARMONY HILL ROAD. *See above

ZEO Karen Nelson's report is received for a follow-up on Gervais complaint regarding 131 Clearview Avenue. Ms. Nelson questions whether the response she received from Randall Gage, New England Bank, agent for property owner VB REO, LLC, could be forwarded to Mr. Gervais. The commission believes it appropriate that Mr. Gervais receive a copy.

7. **ANY OTHER BUSINESS.** None.

8. **CORRESPONDENCE.**

Letter from Atty. Steve Byrne dated 1/3/11 stating no further development has taken place this past month in Lucas v HZC.

Brochure from CT Bar Association for Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions--seminar at Wesleyan University 3/12/11, 8:30 a.m. to 4:30 p.m. Members will be emailed a copy of the brochure and any commission member wishing to attend should contact the Land Use Coordinator.

9. **INVOICES.**

ZEO Nelson's invoices of 11/1/10 – 12/6/10 in the amount of \$455.00 and 12/21/10 – 1/19/11 (6 hours for Zoning) in the amount of \$210.00 received. Mrs. LaGanga **motioned** to approve the invoices, seconded by Mr. Brazaitis. Motion passed unanimously.

10. **ADJOURN.**

Mrs. LaGanga **motioned** to adjourn at 8:45 p.m., seconded by Mr. Brazaitis. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator