

HARWINTON ZONING COMMISSION MEETING

MONDAY, JUNE 12, 2017

TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Deborah Kovall, Daniel Thurston, Matthew Szydlo (arriving at 7:05 p.m.), Alternate Member Don Truskauskas and Land Use Coordinator Polly Redmond

Absent: Cynthia Kasey and Alternate Member Brooke Cheney

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 D. Truskauskas seated for Matthew Szydlo.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/8/17 AND 5/22/17

Approval of minutes tabled to the next Zoning meeting due to lack of a voting quorum.

3. PUBLIC COMMENT.

None.

4. JOHN BIGOS III – APPLICATION FOR 22' X 22' BARN, 315 WILDCAT HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

John Bigos III is present and using a copy of Map 1561 filed in the land records, dated 3/18/13 for a lot line revision, he shows the location of the proposed barn on the south side of his property approximately 155 feet to the side property line and 80 feet to the front property line. The property contains 11.5 acres. D. Truskauskas **motioned** to grant the request for waiver of an engineered plan, seconded by D. Thurston. Motion passed unanimously. Mr. Bigos requests that the application reflect a change in size of the barn from 22' x 22' to 22' x 24' reducing the distance to the side yard to 153 feet. Commissioners approve the request. IWWC and TAHD approvals have been received. D. Truskauskas **motioned** to approve the application, seconded by D. Thurston. Motion passed unanimously.

Commissioner Matthew Szydlo arrives at 7:05 p.m. and is seated. Alternate Member D. Truskauskas is reseated for absent member Cynthia Kasey.

5. SCOTT BUTCHER – APPLICATION FOR 24' X 32' BARN, 176 WOODCHUCK LANE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Scott Butcher is present and provides a sketch using an enlarged copy of an Assessors Map of his property locating the barn on the south side of his property approximately 55 feet to the side property line and 80 feet to the front property line. The side property line is delineated by a stone wall between his property and the neighboring land. The property contains 23.70 acres. D. Truskauskas **motioned** to grant the request for waiver of an engineered plan, seconded by M. Szydlo. Motion passed unanimously. The pole barn will require no excavation, have a gravel floor and will not be used for keeping of animals. IWWC and TAHD approvals have been received. D. Truskauskas **motioned** to approve the application, seconded by D. Thurston. Motion passed unanimously.

6. TINO JANIERO – INFORMAL DISCUSSION ON CLEARING OF LOT, WILDCAT HILL ROAD, ASSESSORS MAP NO. B6-05-0021.

Tino Janiero is present and states he plans on building a house on this vacant property but no testing for septic or well has been done yet and this is the reason for clearing the land. The property contains 24 acres on the east side of Wildcat Hill Road and it is his intention to construct a house on the east side of the brook, requiring a wetland crossing. He has done clearing within regulated wetland areas but was unaware of the requirement to appear before the Wetlands Commission prior to start of work. Mr. Janiero was instructed to attend the Wetlands Commission meeting on Monday, July 3, 2017 at 7:00 p.m. in the town hall. Highway Supervisor John Fredsall has supplied photos to the Land Use office that he took showing a driveway opening that was cut in without first obtaining a driveway opening permit. Another photo shows a 12" corrugated pipe that was installed in a culvert at the entrance of the driveway. Per Town Ordinance 94 a minimum of 15" is required. Driveway Ordinance 94 also requires a maximum width for residential driveways to be 16 feet (which can be flared up to 20 feet) with Highway Supervisor Fredsall noting on the photo of the driveway opening that it is approximately 40 feet wide. Mr. Janiero was instructed to stop in the office of Highway Supervisor John Fredsall on Tuesday, 6/13/17. Earth material is being relocated on the property with no erosion control measures in place. Mr. Janiero was instructed to install erosion control measures immediately. No anti-tracking construction entrance has been installed and Mr. Janiero stated that this was going to be his next step in the process. Mr. Janiero was advised to do no further work on the property until proper permits are in place through the Highway Department and until he comes before the Wetlands Commission on July 3, 2017 with a survey of the property showing wetlands delineation by a soil scientist.

D. Truskauskas motioned to add to the agenda **Tim & Cheryl Kloczko, 365 Locust Road, application for construction of 22' x 24' garage behind existing garage with a request for waiver of engineered plan.** Motion seconded by M. Szydlo and passed unanimously.

Tim Kloczko is present and provides a sketch of his property using a copy of Map 417 filed in the land records titled Property Survey, dated 5/12/75. He has drawn in the location of his house and the proposed garage to be located approximately 50 feet from the west side of his property line and 100+ feet to his back property line. IWWC and TAHD approvals have been received. An existing gravel driveway will be used to access the new garage. D. Truskauskas **motioned** to grant the request for waiver of an engineered plan, seconded by M. Szydlo. D. Truskauskas **motioned** to approve the application, seconded by M. Szydlo. Both motions passed unanimously.

7. 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.

AFFORDABLE HOUSING. LETTER SENT TO BOARD OF SELECTMEN.

ZONING ENFORCEMENT GUIDE. TOWN ATTY. REVIEWING.

An email from Joan Nichols, CT Farm Bureau Association, has been received in response to the Zoning Commission's request on State Statutes addressing chickens. She notes in her email that CGS §52-561a. reads *"Damage by domestic fowls. Any owner or keeper of domestic fowls who allows them to trespass upon the premises of another person shall be liable to the owner or occupant of such premises for all damage done by such fowls."*

She also notes there are fencing statutes but they are ambiguous and appear to pertain primarily to cattle. In closing she adds that if problems with chickens causing damage to properties are not resolved the Zoning Commission could adopt Zoning Regulations for the keeping of livestock and poultry.

Mike Dumond, 56 South Shore Drive, is present and states that he thought roaming chickens could be treated like roaming dogs in that the town could fine owners of roaming fowl. The Commission believes this would involve the town in court proceedings which might actually be a civil matter between two parties. Chairwoman Rewenko states that the Zoning Commission doesn't believe in over-regulating for something that is not affecting the town as a whole. She would like to know from Zoning Enforcement Officer/Animal Control Officer Thomas Mitchell on how many actual complaints have been made regarding chickens in the past year. D. Truskauskas suggests that perhaps a Town Ordinance regulating chickens would be better than a Zoning Regulation. D. Truskauskas reads into the record the email from Joan Nichols and Mike Dumond is given a copy of the email. Further discussion will take place at the next Zoning meeting on June 26, 2017.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

9. ANY OTHER BUSINESS.

LUC Redmond will reach out to Town Atty. Michael Rybak regarding his review of the newly created Zoning Enforcement Guide. This guide will not be made part of the regulations.

10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

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

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-15-17 AT 9:22 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK