

HARWINTON ZONING COMMISSION MONDAY, NOVEMBER 14, 2022 TOWN HALL 7:00 P.M.

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

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman D. Thurston called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member Michelle Whitford seated for William Ponte.

2. APPROVE MINUTES OF PREVIOUS MEETING: 9/26/2022

T. Root **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously with M. Whitford refraining from vote due to her absence at the previous meeting.

3. PUBLIC COMMENT. None.

4. DENICE AND WILLIAM CAPITANI – APPLICATION FOR 20' X 28' GARAGE, 68 SOUTH SHORE DRIVE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Denice Capitani is present. A written waiver request for an engineered plan has been submitted. 2013 plans are provided titled Zoning Location Survey, prepared by Robert Green Associates, done for previous owner Marvin Klash which has the location of the garage drawn in by the Capitani's that meets all setback requirements. IWWC approval and TAHD approval has been received. T. Root **motioned** to grant the waiver request for an engineered plan, seconded by C. Kasey. D. Kovall **motioned** to approve the application, seconded by T. Root. Both motions passed unanimously.

5. RELEASE 1994 NOTICE OF VIOLATION FILED IN LAND RECORDS ON 45 DELAY ROAD. COMPLIANCE TO BE MADE.

LUC Redmond received a proposed Lot Line Revision Map dated 8-21-2022 from Carmine Matrascia, Dufour Surveying, showing a proposed lot line revision between 45 Delay Road, Assessors Map No. C5-01-0012 containing 1.01 acres with 174.76 feet of street frontage (nonconforming) and an abutting vacant rear lot shown as Assessors Map No. C5-01-0011 containing 7.6 acres with 49.64 of nonconforming street frontage. These lots were created illegally back in 1976 by then owner Alfred Alexander. A December 10, 2002 Opinion Letter from Michael D. Rybak is on file in response to the reported zoning violation of creating non-conforming lots that gives the history of the property and his opinion on how to correct the violation by joining the lots together. Robert Ferrarotti now owns 45 Delay Road and Lot 11 is owned by AJT, LLC (Mr. Ferrarotti). As explained by Mr. Ferrarotti's attorney in an email to him, and that Mr. Ferrarotti had asked be read into the minutes so the commission will have a written explanation as to what will be done, is as follows:

"As it stands today, Lot 12, owned by you in your individual capacity, is an illegal subdivision. The purpose of our fix it to modify the boundaries of Lot 12 to both increase the square footage and increase the frontage. The increased areas will come from Lot 11, owned by AJT. The remainder of Lot 11 will then be merged into 300 Hill, also owned by AJT. You are correct that both Lot 11 and 300 Hill are AJT lands but they are currently separate lot. The merger will eliminate Lot 11 in its entirety. You will be left with an expanded Lot 12, still owned by you in your personal capacity, and an expanded 300 Hill, owned by AJT."
(This email remains on file in the Land Use office.)

Town Counsel Michael D. Rybak has been consulted with who responded saying, "If the surveyor certifies this is a lot line revision, then the Planning Commission can determine whether it is and the map can be filed." "If Bob Ferrarotti is willing to reconfigure the lot lines to make both lots conforming, then the zoning nonconformity is eliminated and the caveat [placed on the land records on 7-28-1994] can be released."

The Planning Commission reviewed the documents and map at their October 12, 2022 meeting and made the following determination: "Commissioners agree that if the Surveyor certifies the lot line revision is just that, and

lot acreages are shown for both lots, then the Commission has no objection to the filing of the Lot Line Revision Map. Land Use Coordinator P. Redmond will review the map prior to its filing.”

T. Root **motioned** to remove the Notice of Violation after the filing of the map, seconded by D. Kovall. Motion passed unanimously.

6. SIGNING OF RESOLUTION TO OPT OUT OF CT PA 21-29 SECTION 4(D)(9) PARKING REQUIREMENTS FOR ACCESSORY DWELLING UNITS/APARTMENTS AND SECTION 6 ACCESSORY APARTMENTS. ZONING MOTIONED TO OPT OUT ON APRIL 25, 2022.

LUC Redmond provided Resolutions for the First Selectman to sign and the Zoning Chairman that were reviewed and approved by Town Counsel Michael D. Rybak. The Resolutions will be filed in the office of the town clerk as directed by town counsel once signed.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO Don Truskauskas reports he was notified of two trucks containing fill that were seen leaving the Hock property at 833 Hill Road. This is in violation of the Cease and Desist Order issued to Dakota Hock in 2021. He will be contacting Mr. Hock regarding this.

Jason and Dawn Gorack, 81 White Oak Drive, are present with a complaint of a sign identifying the Land Trust open space “Indian Meadow” recently put up at the accessway entrance on White Oak Drive located next to their house. The trees in the vicinity have cameras, to protect from sign vandalism, pointed toward the trail but also one is pointed toward their property. Mrs. Gorack has emailed the President of the Land Trust to discuss concerns but received no reply. Zoning Regulation 11.6 allows signs for public purposes as a special exception following a public hearing and the Goracks note that no public hearing was held.

When they purchased their lot in 2000 they were told that the accessway to the open space was only to be for White Oak Drive residents and only walk-ins. The accessway was vegetated with no clear path up until about five years ago. It is now a clear path, with the sign identifying the path location, and stairs leading down into the property. The path is less than 50 feet from the Gorack property line. The Land Trust has on their website that “Public access for hiking is available on White Oak Drive with roadside parking.” The Goracks now have cars parking on the street, in front of their home, with people walking very close to their backyard which causes great concern. Other Land Trust open space/walking trails have parking areas and it was proposed that the parking area for access to Indian Meadow was to be off Route 4 where the property has street frontage. Whether DOT has issues with that parking area is unknown.

ZEO Truskauskas will speak with DPW Superintendent Dave Bousquet on the possibility of “No Parking” signs placed on White Oak Drive and will send a letter to the Land Trust asking them to make application for the sign.

8. ANY OTHER BUSINESS. None.

9. INVOICES. None.

10. ADJOURN.

C. Kasey **motioned** to adjourn the meeting at 7:40 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

