

**ZONING COMMISSION MEETING**  
**MONDAY, JUNE 25, 2012**  
**TOWN HALL 7:00 P.M.**

Present: Chairman Peter Brazaitis, Anne Marie Buonocore, Nancy LaGanga, Todd Ouellette, Don Truskauskas and Land Use Coordinator Polly Redmond.

Absent: Robert Lavoie, Glenn Bradley and Kevin Ferrarotti

**PUBLIC HEARING**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairman Brazaitis called the hearing to order at 7:00 p.m. and reads the call to hearing as published in the Republican-American on June 14, 2012 and June 22, 2012. All regular members present are seated.

**2. PRESENT AND CONSIDER ZONING COMMISSION INITIATED PROPOSED AMENDMENTS TO THE ZONING REGULATIONS DATED 3-1-11, TO DELETE BUILDABLE AREA DEFINITION UNDER SECTION 2.3 AND TO DELETE FOOTNOTE 6 UNDER SECTION 5 OF THE ZONING REGULATIONS.**

Chairman Brazaitis reads a statement he prepared as a way of background information. Letter remains on file in the Land Use office. After Chairman Brazaitis finishes reading his statement, D. Truskauskas states for the record the statement read were the thoughts of the Chairman and not the Commission. Chairman Brazaitis opens the floor for public comment at this time.

\*Pamela Eggleton, who states she resides on Harwinton Avenue off of Clearview Avenue, but writes no address when signing in, states that she is in favor of deleting the Buildable Area definition from the regulations.

\*Sal Bonola, 171 Laurel Road, states he is opposed to the existing regulation and supports deleting the Buildable Area definition.

\*Carl Thompson, 240 New Harwinton Road, states he supports rescinding the definition of Buildable Area.

\*Andy Kasznay, Whetstone Road, states he was opposed to the change enacted to include Buildable Area definition and supports the proposal to delete it from the regulations.

\*Terrance Kelly, 7 Scoville Hill Road, states his support to delete the Buildable Area definition.

\*Lynn Steincamp, 160 Plymouth Road, states her belief that the definition of Buildable Area has value and gives Harwinton rural nature and open spaces.

\*Jon Truskauskas, 82 Lake Harwinton Road, speaking as a resident and not a Selectman, states he find no harm in removing the Buildable Area definition.

\*William Tracy, 35 White Oak Drive, submits for the record a letter dated 3/2/07 that he presented during the public hearing in 2008 when the Buildable Area definition was being considered. He submits a letter dated 6/25/12 which states he does not agree with the Buildable Area definition. Letters remain on file in the Land Use office.

\*Janet Burritt, 31 Whetstone Road, states her belief that the Buildable Area definition was to slow growth in town and notes that the economy has now done that. She believes the Zoning Regulations are very strong and that the Buildable Area definition should be repealed.

\*Gretchen Mathes, 282 Terryville Road, states that she was against the Buildable Area definition before and is still today and she would like to see the definition repealed.

\*Andre Letourneau, 265 Woodchuck Lane, states his belief that the regulations are doing a good job and that the town does not need any more. He would like to see the definition for Buildable Area deleted.

\*Ryan Pepper, 710 Plymouth Road and owner of land on the corner of Silo Drive and Harmony Hill Road, states he is against the Buildable Area definition.

\*John Jacques, 730 Hill Road, states his belief that the regulations prior to the addition of Buildable Area were sufficient.

\*Deborah Leavy, 701 Plymouth Road, understands this to be an emotional issue and that the Zoning Commission brought this Buildable Area definition to the regulations despite lack of support. She adds that people in town who own large tracts of land are already preserving open space and states she is opposed to this definition as it stands.

\*Augustine Cofrancesco, 369 Wildcat Hill Road, states he is for keeping this definition in place and believes it helps to prevent urban sprawl.

\*Steve Kaczynski, 77 Burlington Road, states he is opposed to the Buildable Area definition.

\*Bob Sederquist, 91 Terryville Road, states he is against the definition of Buildable Area and believes it to be excessive. He states that there are plenty of regulations already in place through the Planning Commission including regulations of the Torrington Area Health District. He would like to see the definition removed from the Zoning Regulations.

\*Pete Fortin, Bissell Road, states that the regulations worked prior to the inclusion of the Buildable Area definition and believes it should be omitted.

Chairman Brazaitis reads the report of the Planning Commission dated 6/20/12 which states without clear understanding of the Zoning Commission's intent, they cannot further evaluate this amendment. Letter remains on file in the Land Use office.

With no further comments from the public or the Commissioners, T. Ouellette **motioned** to close the public hearing at 7:50 p.m., seconded by N. LaGanga. Motion passed unanimously.

## REGULAR MEETING

### 1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Brazaitis calls the meeting to order at 7:51 p.m. All members present are seated.

2. **APPROVE MINUTES OF PREVIOUS MEETINGS: 5/29/12 AND 6/11/12**

D. Truskauskas **motioned** to approve the minutes of 5/29/12, seconded by A. Buonocore. Motion passed unanimously with T. Ouellette refraining from vote due to his absence at the 5/29/12 meeting.

A. Buonocore **motioned** to approve the minutes of 6/11/12, seconded by D. Truskauskas. Motion passed unanimously with P. Brazaitis refraining from vote due to his absence at the 6/11/12 meeting.

3. **GRJH, INC./SUNOCO GAS STATION – APPLICATION FOR MODIFICATION OF APPROVED SITE PLAN, 207 BIRGE PARK ROAD. CORRECT AND ABATE NOTICE ISSUED BY ZONING ENFORCEMENT OFFICER.**

No one is present to represent. D. Truskauskas **motioned** to table discussion of this item until arrival of ZEO Karen Nelson (who is expected to arrive at 9:00 p.m.). N. LaGanga seconded the motion and it passed unanimously.

4. **DAVID REK – APPLICATION FOR 24' X 32' ADDITION, 1030 HILL ROAD.**

No one is present to represent.

5. **ROBERT & AUDRA PAOLINI – APPLICATION FOR SINGLE FAMILY DWELLING, 11 NORTH GATE DRIVE, NORTHGATE ESTATES.**

No one is present to represent.

6. **DISCUSSION/POSSIBLE DECISION - PROPOSED AMENDMENTS TO THE ZONING REGULATIONS DATED 3-1-11, TO DELETE BUILDABLE AREA DEFINITION UNDER SECTION 2.3 AND TO DELETE FOOTNOTE 6 UNDER SECTION 5 OF THE ZONING REGULATIONS.**

D. Truskauskas states his belief that the Zoning Commission should follow what the people have asked and that is to delete the definition/requirement of Buildable Area. He believes it is what the Commissioners are elected to do, to listen to the people and consider what they ask. N. LaGanga agrees with D. Truskauskas and states that she and D. Truskauskas were not on the board when the Buildable Area definition was placed in the Zoning Regulations and that she thought there would be something presented tonight to explain the reason for including it, which there was not. She believes it is the Commissioners obligation to the people to vote at this time.

T. Ouellette agrees with both D. Truskauskas and N. LaGanga and believes it to be a taking of people's rights. He also believes that the Buildable Area definition devalues property; that there could be some beautiful subdivision lots on hilltops and meadows with sunsets and overlooking ponds and the Commission shouldn't regulate that.

N. LaGanga states that with the creation of larger lots it could have some people not even wanting to move into town because of the cost. Todd agrees and notes that larger lots are more expensive and perhaps would require longer roads within a subdivision. D. Truskauskas believes that the Buildable Area definition ties the hands of engineers who would be limited on design of the lots because of the Buildable Area and without the definition one could even make nicer subdivisions with shorter roads, open space and less pervious material. Chairman Brazaitis states that when he became a member of the Zoning Commission, he believed he would only uphold the code of the Zoning Regulations for reasons of health, safety and protecting property values. He believes a vote on this should not be because of public opinion but only in answer to code and the conscience of the Commission.

A. Buonocore states that she was an alternate member of the Zoning Commission when the 2008 public hearing to include Buildable Area took place but did not vote. She states she had researched a large amount of material and scientific data that was presented in 2008 for the inclusion of the definition so as not to be swayed by assumptions. She states that what she is hearing tonight is a lot of assumptions that are not based on scientific data. She will go back to her own conclusions and her own scientific research and would vote against changing the regulation. She states that the people in attendance tonight are not a representation of Harwinton and that the

Planning Commission's research that they did of the public, that the data was not analyzed properly, so, in her opinion, is not true representation. Therefore, what is being heard tonight does not substantially change her view. Chairman Brazaitis states that the Commission could vote tonight or wait for a judicial ruling in Lucas v HZC. He asks for a vote on whether the Commissioners would like to vote tonight. D. Truskauskas, N. LaGanga and T. Ouellette would like to vote tonight.

T. Ouellette **motioned** to make a decision tonight, seconded by D. Truskauskas. Motion passed unanimously. D. Truskauskas **motioned** to delete the Buildable Area definition found in Section 2.3 and to delete Footnote 6 under Section 5 Lot Area and Other Dimension and Space Requirement Table Footnotes pertaining to Buildable Area found in the Harwinton Zoning Regulations dated 3/1/11. Effective date shall be upon publication of the decision in the Republican American newspaper (\*July 9, 2012).

T. Ouellette seconded the motion. In favor of the motion were D. Truskauskas, T. Ouellette and N. LaGanga. Opposed to the motion were A. Buonocore and Chairman Brazaitis. Motion carried 3-2.

D. Truskauskas **motioned** to table discussion of Item 3: GRJH as ZEO Karen Nelson has not yet arrived and there is no other business to take up. A. Buonocore seconded the motion and it passed unanimously.

7. **COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

8. **ANY OTHER BUSINESS.**

None.

9. **CORRESPONDENCE.**

The report of ZEO Karen Nelson dated 6/20/12 has been received by all Commissioners.

10. **INVOICES.**

None.

11. **ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 8:12 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

**RECEIVED**

**JUL 2 2012**

**TOWN CLERK**