

HARWINTON ZONING COMMISSION MEETING

MONDAY, MAY 8, 2017

TOWN HALL 7:00 P.M.

Present: Cynthia Kasey, Deborah Kovall, Daniel Thurston, Alternate Member Brooke Cheney and Land Use Coordinator Polly Redmond

Absent: Chairwoman Michelle Rewenko, Matthew Szydlo and Alternate Member Don Truskauskas

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chairwoman C. Kasey called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member Brooke Cheney also seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/24/17

Tabled due to lack of a voting quorum.

3. PUBLIC COMMENT.

None.

4. TODD PARENT – APPLICATION FOR ADDITION TO HOME, 221 WOODCHUCK LANE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

No one is present to represent.

B. Cheney **motioned** to add to the agenda: Harold & Melissa Slater, 107 Rocky Road East, for discussion of living space above attached garage. Zoning approval for construction of single family dwelling received November 2106, seconded by D. Kovall. Motion passed unanimously.

Mr. & Mrs. Slater are present. Plans by Robert Green Associates dated 10/17/16 for house construction are reviewed once again by Zoning Commissioners. The Slater's explain that their son will be moving into the new home with them and will have his own "living room" space above the garage, which is an open floor plan, with a wet bar (already approved by the Building Inspector), a stove, refrigerator and a wood stove. The Slater's state that this is not an accessory apartment and there is no separate bedroom or closets in the room. A bedroom in the main home is accessible from the room above the garage and will be utilized by the son. There is only one entrance from the outside to the second floor of the garage but a doorway from the upper floor of the garage to the main home is a second access. TAHD is currently reviewing the floor plan for this room. The Slater's explain that the septic system was designed for a much larger home than what is being built and the original TAHD approval is for a three bedroom home. D. Kovall **motioned** that there is no need for a special permit application (Zoning Regulation 9.3) as the room above the attached garage is considered additional living space only and not an actual apartment and has no septic connection. The Slater's are not intending to use the living space, now or in the future, as an income generating rental. B. Cheney seconded the motion and it passed unanimously.

5. INFORMAL DISCUSSION/REVIEW – PROPOSED WORDING TO AMEND ZONING REGULATION 6.5 KEEPING OF ANIMALS TO ADD REGULATIONS CONCERNING CHICKENS.

PAST DISCUSSIONS ON: HOME OCCUPATION REGULATIONS. BEING REVIEWED BY THE EDC.
AFFORDABLE HOUSING. LETTER SENT TO BOARD OF SELECTMEN.
ZONING ENFORCEMENT GUIDE. TOWN ATTY. REVIEWING.

Acting Chairwoman C. Kasey informs the Commission that she attended the Agricultural Committee's Special Meeting on 5/2/17 along with Zoning Enforcement Officer Tom Mitchell to discuss the Zoning Commission's proposal for additional wording in **Zoning Regulation 6.5 Keeping of Animals** regarding and limiting chickens on one's property. Discussion topics included abandoned roosters and guinea hens, raising of meat birds (increasing the number of poultry on a property at certain times of the year) and the Right to Farm Act and Town Ordinance (140) an Ordinance Concerning the Right to Farm. A portion of the Agricultural Committee's meeting minutes is as follows:

The committee members discussed the proposed zoning regulation changes with the general consensus being that what was being proposed was adequate but had some further suggestions.

Suggestions include:

- Make sure the proposed regulation changes are aligned with the towns Right to Farm Ordinance and the current Plan of Conservation and Development.
- Check with the Town Attorney to see if the changes will have any impact on current situations or will they be grandfathered.
- Check with the Town Attorney to see if it would be feasible to impose progressive fines for violators.
- Contact the Farm Bureau, specifically Joan Nichols for her input. She would more than likely attend a Zoning meeting.
- Include setbacks to the front and rear yards as well as side yards.
- Seek input from the Wetlands Commission to simplify water language – *watercourses and water bodies, ponds, swamps, and bogs* – and to use the all-inclusive term "wetlands and watercourses" instead.
- Review the minimum lot size for poultry, item a. A ½ acre piece of property (21,780 square feet) is approximately the equivalent of a 100' x 210' parcel. With a 50' setback (which would actually total 100' - 50' from each property line), would give no area for an accessory building.
- Consider rooster restrictions for Non-Business use when the lot size is less than an acre.
- Consider granting Special Permits for unique situations. For example, raising 25 meat chickens for personal use on a ½ acre parcel. Generally these are raised for 8-10 weeks and then butchered. Meat birds can be males but are fairly quit[sic] *quiet*.

D. Kovall states that the Zoning Commission should be mindful of being over complicated in creating regulations and perhaps other rural town zoning regulations should be reviewed. Acting Chairwoman C. Kasey questions whether fines could be imposed for secondary offenses when poultry are not contained on one's property and that this might be a question for the town attorney. She believes that the proposal for setting a land acreage requirement for poultry may be too restrictive as one could have fifty hens in a box. Land Use Coordinator questions whether the proposed regulation could just state "poultry must be contained on the owners own property by any means necessary." Wandering poultry seems to be the main issue of complaints received by Animal Control. Mike Dumond, 56 South Shore Drive, is present and states that he also attended the Agricultural Committee meeting. He explains his issue with his neighbor's wandering chickens that come on to his property and the odor from them that permeates into his home. B. Cheney suggests, and will reach out to, Joan Nichols, CT Farm Bureau Association, inviting her to a Zoning meeting for further discussion on regulating and best practices for chickens.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

Paul and Dorothy Barrow, 44 Breezy Hill Road, are present for a follow-up discussion on their complaint discussed at the last Zoning meeting. Mr. Barrow reports that some unregistered/junk vehicles have been removed from his neighboring property which is the nature of his complaint. He states that ZEO Tom Mitchell has been in contact with him via text messages but he has not heard from him since 4/28/17. ZEO Mitchell has sent out a Notice of Violation to the property owners and Mr. Barrow states he is aware that a

second letter was also sent out on 4/18/17 or 4/19/17 (Mr. Barrow is unsure). This second letter gave the property owners ten days to respond, which they did, and agreed to meet with ZEO Mitchell at the property. It is unclear whether that meeting has taken place yet. Mr. Barrow questions what the next step is for the enforcement officer to take and whether fines will begin and questions when the property “must” be vacated of all vehicles and junk including a type of A-frame hoist. Mr. Barrow states, and provides photos for viewing off his laptop, of truck traffic which he claims is a daily occurrence. There are five pieces of junk/vehicles that he shows photos of from his laptop that he believes should be removed from the property. The Commission orders that ZEO Tom Mitchell issue a Cease and Desist Order by the end of this week giving the property owner ten days to clear the property of all illegal vehicles including a tractor and what appears to be an engine hoist. Mr. Barrow notes that there is also a press (perhaps used for sheet metal) and much garbage on the property. The Zoning Commission asks that ZEO Tom Mitchell walk the property to identify what remains on the property and what must be removed within the ten day period after property owner receipt of the Cease and Desist Order he issues. The Commission asks that ZEO Mitchell inform Mr. & Mrs. Barrow of when the Cease and Desist Order has been mailed out.

7. ANY OTHER BUSINESS.

None.

8. CORRESPONDENCE.

None.

9. INVOICES.

None.

10. ADJOURN.

D. Kovall **motioned** to adjourn the meeting at 8:50 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 05/10/17 AT 11:42 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK