

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Don Truskauskas, Alternate Member Nancy Schnyer, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Thomas Mitchell  
Absent: Alternate Member Theodore Root

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING #1**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairwoman Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated. Call to hearing as published in the Republican American newspaper on 2/1/18 and 2/9/18 is read into the record by Chairwoman Rewenko.

**2. NICHOLAS RICHARDS – APPLICATION FOR SPECIAL PERMIT, ACCESSORY APARTMENT ADDITION, 231 CLEARVIEW AVENUE.**

No one is present to represent. Mr. Richards informed the Land Use office that he is not ready to present at this time.

**3. CONTINUE OR CLOSE HEARING.**

M. Szydlo **motioned** to continue the public hearing to the next Zoning meeting on Monday, February 26, 2018 at 7:00 p.m. Motion seconded by D. Kovall and passed unanimously.

**PUBLIC HEARING #2**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairwoman Rewenko called the hearing to order at 7:05 p.m. All regular members present are seated. Call to hearing as published in the Republican American newspaper on 2/1/18 and 2/9/18 is read into the record by Chairwoman Rewenko.

**2. THE TOWN OF HARWINTON - TO CONSIDER A PROPOSED OPT-OUT OF THE STATE OF CONNECTICUT PUBLIC ACT 17-155, AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES.**

Each commissioner is in receipt of a copy of Public Act 17-155 and also information from Connecticut Chapter of the American Planning Association regarding PA 17-155. There are no comments from the public. Emailed correspondence from town attorney Michael D. Rybak has been received giving information on the procedure to opt out of the temporary health care structures as outlined in PA 17-155. Notice of this hearing and intent to opt out of PA 17-155 has been sent to the Board of Selectmen and the Planning Commission.

**3. CONTINUE OR CLOSE HEARING.**

D. Kovall **motioned** to close the public hearing at 7:07 p.m., seconded by M. Szydlo. Motion passed unanimously.

**REGULAR MEETING**

**1. OPEN MEETING – ESTABLISH QUORUM.**

Chairwoman Rewenko called the meeting to order at 7:07 p.m. All regular members present are seated.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 1/22/18**

D. Kovall **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously with D. Thurston refraining from vote due to his absence at the previous meeting.

**3. DISCUSSION/POSSIBLE DECISION - NICHOLAS RICHARDS – APPLICATION FOR SPECIAL PERMIT, ACCESSORY APARTMENT ADDITION, 231 CLEARVIEW AVENUE.**

No discussion/no decision.

**4. DISCUSSION/POSSIBLE DECISION - THE TOWN OF HARWINTON - TO CONSIDER A PROPOSED OPT-OUT OF THE STATE OF CONNECTICUT PUBLIC ACT 17-155, AN ACT CONCERNING TEMPORARY HEALTH CARE STRUCTURES.**

C. Kasey **motioned** to opt-out of the State of Connecticut Public Act 17-155, An Act Concerning Temporary Health Care Structures for the following reasons: 1) the burden of enforcement concerning financial and staffing requirements, 2) the absence of Zoning Regulations for enforcement, 3) limited water and sewage systems, 4) accessory apartment Zoning Regulations are available to accommodate the elderly, mentally and physically impaired and 5) poorly drained and wetland soil restrictions. M. Szydlo seconded the motion and it passed unanimously.

**5. PUBLIC COMMENT. None.**

**6. ALYSEN ALMAND – APPLICATION FOR 35' X 42' BARN. RECONSTRUCTING AND EXPANDING EXISTING 32' X 20' BARN, 401 BURLINGTON ROAD.**

Ms. Almand informed the Land Use office that she is not ready to present at this time.

**7. COMPLAINTS/ENFORCEMENT ACTIONS.**

Betsy Selfo and her husband George Werner, 591 Litchfield Road, are present with a complaint of the noise and vibration they are experiencing due to the Pickett Brook Property, LLC timber harvest activity at 587 Litchfield Road. Peggy O'Meara, 595 Litchfield Road, is also present with complaint. Betsy Selfo presents photos of the entrance to the timber harvest showing where logs are piled up on one side of the driveway, a wood chipper is parked on the side closest to Betsy Selfo's home and other large equipment parked at the entrance. They believe that the activity is commercial in nature that is taking place in a residential zone. It is explained to them that even though it may seem that a commercial activity is taking place, timber harvesting is an agricultural use permitted under State Statute 1-1q. Betsy Selfo states that the residential driveway has been widened and activity is taking place 8 feet from her home where the wood chipper has been placed. The neighbors are informed that the town does not have a noise ordinance but that perhaps she could contact Torrington Area Health District regarding the amount of noise taking place and perhaps the level of noise could be monitored by them. IWZEO Tom Mitchell states that at this time work has stopped because of the wet conditions. He agrees that TAHD deals with noise issues and CTDOT had requested that the driveway be widened to accommodate logging trucks. M. Szydlo suggests

that the neighbors contract with someone who will come out to inspect the house foundation or to conduct a ground vibration survey/report which would give the neighbors a baseline on 'before and after' effects of the activity taking place. He also suggests they call their homeowner's insurance companies to explain what is going on and that they should take dated photos to document the conditions of their homes.

**8. INFORMAL DISCUSSION ON ZONING REGULATION 9.4 HOME OCCUPATIONS.**

No discussion.

**9. ANY OTHER BUSINESS.**

LUC Redmond informs Commissioners that the owner of the newly subdivided lot at 131 Clearview Avenue (back portion) is interested in holding weekend Flea Markets with approximately 50 vendors. A sketch has been provided to the Land Use office showing the location of where the vendor tents/tables would be located, parking areas and concrete barriers to protect the market area. The application/activity could be applied for under Zoning Regulation 4.5.2c Light Industrial Zone Special Permit Uses. Commissioners would consider an application that must be accompanied by a detailed parking plan, notification that Torrington Area Health District has been notified of the activity even though there is no septic on site, and if food vendors were to be brought in, TAHD would need to give permits for that. There shall be no overnight camping for vendors and no power/hookups are proposed.

LUC Redmond discusses the Footnotes found in Section 5 of the Zoning Regulations and questions whether some of them, or all of them could be deleted since Footnote 1 and 5 pertain to the creation of lots, falling under the jurisdiction of the Planning Commission, Section 2 and 3 can be found in other areas of the regulations and Section 4 is a verbal instruction given to applicants who live within the Lake Harwinton Association.

**10. CORRESPONDENCE.**

Correspondence received and read by Chairwoman Rewenko from resident Meg Begley dated 10/14/17 giving suggestions on home occupation regulations. Letter will remain on file in the Land Use office.

Correspondence received from NHCOC regarding training sessions and 5<sup>th</sup> Thursday Forums held at their Goshen office. The mailing includes a copy of the NHCOC's newly adopted Regional Plan of Conservation and Development and has been sent to all land use commissions.

**11. INVOICES.**

Invoice of the Zoning Enforcement Officer received for 24.5 hours for work done 7-24-17 thru 1-25-18. D. Kovall **motioned** to approve the invoice, seconded by C. Kasey. Motion passed unanimously.

**12. ADJOURN.**

C. Kasey **motioned** to adjourn the meeting at 8:10 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 02/15/18 AT 12:05 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK