

HARWINTON ZONING COMMISSION
MONDAY, FEBRUARY 24, 2020
TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Alternate Member Dave Foster, Zoning Enforcement Office Troy LaMere and Land Use Coordinator Polly Redmond
Absent: Deborah Kovall, Alternate Member Don Truskauskas and Alternate Member Theodore Root

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman M. Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member Dave Foster seated for Deborah Kovall.

2. B&R CORPORATION – SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CHANGE OF USE AND OCCUPANCY, 221 BOGUE ROAD, PROPOSED USE OF BUILDING CHANGING FROM RESIDENTIAL TO COMMERCIAL USE PERMITTED UNDER ZONING REGULATIONS 4.4.1.E GENERAL BUSINESS AND PROFESSIONAL OFFICE (2ND FLOOR) AND ZONING REGULATION 4.4.1.L ACCESSORY APARTMENT USE (1ST FLOOR) IN A BUSINESS BUILDING. LIGHT INDUSTRIAL ZONE.

Chairwoman M. Rewenko reads the call to hearing as published in the Republican American on 2/14/2020 and 2/21/2020.

Jason Riccio, Project Manager / Facilities Manager Supreme Industries, Inc. is present to represent explaining that as-built site plans dated 10/25/2018 prepared by Robert Green Associates have not been revised yet to show parking spaces to accommodate the 1600 square foot second floor office. He points out on the site plan a paved area in the back of the building where parking will be available but plans are required to show the outline of the spaces and state the number of spaces provided. Zoning Regulations require ten (10) spaces, with one handicapped space, for the office and two (2) spaces for the first floor accessory apartment. Mr. Riccio states he has been in contact with TAHD and made application but their approval is outstanding. Proof of the two certified mailings to neighbors within 200 feet of the property giving notice of this hearing is submitted. There is no public comment.

3. CONTINUE OR CLOSE PUBLIC HEARING.

C. Kasey **motioned** to continue the public hearing to **Monday, March 9, 2020** at 7:00 p.m. in the town hall, seconded by M. Szydlo. Motion passed unanimously. Hearing adjourned at 7:10 p.m.

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. Foster seated for D. Kovall.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/10/20

M. Szydlo **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously with only M. Szydlo, C. Kasey and M. Rewenko voting as D. Thurston was absent from the previous meeting.

3. PUBLIC COMMENT.

None.

4. JOSEPH MEL – APPLICATION FOR 24' X 24' DETACHED GARAGE, 56 LAUREL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. Mel is present. Plans by Robert Green Associates titled Zoning Location Survey Plot Plan for Proposed House (prepared for previous owner David Christensen) dated 5/28/1999 are reviewed. Mr. Mel has drawn in the location of the garage that will be located 60 feet from the side yard property line and approximately 200 feet to the rear property line. IWWC approval and TAHD approval has been received. M. Szydlo **motioned** to grant the request for waiver of an engineered plan, seconded by D. Thurston. M. Szydlo **motioned** to approve the application, seconded by D. Thurston. Both motions passed unanimously.

5. RAYMOND & MEGAN JANEIRO – APPLICATION FOR SINGLE FAMILY DWELLING, 36 WILDCAT HILL ROAD, ASSESSORS MAP NO. B6-05-0036. (LOT 2 SUBDIVISION OF 16 WILDCAT HILL ROAD.)

Mr. Janeiro is present. Plans by Berkshire Engineering, titled Site Development Plan (part of the Subdivision plans presented to the Planning Commission and approved January 2020) dated 11/12/2019. The property contains 13 acres located in a Country Residential zone. IWWC and TAHD approvals have been received. The 11/18/2019 TAHD letter they wrote that the parcel known as Lot 2 could satisfactorily accommodate subsurface sewage disposal system for a single family four bedroom dwelling but prior to any issuance of a septic permit, an individual sanitary design prepared by a professional engineer must be submitted. E&S permit and driveway opening permit are on file. M. Szydlo **motioned** to approve the application subject to getting TAHD approval for the septic system design, seconded by D. Thurston. Motion passed unanimously.

6. DISCUSSION/POSSIBLE DECISION - B&R CORPORATION – SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CHANGE OF USE AND OCCUPANCY, 221 BOGUE ROAD, PROPOSED USE OF BUILDING CHANGING FROM RESIDENTIAL TO COMMERCIAL USE PERMITTED UNDER ZONING REGULATIONS 4.4.1.E GENERAL BUSINESS AND PROFESSIONAL OFFICE (2ND FLOOR) AND ZONING REGULATION 4.4.1.L ACCESSORY APARTMENT USE (1ST FLOOR) IN A BUSINESS BUILDING. (LI ZONE)

No discussion.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

COMPLAINT: ANNETTE SPINO, 10 SPRING HILL ROAD, COMPLAINT AGAINST 207 BIRGE PARK ROAD, SUNOCO SERVICE STATION. LIGHTING FROM SERVICE STATION TRANSMITTED ONTO SPINO PROPERTY.

Ms. Spino is present and explains how the halogen lights recently added to the top of the canopy at the gas station next door to her home shines into her living room and bedroom. They stay on until the establishment closes at 10:00 p.m. but the lights seem to be on a timer as they go on at 5:00 a.m. before the gas station opens for business. She asked the attendant at the gas station to adjust the position of the lights but if they did, they still shine into her home. ZEO Troy LaMere states he spoke to the manager of the gas station and also to the owner back in September 2019 asking for light shields which was agreed to be done. After a visit in October 2019 ZEO LaMere states the shields were not installed and he was told that GRJH's electrician was too busy to get the shields installed. After calls to the owner in December 2019 with messages left, no calls have been returned. ZEO LaMere states he inspected the property in January 2020 and saw that the lights were pointed straight down but Ms. Spino said they still shine into her home. ZEO LaMere points out that the lights were not shown on the site

plan approved by the Zoning Commission back in 2010 and an electrical permit was not obtained through the building inspector. Commissioners agree that a notice of violation be sent to the property owner and to the 207 Birge Park Road address requesting their attendance at the March 9, 2020 Zoning meeting. ZEO LaMere states he will reach out to the building inspector to see if he could get involved regarding the lack of permits for work done.

ZEO T. LaMere informs the Commission that certified letters were mailed out to Ralph Johnson, owner of 508 Hill Road, and Ron Conroy, occupant of 508 Hill Road. Commercial trucks are still on the property. He recommends that Town Counsel pursue fines if the Cease and Desist Orders are not complied with or if an appeal of the order is not taken to the Zoning Board of Appeals by the property owner within thirty (30) days of receiving the certified letter.

8. EXECUTIVE SESSION – PENDING LITIGATION.

M. Szydlo **motioned** to enter into Executive Session at 8:00 p.m., seconded by C. Kasey.

C. Kasey **motioned** to exit out of Executive Session at 8:20 p.m., seconded by M. Szydlo.

Both motions passed unanimously.

9. ANY OTHER BUSINESS.

Chairwoman M. Rewenko reminded Commissioners to let LUC Redmond know if they are planning on attending the CT Federation of Planning & Zoning Agencies Annual Conference on March 26, 2020. Part of the evening's program will be a presentation discussing Alternative Solutions to Providing Affordable Housing.

10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

C. Kasey **motioned** to adjourn the meeting at 8:25 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 3-2-20 AT 9:00am
ATTEST TOWN CLERK

James Bryan