

HARWINTON ZONING COMMISSION
MONDAY, JUNE 13, 2022
TOWN HALL 7:00 P.M.

Present: Chairman Daniel Thurston, Deborah Kovall, Theodore Root, William Ponte, Alternate Member Dave Foster, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Don Truskauskas
Absent: Cynthia Kasey and Alternate Member Michelle Whitford
Also Present: Michael D. Rybak

PUBLIC HEARING #1

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Thurston called the hearing to order at 7:00 p.m. All members present are seated.

2. MATTHEW CASSINA – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 40' X 125' CONTRACTOR'S STORAGE BUILDING, 495 BURLINGTON ROAD, LIGHT INDUSTRIAL ZONE (LI-A).

Chairman Thurston announces that an error was made in the publication of the legal notice that was published once, not twice as required. LUC Redmond reads the call to hearing as published in the Republican American on June 3, 2022 but not on June 10, 2022 as requested.

3. CONTINUE OR CLOSE PUBLIC HEARING.

T. Root **motioned** to continue the hearing to Monday, July 25, 2022 at 7:00 p.m. in the town hall, seconded by W. Ponte. Motion passed unanimously. Legal notice of the continued hearing date will be properly published in the Republican American.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Thurston called the hearing to order at 7:05 p.m. All members present are seated.

2. ZONING COMMISSION INITIATED PROPOSAL TO AMEND THE ZONING REGULATIONS DATED 12-3-2021 TO CONSIDER EITHER PROHIBITING OR ALLOWING CANNABIS ESTABLISHMENT USES IN TOWN PER PUBLIC ACT 21-1.

Once again Chairman Thurston announces that an error was made in the publication of the legal notice that was published once, not twice as required. LUC Redmond reads the call to hearing as published in the Republican American on June 3, 2022 but not on June 10, 2022 as requested.

3. CONTINUE OR CLOSE PUBLIC HEARING.

D. Kovall **motioned** to continue the hearing to Monday, July 11, 2022 at 7:00 p.m. in the town hall, seconded by T. Root. Motion passed unanimously. Legal notice of the continued hearing date will be properly published in the Republican American.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Thurston called the meeting to order at 7:06 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/23/2022

W. Ponte **motioned** to approve the minutes of the 5/23/2022 Special Meeting, seconded by D. Foster.
W. Ponte **motioned** to approve the minutes of the 5/23/2022 Regular Meeting, seconded by D. Foster.
Both motions passed unanimously.

3. PUBLIC COMMENT.

None.

4. DISCUSSION/POSSIBLE DECISION - MATTHEW CASSINA – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 40' X 125' CONTRACTOR'S STORAGE BUILDING, 495 BURLINGTON ROAD, LIGHT INDUSTRIAL A ZONE.

None.

5. DISCUSSION/POSSIBLE DECISION - ZONING COMMISSION INITIATED PROPOSAL TO AMEND THE ZONING REGULATIONS DATED 12-3-2021 TO CONSIDER EITHER PROHIBITING OR ALLOWING CANNABIS ESTABLISHMENT USES IN TOWN PER PUBLIC ACT 21-1.

None.

6. JOHN & NOREEN SAKSA – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR 47' X 33.5' ADDITION TO HOME FOR USE AS AN ACCESSORY APARTMENT, 165 HILL ROAD.

John Saksa is present and provides plans prepared by Noyes Vogt Architects, Chester, CT, titled Addition to Saksa Residence, 12/8/2021, showing the proposed addition to the rear of the house and additional driveway area. A copy of a 1995 Site Plan prepared by Dufour Surveying Associates and R.R. Hiltbrand Engineers & Surveyors for house construction is also submitted. TAHD approval has been received noting the approval is for a master bedroom, full bath, kitchen, pantry, laundry and sauna. Mr. Saksa notes that the addition will include two full baths and a lap pool. The apartment shall be on the second floor of the addition. LUC Redmond will contact TAHD to verify their approval includes the two bathrooms, the lap pool, and that they are aware it is to be an accessory apartment. Mr. Saksa is asked to have the plans revised to show two parking spaces for the accessory apartment as required in Zoning Regulation 9.3.2., submit 3 more sets of plans, and that one set of drawings contain an original seal by the architect. D. Kovall **motioned** to accept the application and set the public hearing date for Monday, July 11, 2022 to immediately follow the public hearing on Cannabis Establishment Uses, seconded by T. Root. Motion passed unanimously.

7. RICHARD & KAREN ZALESKI/ROCK INDUSTRIES, LLC – APPLICATION FOR SINGLE FAMILY DWELLING, 365 LITCHFIELD ROAD.

No one is present to represent.

T. Root **motioned** to add to the agenda: **Andrew Dwyer, 379 Clearview Avenue – application for a carport**, seconded by D. Kovall. Motion passed unanimously. Mr. Dwyer explains that the carport would be attached to the house and placed over the front portion of the existing driveway. It would be supported by posts/poles, be open on all sides, with only a shingled roof that would be 7 feet from the side property line. Mr. Dwyer questions whether this would be considered a structure since it would be open on all sides with Commissioners agreeing that it is a structure and one that could one day be enclosed. Mr. Dwyer mentions that there is an area next to his house that has water runoff from the road, creating a stream of water. ZEO D. Truskauskas states he will visit the site and see if the application would require a Wetlands approval due to the proximity of the water runoff. Commissioners agree that a variance would be needed due to the proximity to the side property line. T. Root **motioned** to deny the application due to the proposed structure not meeting the 25-foot required setback, seconded by D. Kovall. Motion passed unanimously. Mr. Dwyer states he will visit the Land Use office to fill out a Zoning Board of Appeals application and will bring a copy of a survey he has of his property.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO D. Truskauskas informs Commissioners that he received a complaint from the neighbor of the Sunoco Gas Station, 207 Birge Park Road, about the banner flags lining up at the front of the property and a sandwich sign as well as other signs that are in violation of the Zoning Regulations. He stopped in the gas station/store and informed them that these things must be removed. The banners were relocated to the back of the property by the retaining wall but the sandwich sign was not removed. He will stop back at the property to follow up.

Continued: **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO D. Truskauskas states he went out to inspect erosion control measures at 93 Rocky Road East after the property owner said it was installed in preparation for bringing in fill only to find that no erosion control measures were in place and that the silt fence was stored in the garage in preparation of installation. No other contact has been made by the property owner as of this date.

Inspection of 9 Plymouth Road on May 4, 2022 for a Certificate of Completion revealed no silt fence also. The property owner agreed that it would be installed. No other contact has been made by the property owner as of this date.

Lillian Busse, 15 Hannah Way, is in the audience. Updates were given by ZEO D. Truskauskas on issues at Sunset Ridge. The Engineering Report he received from Len Lopardo did not address the quality of the installation or size of the pipe installed and he will ask for this additional information from Mr. Lopardo.

9. **ANY OTHER BUSINESS.**

None.

10. **INVOICES.**

D. Kovall **motioned** to approve the invoice of Don Truskauskas, ZEO, for 16.5 hours and 94 miles, seconded by T. Root. Motion passed unanimously.

11. **ADJOURN.**

W. Ponte **motioned** to adjourn the meeting at 8:00 p.m., seconded by T. Root. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

