

HARWINTON ZONING COMMISSION

MONDAY, APRIL 10, 2023

TOWN HALL 7:00 P.M.

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

PLEDGE OF ALLEGIANCE

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 D. Foster seated for C. Kasey.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/27/2023

T. Root **motioned** to approve the minutes of the previous meeting with amendment to Item 5, line 2, to change the address to 797 Hill Road (not 789), seconded by D. Kovall. Motion passed unanimously with D. Thurston and W. Ponte refraining from vote due to their absence at the previous meeting.

3. PUBLIC COMMENT.

None.

4. RANDY & DARCEY MENSEL – APPLICATION FOR SINGLE FAMILY DWELLING, 534 PLYMOUTH ROAD.

Mr. & Mrs. Mensel are present. Plans prepared by Robert Green Associates titled Zoning Location Survey, revised to March 29, 2023, are reviewed. Inland Wetlands Commission, Driveway Opening Permit and TAHD approvals have been received. The north side yard setback from the house measures at 40 feet. T. Root **motioned** to approve the application, seconded by D. Kovall, with the condition that an as built be provided showing the foundation meeting the north side yard setback. Motion passed unanimously.

5. INFORMAL DISCUSSION – USE OF PROPERTY IN A RETAIL SERVICE ZONE.

LUC Redmond has been in touch with someone who is purchasing a Retail Service zone property on Birge Park Road with the intention of building and selling sheds there. He would like to display them within the confines of the front yard setback rotating them out to keep them in good presentation condition and adding walkways around them. He is questioning whether these sheds would need Zoning approval. Commissioners agree that these sheds will not be considered permanent and will not store any materials so no Zoning approvals would be required. Section 4.4.1a allows this type of operation in a Retail Service zone as a Store for Retail Trade, Shop for Custom Work.

6. INFORMAL DISCUSSION – REVIEW OF ZONING REGULATIONS DATED 8/26/2022.

None. This item will be on the next Zoning meeting agenda in May.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

A written complaint has been received regarding the processing and storing of woodchips, logs, trucks and equipment at 242 Birge Park Road, Litchfield Fence. ZEO D. Truskauskas has reached out to the property owner, Joseph LaGanga, who is present along with Jay Crump, JSC Tree Service, LLC, who is renting the area of yard he is using. The property is located in a Retail Service zone and it is questionable whether this operation falls under Zoning Regulation 4.4.1g Contractor's Business Office and Storage that calls for all material and equipment to be stored in a fully enclosed building. After some discussion of what is on site, Mr. Crump agrees to removing the woodchips on the property and keeping the logs 100 feet away from Lead Mine Brook as ZEO Truskauskas states that is what the Inland Wetlands Commission wants. Mr. Crump states that he may place concrete blocks along the back edge of the property to prevent material from going down the embankment with ZEO D. Truskauskas stating that if doing so places the activity

within 100 feet of wetland, a Wetlands permit would need to be applied for. T. Root states that he believes the activity is a similar use as to what has always taken place on the property with ZEO D. Truskauskas stating that if Mr. Crump is selling firewood, it is a “retail trade” falling under Zoning Regulation 4.4.1a. requiring no material or equipment to be kept in a building. T. Root states that he has no issue with the operation taking place with D. Kovall concurring as long as the Wetlands Commission agrees with the operation and storing of logs. Commissioners agree that no application or Change of Use application is required.

IWZEO D. Truskauskas informs Commissioners that there is a safety issue at Equestrian Estates Subdivision, Plymouth Road, that was created when the slope of the pond was cut. The Wetlands Commission is holding a Show Cause Hearing open on this matter but it may come before the Zoning Commission as well.

8. ANY OTHER BUSINESS.

LUC Redmond asks for a motion again on deleting the annual renewal fees for Home Occupations and Bed & Breakfasts so that she can notify the Board of Selectmen to place this amendment on the next call to a town meeting. D. Kovall **motioned** to delete the annual fees for Home Occupations and Bed & Breakfasts and request the Board of Selectmen to place amendments to the Zoning Fee Schedule deleting the annual renewal fee for Home Occupations and Bed & Breakfasts as these are allowed by Special Permit and are filed on the land records until they are abandoned by the holder of the permit. T. Root seconded the motion and it passed unanimously.

9. CORRESPONDENCE.

None.

10. INVOICES.

None.

11. ADJOURN.

T. Root **motioned** to adjourn the meeting at 7:35 p.m., seconded by W. Ponte. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

