

HARWINTON ZONING COMMISSION
MONDAY, JUNE 25, 2018
TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall and Land Use Coordinator Polly Redmond

Absent: Alternate Member Don Truskauskas, Alternate Member Theodore Root and Alternate Member Nancy Schnyer

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated.

2. BUMPER BROOK ESTATES – PETITION FOR A ZONE CHANGE FROM LIGHT INDUSTRIAL TO NEWLY CREATED ZONE E – MULTI FAMILY ELDERLY HOUSING ZONE, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT, is present to represent.

Chairwoman Rewenko acknowledges a letter received from Atty. Tracy dated 6/14/18 that states the application to petition for zone change from LI to newly created zone E is being withdrawn and that the applicant will be filing substituted applications.

3. CONTINUE OR CLOSE HEARING. (Applicant is withdrawing the application and resubmitting. See Item 7 below.) C. Kasey **motioned** to close the public hearing, seconded by M. Szydlo.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman Rewenko called the meeting to order at 7:01 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/11/18

D. Thurston **motioned** to approve the minutes of 6/11/18, seconded by M. Szydlo. Motion passed unanimously.

3. PUBLIC COMMENT.

None.

4. DISCUSSION/POSSIBLE DECISION – BUMPER BROOK ESTATES, LLC - PETITION TO AMEND ZONING REGULATION TEXT AMENDMENTS: ZONING REGULATION *SECTION 2.3 DEFINITION OF ELDERLY HOUSING.

***TO ADD A NEW ZONING REGULATION UNDER SECTION 4 PERMITTED USES AND SPECIAL PERMIT USES FOR EACH ZONE (NEW SECTION 4.10) TITLED ZONE E – MULTI-FAMILY ELDERLY HOUSING ZONE, THAT INCLUDES SUBSECTIONS TITLED**

STATEMENT OF PURPOSE, PERMITTED USES, SPECIAL PERMIT USES, STANDARDS AND REGULATIONS AND ADDITIONAL SITE PLAN REQUIREMENTS.

***TO AMEND ZONING REGULATION SECTION 5 LOT AREA TO ADD OTHER DIMENSIONS AND SPACE REQUIREMENTS TO INCLUDE REQUIREMENTS FOR ZONE E. (Public Hearing closed 4/23/18.)**

(Applicant is withdrawing the application and resubmitting. See Item 6 below.)

Chairwoman Rewenko acknowledges the same letter received from Atty. Tracy dated 6/14/18 that states the application to petition to amend zoning regulation text amendments Section 2.3, 5 and new Section 4.10 is being withdrawn and that the applicant will be filing substituted applications. D. Kovall **motioned** to accept the request to withdraw the application, seconded by D. Thurston. Motion passed unanimously.

- 5. DISCUSSION/POSSIBLE DECISION – BUMPER BROOK ESTATES, LLC - PETITION FOR A ZONE CHANGE FROM LIGHT INDUSTRIAL TO NEWLY CREATED ZONE E – MULTI FAMILY ELDERLY HOUSING ZONE, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.**

(Applicant is withdrawing the application and resubmitting. See Item 7 below.)

C. Kasey **motioned** to accept the request to withdraw the application, seconded by M. Szydlo. Motion passed unanimously.

- 6. BUMPER BROOK ESTATES, LLC – PETITION TO AMEND ZONING REGULATION TEXT AMENDMENTS: (2ND SUBMISSION.)**

***SECTION 2.3 DEFINITION OF ELDERLY HOUSING.**

***SECTION 9.9 TOWN SPONSORED HOUSING FOR THE ELDERLY.**

TO AMEND SECTION 9.9 HEADING TO READ *ELDERLY HOUSING*.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT, is present to represent and requests that the Zoning Commission set a public hearing for July 23, 2018. Chairwoman Rewenko states that it would be appropriate to schedule the public hearing for 8/27/18 in order to give the Planning Commission two meetings (one in July, one in August), if needed, to review the proposal in accordance with State Statute 8-3a(b) and give a report. A 35 day notice is required to Northwest Hills Council of Governments and the Harwinton Planning Commission. M. Szydlo **motioned** to accept the application and set a public hearing date for Wednesday, August 27, 2018 at 7:00 p.m. in the town hall. C. Kasey seconded the motion and it passed unanimously.

- 7. BUMPER BROOK ESTATES, LLC – PETITION FOR ZONE CHANGE FROM LIGHT INDUSTRIAL TO TOWN RESIDENTIAL, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006. (2ND SUBMISSION.)**

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT, is present to represent and requests that the Zoning Commission set a public hearing for the same date of July 23, 2018. C. Kasey **motioned** to accept the application and set a public hearing date for Wednesday, August 27, 2018 to immediately follow the public hearing for the proposed text amendments noted in Item 6. M. Szydlo seconded the motion and it passed unanimously.

Atty. Michael D. Rybak is present at the request of the Commission and states that he will not be able to attend the public hearing on August 27, 2018.

C. Kasey **motioned** to add **Rick Mute** to the agenda for discussion on use of property, **14 Whetstone Road**, seconded by D. Kovall. Motion passed unanimously.

Mr. Mute is not present at this time but is expected. Commissioners wish to discuss the matter with Atty. Rybak while he is still available at tonight's meeting. Mr. Mute attended the last Zoning meeting and it was determined that the zone could not be changed from Retail Service to Country Residential because it didn't meet the two acre requirement and a variance could not be granted to allow an acreage variance in order for a house to be constructed on this property. Mr. Mute was exploring the possibility of adding 2000 square feet of living space onto an existing barn and calling it an accessory apartment to a business in accordance with Zoning Regulation 4.4.11, permitted uses in a Retail Service zone, with the barn becoming a business. Atty. Rybak gave his opinion in an email to LUC Redmond and also to Mr. Mute's attorney, Atty. Vitrano, and tonight refers to the definition of accessory apartment in the Zoning Regulations that states an accessory building (the barn) is to be subordinate and incidental to the principal building/use on the lot and carried on by the occupants of the principal use. It is determined that the only use of the property/building is for a business.

8. JEREMIAH CZYZ, EDISON GRILLE, LLC – MODIFICATION OF SPECIAL PERMIT APPROVED 4/8/2013 TO ALLOW LIVE ENTERTAINMENT THREE TIMES A YEAR DURING FUND RAISING EVENTS.

Mr. Czyz is present explaining that he holds three fundraisers a year outside in the parking lot of his restaurant and would like to have live music playing during these events. The Zoning Commission approved a Special Permit for liquor sales and consumption in his restaurant in April 2013 with condition that there shall be no live entertainment inside or outside of the building. Mr. Czyz is agreeable to possible conditions for this modification that may include a limited number of events where music is allowed, hours that music could be played and type of music, as suggested by Mr. Czyz to be only acoustical music.

D. Kovall would like to have a written proposal submitted by Mr. Czyz to include the possible conditions noted above and also a description of where the band would be set up. She would also like the proposal to include similar wording noted in Zoning Regulation 4.5.7 that no music will generate noise that exceeds the requirements established in the State Health Code as administered by the Torrington Area Health District. Mr. Czyz is agreeable to this. M. Szydlo **motioned** to accept the application for Special Permit Modification and set a public hearing date for Monday, July 23, 2018 at 7:00 p.m., seconded by C. Kasey. Motion passed unanimously.

9. BRYAN RIVARD – APPLICATION FOR 24' X 12' SHED, 97 MEADOWVIEW DRIVE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

No one is present to represent.

Rick Mute arrives at this time for discussion on use of property, **14 Whetstone Road**. Commissioners relay what Atty. Rybak had said earlier. C. Kasey states that the best use of this property is to have it remain strictly retail. Mr. Mute states that the property is off the beaten path and believes it would be hard to have a business survive in this location. With that being said, D. Kovall states that it would become a problem if an addition for living space were allowed as an accessory use to a business in the barn and the business did not stay, and if no business use was conducted in the barn, the property would be more in keeping with a house on the property in a Retail Service zone which is not permitted. Mr. Mute is told that a business must be the primary use on the property.

C. Kasey **motioned** to add to the agenda, **Jim Keith, 113 Catlin Road**, for discussion of new driveway. Motion seconded by D. Kovall and passed unanimously.

Mr. Keith explains that he would like to construct a driveway off of Wildwood Passway (not a town road) to gain access to his property instead of using an existing driveway off Catlin Road which is located on a curve that poses site line issues. The proposed driveway would be 141 feet in length with processed stone laid down over fabric. There is a culvert at the end of the proposed driveway and he explains he will install a pipe to carry flow down to a catch basin. M. Szydlo **motioned** that the proposed driveway requires no permit, seconded by D. Thurston. Motion passed unanimously.

10. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO Thomas Mitchell has submitted a report dated 6/25/18 stating that no new complaints have been received.

11. ANY OTHER BUSINESS.

None.

12. CORRESPONDENCE.

None.

13. INVOICES.

None.

14. ADJOURN.

D. Kovall **motioned** to adjourn the meeting at 8:20 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-27-18 AT 12:20 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK