

# HARWINTON ZONING COMMISSION MEETING

MONDAY

MARCH 13, 2017

TOWN HALL

7:00 P.M.

Present: Chairwoman Michelle Rewenko, Deborah Kovall, Daniel Thurston, Matthew Szydlo, Zoning Enforcement Officer Thomas Mitchell and Land Use Coordinator Polly Redmond

Absent: Cynthia Kasey, Alternate Member Brooke Cheney and Alternate Member Don Truskauskas

## PLEDGE OF ALLEGIANCE

## REGULAR MEETING

### 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 MEETINGS: 1/24/17, 2/27/17 AND 3/6/17 SPECIAL MEETING.

Approval of minutes tabled until the next Zoning meeting.

### 3. PUBLIC COMMENT. None.

### 4. BRENT LAFFERTY – INFORMAL DISCUSSION – USE OF PROPERTY, 128 CLEARVIEW AVENUE.

Mr. Lafferty is present to discuss the use of his property at 128 Clearview Avenue to conduct internet gun sales. The property is located in a Light Industrial zone and the building contains four units; one unit is used by Mr. Lafferty as a business office, two units are used by two different landscaping businesses and the fourth unit is a mechanic shop. Upon the request of LUC Redmond, Town Counsel Michael Rybak has sent an opinion on whether this use is permitted and he states that “the regulation of the sale of firearms in specific is pre-empted in large part by state statute and therefore, a town cannot specifically prohibit it.”

D. Kovall **motioned** that the use of this property for internet gun sales is appropriate, based on the opinion of Town Counsel, that it is a permitted use in a Light Industrial zone and that the Land Use Coordinator is authorized to provide a letter to Mr. Lafferty stating that the town has no objection to the business.

M. Szydlo seconded the motion and it passed unanimously.

### 5. CONNIE SHIARILLO – INFORMAL DISCUSSION – USE OF PROPERTY, 145 LITCHFIELD ROAD.

Ms. Shiarillo is present and discusses various activities she is interest in conducting on the property if she were to purchase 145 Litchfield Road. She is considering operating a petting zoo and having children with special needs come in on occasion to interact with the animals and perhaps have animal related activities for them to do in the accessory building located on the property. She is not sure if she will charge an entry fee or ask for donations. Commissioners review Zoning Regulation 4.4 Special Permit Uses in a Retail Service Zone, Zoning Regulation 6.5 Keeping of Animals and they also consider the contents of State Statute 1-1q, definition of agriculture and farming. Commissioners ask that Land Use Coordinator Redmond consult with the town attorney on appropriate and permitted uses for this property.

M. Szydlo **motioned** to add **Michael Rousseau, application for driveway only, Parcel A (first cut of A6-04-01), Wildcat Hill Road**, seconded by D. Kovall. Motion passed unanimously.

Steve Rousseau, father of Michael Rousseau, is present to represent. Plans by Berkshire Engineering, titled Septic System Design, dated 2/1/17 are reviewed. A driveway permit through the Dept. of Public Works has been issued. IWWC approval for the construction of the house, septic and driveway has been received. Torrington Area Health District approval has also been received. M. Szydlo requests that the *type of fabric* used for driveway stabilization be specified under Driveway Detail on the site plans. M. Szydlo **motioned** to approve the application with the condition that the type of stabilization fabric be identified, seconded by D. Thurston. Motion passed unanimously.

**6. INFORMAL DISCUSSION - PROPOSED AMENDMENTS TO ZONING REGULATIONS FOR CLARIFICATION TO SECTION 6.5 KEEPING OF ANIMALS, SECTION 9.4 HOME OCCUPATIONS AND INFORMAL DISCUSSION ON REGULATIONS PERTAINING TO AFFORDABLE HOUSING. ALSO, PROPOSED REGULATION ALLOWING LAND USE COORDINATOR AUTHORITY TO SIGN OFF ON CERTAIN ZONING APPLICATIONS.**

LUC Redmond has researched regulations of other nearby towns on keeping of animals and notes that Goshen, Barkhamsted and Burlington regulations only refer to agricultural use and farming and not specifically keeping of animals.. Goshen's regulations limit the number of pigs and fowl and/or chickens and permits them through a Special Permit. ZEO T. Mitchell, who is also the town's Animal Control Officer, states that he has received many complaints on chickens but that there are no state regulations on chickens and no town regulations either to enact enforcement. Commissioners agree that the only revision to Zoning Regulation 6.5 *Keeping of Animals* is to add regulation on keeping of poultry with acreage requirements and keeping the current setback regulations for shelter/housing of poultry. LUC Redmond will revise proposed wording and provide to Zoning Commissioners for discussion at their next meeting. No public hearing has been set yet to present these amendments. Zoning Commissioners believe that Land Use Coordinator signoffs on Zoning applications should remain the same as noted in the Zoning Regulations that allow signoffs only for structures under 200 square feet.

**7. COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Tom Mitchell has submitted a report on his setback inspection at 765 South Road, Liberty Liscomb, for a greenhouse. His report also includes information on a site visit he conducted in connection with a complaint received from a resident at 44 Breezy Hill Road. The report is accompanied by a copy of a certified letter he sent to the property owners of the vacant land abutting 44 Breezy Hill Road, the subject of the written complaint received.

**8. ANY OTHER BUSINESS.**

LUC Redmond distributes copies of a Zoning Enforcement Guideline she has been working on. Once Commissioners and the ZEO review it, it can be adopted as a separate document if the Commission chooses to do so.

**9. CORRESPONDENCE.**

A copy of a letter to Board of Selectmen from Land Use Coordinator Redmond requesting to fund the cost for the new Zoning Enforcement Officer to attend classes to become a Certified ZEO is received. This letter was sent at the request of the Zoning Commission and the Inland Wetlands Commission.

**10. INVOICES.**

None.

**11. ADJOURN.**

M. Szydlo **motioned** to adjourn the meeting at 8:30 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 3-17-17 AT 9:20 AM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK