

HARWINTON ZONING COMMISSION MEETING
MONDAY, MAY 22, 2017
TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Deborah Kovall, Matthew Szydlo, Alternate Member Brooke Cheney, Land Use Coordinator Polly Redmond, Zoning Enforcement Officer Thomas Mitchell

Also Present: Town Atty. Michael D. Rybak

Absent: Cynthia Kasey, Daniel Thurston 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 with Alternate Member Brooke Cheney seated for Daniel Thurston.

M. Szydlo **motioned** to amend the agenda to take up discussion on Item 8 Complaints at this time seconded by B. Cheney. Motion passed unanimously.

Town Atty. Michael D. Rybak has been asked to attend tonight's meeting for any guidance the Commission or Zoning Enforcement Officer may need.

COMPLAINTS.

Present: Paul Barrow, 44 Breezy Hill Road. Complainant.

Hunter Berti, grandson of property owner Linda Corey and person conducting activities subject of complaint.

Linda Corey, property owner of where complaint of activities centers on.

A letter written by Linda Corey giving permission to Mr. Berti to clear the vacant land of trees and brush is submitted.

Mr. Barrow states that at the last Zoning meeting he attended it was determined by the Commission that a Cease & Desist Order was to be sent by the ZEO to the property owner and that he was to be notified as to when it was mailed out. The Cease and Desist was to order the property owner to remove inoperable, unregistered cars and commercial vehicles and what Mr. Barrow claims to be an A-frame engine hoist. Mr. Barrow explains that he came to the Land Use office on 5/15/17 to inquire as to when the Cease and Desist Order was mailed out and was told by LUC Redmond that it was unclear if it was mailed out. In response to this information, he submitted a letter dated 5/18/17 (received in the Land Use office on 5/17/17) to serve as a complaint and follow up to his original complaint. Tonight, Mr. Barrow stresses that he would like to have these issues resolved in a friendly manner. He adds that he wants to place his house on the market but is hesitant to do so with the issues next door still going on. He asks that the commercial vehicles and equipment not approved for storing on residential areas be removed and for the land to remain without these things until at least his house sells.

Zoning Enforcement Officer Thomas Mitchell wishes to clarify at this time that he did not issue a Cease and Desist Order due to incorrect information discussed at the last Zoning meeting, which he could not attend. He states that it was not a Notice of Violation that was mailed out to the property owner but instead it was a Notice of *Possible* Violation. After that Notice of Possible Violation was received by property owner Linda Corey, he met with Hunter Berti to discuss what needed to be removed from the property and the property had the beginnings of being cleaned up. ZEO Mitchell states that the A-frame hoist is in fact the makings of a swing set that Mr. Berti is planning on constructing further, complete with a swing.

Hunter Berti states that there is still a partial vehicle on the premises but he has had Merli Automotive take away the Lincoln Town Car. The other car on the property has no title but Mr. Berti states he is trying to find it but if he does not, he will cut the car up and junk the parts. He notes that other vehicles on the property are not commercial vehicles but are farm equipment, one being a 1940 farm tractor. Mr. Berti describes the entrance to the property as having two-foot ruts filled with water which made it very difficult getting the unregistered vehicles out but have recently been cleared up allowing the removal of the truck on the property. Mr. Barrow wishes to clarify what Mr. Berti that if Mr. Berti is unable to remove the frame of the vehicle without a title then it would be cut up and taken off in parts? Mr. Berti states that is what he said he would do. Mr. Barrow states he would like assurance that the level of activity that has been taking place on the property, what he sees as the commercial activity, be stopped. Mr. Berti states that there is no business being operated out of this property and there are no commercial-plated vehicles. The permission for activity he received from his grandmother was to clear the trees and brush in hopes to farm the land once again and that is what he is doing. Some stone will be placed down in the driveway along the wet areas and Mr. Berti will be investigating a 3-4" PVC pipe that comes from the back of the Barrow residence discharging water onto his grandmother's property. Mr. Barrow states that he is unaware of the pipe described but if there is action that needs to be taken to prevent runoff onto neighboring land, he will take those measures.

At this time, Town Atty. Michael Rybak, states that there are no legal issues for him to discuss with the Commission. B. Cheney questions what the next steps would be if Mr. Berti did not remove the car from the property as he said. Mr. Barrow states he is meeting with his attorney and will be reporting tonight's outcome to him. Mr. Berti questions whether it is okay to remove brush and firewood from the property with Chairwoman Rewenko stating yes, but that Mr. Berti should review the Zoning Regulations also for information on permitted uses and application requirements.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/24/17 and 5/8/17

M. Szydlo **motioned** to approve the minutes of 4/24/17 seconded by D. Kovall. Motion passed unanimously with B. Cheney refraining from voting due to her absence at the 4/24/17 meeting.

Approval of Minutes for 5/8/17 are tabled to the next meeting due to a 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.

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.

B. Cheney asks that discussion of chickens be tabled to the next Zoning meeting on 6/12/17 in order for Joan Nichols, CT Farm Bureau Association, to be able to attend. She will confirm with Ms. Nichols' on her availability.

6. **Complaints/Enforcement Actions.** Paul Barrow/Hunter Berti – See Above

Peter Fortin, 150 Bissell Road, is present and recounts his previous written complaint to past ZEO David Perkins, regarding the number of boats and RV campers at the High Riders Snowmobile Club, 95 Bissell Road, that are there all year round. Other activities include weekly fireworks and bonfires. Mr. Fortin has a copy of an advertisement in a newspaper for membership to the club that includes \$125.00 for year round camping. The telephone number listed in the ad is incorrect as ZEO Mitchell had tried calling it. ZEO Mitchell states that he has written a letter to the post office box listed in the ad informing the owners of a recent complaint being received and that he should be contacted with no response as of date. ZEO Mitchell informs the Commission that he has contacted Torrington Area Health District and was informed that the septic system was built for 350 people on site. Mr. Fortin is also concerned with ATV use in the vicinity of a vernal pool identified during the application phase of Equestrian Estates Subdivision, Plymouth Road. The location of the vernal pool is at the western end of Rocky Road West. Mr. Fortin provides for viewing a copy of Valley View Farms Subdivision from 1981 and he states that the Zoning Regulations have always prohibited trailers in Country Residential zones since the beginning of regulations in 1955. The map does show a location of the property marked as “campground area” but Commissioners state that could mean tents and not necessarily RV campers. Either way, the area for camping noted on the plan has expanded greatly over the years. ZEO Mitchell states he will do further investigation into this matter.

7. **Any other business.**

None.

8. **Correspondence.**

None.

9. **Invoices.**

Invoice in the amount of \$14.66 received for ZEO Mitchell’s new business cards. M. Szydlo **motioned** to approve payment of the invoice, seconded by B. Cheney. Motion passed unanimously.

10. **Adjourn.**

M. Szydlo **motioned** to adjourn the meeting at 7:50 p.m., seconded by B. Cheney. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 05/30/17 AT 2:21 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK