

Present: Chairman Peter Brazaitis, Nancy LaGanga, Todd Ouellette, Alternate Member Robert Lavoie, Land Use Coordinator Polly Redmond and ZEO Karen Nelson. Also present: First Selectman Michael Criss
Absent: Anne Marie Buonocore, Don Truskauskas, Alternate Members Glenn Bradley and Kevin Ferrarotti

PUBLIC HEARING – continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Brazaitis called the hearing to order at 7:06 p.m. All regular members present are seated with Alternate Member R. Lavoie also seated.

2. CONSIDER PROPOSED AMENDMENTS TO THE ZONING REGULATIONS NOW DATED 7-9-12, (PREVIOUSLY LISTED AND DATED 3-1-11) SECTION 2.3 DEFINITIONS, SECTION 6.5 KEEPING OF ANIMALS, SECTION 11 SIGNS AND SECTION 17 INVALIDATION.

T. Ouellette notes that he and Commissioner D. Truskauskas were the only members present at the Zoning Commission's Special Meeting/Continued Public Hearing on July 12, 2012 with the Economic Development Committee. Since there was no quorum, no meeting was held but he relays information that was discussed during the EDC's meeting regarding signs. The EDC is not in favor of the proposed sign regulations and notes that there have been no written complaints received regarding signs. In fact, the EDC expressed that they would like to see the current Sign Regulations remain untouched. The EDC also has concerns regarding enforcement of signs and believes if the proposed sign regulations were adopted they would create a burden on the enforcement officer and take up much of her time. LUC Redmond will retrieve minutes of the EDC's July 12, 2012 meeting and provide copies to all Zoning Commissioners. T. Ouellette states that he also is in favor of not adopting the proposed sign regulation language. LUC Redmond states that she believes the proposed sign regulations may be too lengthy and not business-friendly. Chairman Brazaitis agrees although notes that on his drive down Route 4 heading west from Route 72 he counted approximately 70 temporary signs. He states that if the present sign regulations were kept in place the Commission could handle complaints on a case-by-case basis. Chairman Brazaitis opens the floor to public comment at this time.

Michael Orefice, Chairman, Harwinton Agricultural Committee, has submitted an opinion letter from that committee and reviews their concerns. Letter remains on file in the Land Use office. Mr. Orefice questions the acreage requirement which regulates the number of horses one can have on their property but not cows, which are the same size. He also notes that proposed regulation 11.7 (1) Farm Directional Sign which allows farm signs to be 4.5 miles from the actual farm to be a disadvantage to some farmers. For example, a farmer on the far south or north of Harwinton would not be able to place a sign along the west/east Route 4 corridor.

Commissioners would like Town Counsel opinion from Michael Rybak on the proposed regulations before closing the hearing. (*The following day, LUC Redmond located in the file Town Counsel opinion dated March 7, 2012, emailed to Commissioners on 3/7/12, and once again forwarded to all Zoning Commissioners on 7/24/12.) T. Ouellette **motioned** to continue the public hearing to Monday, August 13, 2012 at 7:00 p.m. in the town hall, seconded by N. LaGanga. Public Hearing adjourned at 7:35 p.m.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Brazaitis called the meeting to order at 7:36 p.m. Same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 7/9/12.

T. Ouellette **motioned** to approve the minutes of the previous meeting, seconded by N. LaGanga. Motion passed unanimously with R. Lavoie recusing himself due to his absence at the 7/9/12 meeting.

3. **PAUL HONIG – APPLICATION FOR TENNIS COURT, 71 TOWN LINE ROAD.**

No one is present to represent.

4. **MICHAEL OREFICE – APPLICATION FOR PLACEMENT OF AGRICULTURE BUILDING, 231 LEAD MINE BROOK ROAD.**

Mr. Orefice is present and supplies a Preliminary Site Plan titled Easement Plan to SNET by Stuart Somers Co., LLC dated 8/18/2000 and a Site Development Plan dated 6-1-2000 showing his 100± parcel with frontage on Lead Mine Brook Road and Birge Park Road. Mr. Orefice has sketched in the location of a proposed 20' x 25' structure that is the old "Four Corners School" currently located on the corner of Woodchuck Lane and Route 4 (Fenn property). He purchased the building, will dismantle it and reconstruct it on his property to conduct Agricultural Tourism; selling products he has produced on his farm, offering hayrides, etc. His plan is to construct a driveway opening using an existing access to fields off of Route 4/Birge Park Road. Access and parking plans will be presented as the project moves forward. TAHD will be contacted by Mr. Orefice for any application permit that may be required. The structure will have a full foundation and will have only electric installed and no running water. IWWC has approved the application on 6/2/12. Mr. Orefice submits a letter asking for a waiver of the requirement for an engineered plan. R. Lavoie **motioned** to accept the request for a waiver of an engineered plan, seconded by T. Ouellette. R. Lavoie **motioned** to approve the application for reconstruction of the 20' x 25' structure for agricultural use with the condition that TAHD approval is received and allowing LUC Redmond to sign off on the application. Both motions seconded by N. LaGanga and passed unanimously.

5. **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.**

R. Lavoie **motioned** to table discussion of Item 5 until the end of the meeting, seconded by T. Ouellette. Motion passed unanimously.

N. LaGanga **motioned** to add to the agenda: **Steven & Michele Sylvester, 36 Lake Drive, 17' x 33' inground pool.**

R. Lavoie seconded the motion and it passed unanimously.

Mrs. Sylvester is present and provides a written request for a waiver of an engineered plan. The Sylvesters have provided a copy of a Zoning Location Survey dated April 2000 with the location of the pool hand-drawn in. The pool will be located 53 feet to the rear property line and 37 feet to the side property line. The property is located in a Town Residential zone allowing for 25 foot side yard setbacks and 50 foot rear yard setbacks. IWWC and TAHD approval has been received. N. LaGanga **motioned** to accept the request for a waiver of an engineered plan, seconded by R. Lavoie. T. Ouellette **motioned** to approve the application for construction of a 17' x 33' inground pool, seconded by R. Lavoie. Both motions passed unanimously.

Item 5 is now taken up for discussion.

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.

ZEO Karen Nelson is in possession of a site plan titled "As Built Survey Prepared for GRJH, Inc." by DiCara Land Surveying Services, Winsted, CT and dated June 2012. ZEO Nelson informs the Commission that seeding has been done in the center island and flower pots have been placed there as well. ZEO Nelson refers to her Zoning report dated 7/19/12 and updates the Commission on the Citation Hearing that has been continued to July 26, 2012. The site plan is reviewed and ZEO Nelson asks the Commissioners if they would like to have anything

added to it. R. Lavoie states that it is a very generic site plan lacking some information such as distances and elevations. N. LaGanga reminds the Commission that it was only asked of GRJH to submit a site plan for physical changes made to the site. ZEO Nelson reminds the Commission that they also approved the septic location on a previous plan submitted by GRJH. R. Lavoie questions the status of the guard rail and whether it's been improved with ZEO Nelson stating she prepared a draft letter to the Harwinton Building Inspector regarding the guard rail and steps down to the building that, in her opinion, do not meet state building codes and should be cited by the Building Inspector. A copy of that letter was sent to and reviewed by the Zoning Commission and Commission members agree that the letter should be sent to the Building Inspector. R. Lavoie **motioned** to approve the as built site plan as presented, seconded by N. LaGanga. Motion passed unanimously.

6. DISCUSSION/POSSIBLE DECISION – CONSIDER PROPOSED AMENDMENTS TO THE ZONING REGULATIONS DATED 7-9-12, (PREVIOUSLY LISTED AND DATED 3-1-11) SECTION 2.3 DEFINITIONS, SECTION 6.5 KEEPING OF ANIMALS, SECTION 11 SIGNS AND SECTION 17 INVALIDATION.

No discussion, no decision.

7. EXECUTIVE SESSION – PERSONNEL MATTER.

N. LaGanga **motioned** to enter into Executive Session at 8:21 p.m., seconded by T. Ouellette. Motion passed unanimously. First Selectman Michael Criss and ZEO Karen Nelson will remain present.

N. LaGanga **motioned** to exit out of Executive Session at 8:38 p.m., seconded by T. Ouellette. Motion passed unanimously.

Reviewed Policies and Procedures on enforcement with ZEO Karen Nelson.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

9. ANY OTHER BUSINESS.

First Selectman Michael Criss informs the Commission that a program, Point Software, will soon be available to the Land Use office, Building Department and to the Zoning Enforcement Officer to help track permits. Further information will be supplied at the Zoning Commission's August 13, 2012 meeting.

10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

N. LaGanga **motioned** to adjourn the meeting at 8:50 p.m., seconded by T. Ouellette. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

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TOWN CLERK