

**ZONING COMMISSION MEETING
MONDAY, AUGUST 13, 2012
TOWN HALL 7:00 P.M.**

Present: Anne Marie Buonocore, Don Truskauskas, Todd Ouellette and Land Use Coordinator Polly Redmond
Absent: Chairman Peter Brazaitis, Nancy LaGanga, alternates Robert Lavoie, Glenn Bradley and Kevin Ferrarotti

PUBLIC HEARING – continued

1. OPEN HEARING – ESTABLISH QUORUM.

Acting Chair A. Buonocore called the hearing to order at 7:00 p.m. All members present are 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 (AGRICULTURE), SECTION 6.5 KEEPING OF ANIMALS, SECTION 11 SIGNS AND SECTION 17 INVALIDATION.

Floor is opened for public comment. Cory Iacino, 84 Whetstone Road, questions the outcome on past discussions of Keeping of Animals and why there needs to be acreage requirements for horses. T. Ouellette explains that the square footage was off in the current regulations and the amendment is just for clarification of 1.5 acres and 2 acres. The commission was awaiting comment from Town Atty. Michael Rybak who did in fact comment on the proposed amendments in an email to LUC Redmond on March 7, 2012. With no further comment from the public or commissioners, D. Truskauskas **motioned** to close the public hearing at 7:07 p.m., seconded by T. Ouellette. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair Buonocore called the meeting to order at 7:07 p.m. Same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 7/23/12.

The item is tabled until the next meeting due to lack of a voting quorum.

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

No one is present to represent.

4. WALT & CECEILIA BROTHWELL – APPLICATION FOR 20' X 20' GARAGE (REBUILD AFTER REMOVED 10 YEARS – NON-CONFORMING FOUNDATION REMAINS), 288 SCOVILLE HILL ROAD.

Mr. & Mrs. Brothwell are present and provide a sketch of the property and photos of where the garage was ten years ago. Sketch and photos not retained in file. They explain that the foundation of the garage remains and they would now like to rebuild a garage on that foundation with no excavation required. The location of the old garage was legal non-conforming and the Brothwells owned a separate vacant lot to the north of their property which they recently sold and a house was built. The new garage would be approximately 6 feet to the north side property line and the neighbors may take issue with the structure not meeting the required 25 foot separating distance. LUC Redmond pulled the current Assessors card and the garage is not noted as an outbuilding. Section 13.5.1 of the Zoning Regulations state that no non-conforming situation or use shall be resumed or restored if such a use or situation has not existed for a period of one year from the date of cessation and shall be considered terminated. D. Truskauskas **motioned** to deny the application as it does not meet the setbacks and refers the applicants to the Zoning Board of Appeals. T. Ouellette seconded the motion and it passed unanimously. Motion passed unanimously

5. DAVID REK – APPLICATION FOR 24' X 32' ADDITION TO HOME LOCATED IN FLOOD ZONE AREA, 1030 HILL ROAD.

Mr. Rek is present. Plans by Land-Data Engineers dated 6/5/12 are reviewed. Mr. Rek provides a letter he wrote asking the Zoning Commission to waive Flood Hazard Zone requirements of Section 4.6 and 4.6.2 and confirms that the proposed addition is less than 50% of the appraised value of the house. LUC Redmond, in her role as FEMA Administrator for the Town of Harwinton, reviewed the Substantial Improvement/Substantial Damage Desk Reference Manual Section 4.3 (obtained from FEMA) that allows the Administrator to make a determination on whether this project requires FEMA compliance and determined that the proposed addition is less than 50% of the appraised value of the house and the project is not a Substantial Improvement. IWWC and TAHD approvals have been received. T. Ouellette **motioned** to approve the application and notes that after taking the Flood Hazard Overlay Zoning Regulation into account the Commission determined the project does not exceed 50% of the home's value and does not qualify as a Substantial Improvement, seconded by D. Truskauskas. Motion passed unanimously.

6. PICKETT BROOK PROPERTIES, LLC – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 6, FOX HUNT SUBDIVISION, 24 FOX HUNT WAY. INSTALLATION OF RAIN GARDEN AND CONSERVATION EASEMENT REQUIRED.

Jared Braddock, Supreme Industries, is present to represent. Plans by Jones Engineering titled Proposed Site Plan & Septic System Design dated 7/20/12 are reviewed. It is noted that the plans lack rain garden detail. IWWC approval has been received. Driveway and Soil and Erosion permit are on file. TAHD approval is outstanding. T. Ouellette **motioned** to approve the application with the condition that revised plans show rain garden detail and TAHD approval are received and gives LUC Redmond authority to sign off on the application. Rain garden and driveway construction are to be certified by an engineer upon completion before a Certificate of Occupancy can be issued. Ten conservation markers are to be purchased and placed every 50 feet along the conservation easement on the property and are to be in place before a Certificate of Occupancy can be issued. *LUC Redmond received revised plans dated 8/17/12 for rain garden detail, received TAHD approval and signed off on the application on 8/22/12.

7. JOHN & ANNE CONBOY – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 5, WHETSTONE ESTATES SUBDIVISION, ELIZABETH DRIVE.

Mr. & Mrs. Conboy are present. Plans by Hrica Associates titled Septic System Design, dated 7/5/12, revised 7/31/12 for house and offset dimensions, are reviewed. IWWC and TAHD approvals have been received. Driveway and Soil and Erosion permit are outstanding. D. Truskauskas **motioned** to approve the application contingent upon obtaining the driveway and soil and erosion permits and allowing LUC Redmond to sign off on the application. T. Ouellette seconded the motion and it passed unanimously.

8. BOB SCHNEIDER – INFORMAL DISCUSSION OF USE OF PROPERTY, 280 SOUTH ROAD, FERRO PROPERTY, AS A DAY CAMP.

Mr. Schneider is present to discuss the possible use of 280 South Road as a day camp with 8-15 year olds taking part in activities such as riding lessons. The property was recently used for horse boarding and lessons. D. Truskauskas states his belief that the day camp would be an extended version of the riding lessons that has always taken place on the property and that it falls under agricultural use but does recommend holding a public hearing for the activities. LUC Redmond states that the use, a for-profit organization, could be considered an intensified use causing the neighbors to take issues with traffic and noise. She questions whether the use would be considered a business in a residential zone even though agricultural activities are taking place. Mr. Schneider states that he may make application for a special permit that involves a public hearing and will contact LUC Redmond if so.

- D. Truskauskas **motioned** to add to the agenda: **Paul McEwen, 67 White Oak Drive, application for 15' x 20' inground pool**, seconded by T. Ouellette. Motion passed unanimously. Mr. & Mrs. McEwen are present and request in writing a waiver of the requirement for an engineered plan. A copy of a certified Plot Plan dated March 1988 is provided and a sketch of the proposed location and setbacks for the pool are submitted. The proposed pool shall be 49.3' to the south side property line and exceeds 150 feet to the back property line. IWWC and TAHD approvals have been received.
- D. Truskauskas **motioned** to grant the request for a waiver of an engineered plan, seconded by T. Ouellette.
- D. Truskauskas **motioned** to approve the application, seconded by T. Ouellette. Both motions passed unanimously.

9. INFORMAL DISCUSSION WITH FIRST SELECTMAN, MICHAEL CRISS – PERMIT LINK PROGRAM.

First Selectman Michael Criss is not present.

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

No discussion. Item will be placed on the next Zoning meeting agenda for August 27, 2012.

11. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO Karen Nelson's report dated August 9, 2012 is received.

ZEO Nelson left a copy of an email in tonight's meeting room regarding activities at 194 Delay Road, owner: William Palomba. Neighbors of Mr. Palomba, Brian and Debbie Pracuta, 198 Delay Road emailed a complaint to the land use office (cc to ZEO Karen Nelson) concerning water runoff in their driveway supposedly created by work being done by Mr. Palomba. Mr. Palomba in return emailed a formal complaint to the land use office, forwarded to ZEO Nelson, believing that the Pracutas are dumping water on to his property via a channel they created and regrading of their driveway. He asks ZEO Nelson what formal steps need to be taken to complete his complaint.

D. Truskauskas questions whether Sean Hayden, Soil Scientist, Northwest Conservation District, has approved the two rain gardens within Fox Hunt Subdivision. At the suggestion of the Land Use Coordinator, the Zoning Commission will now require that the project engineer for each individual lot to sign off on rain garden installations and not Sean Hayden. No Certificates of Occupancy will be issued until the sign off is received in the Land Use office.

12. ANY OTHER BUSINESS.

D. Truskauskas notes that no other Zoning Commissioners showed up at their Special Meeting on August 8, 2012 besides himself to join the Planning Commission and the Economic Development Committee in discussion on creating a Town Center/Business Zone. The meeting was also attended by Christopher Wood, AICP, Northwestern CT Planning Collaborative who was invited by the Planning Commission. D. Truskauskas reports that the Planning Collaborative suggested that the town get funding to design a town center. Areas for town greens were also discussed. The Planning Commission appeared to be interested in acquiring a town center and to add to the Plan of Conservation and Development the idea of a town green with a village area around it whereas the Zoning Commission was more interested in zone changes to create a business zone. D. Truskauskas states that the Zoning Commission would most likely have to take the lead in developing a business zone and then ask the Planning Commission to become involved. This would be done before any public hearing is set. Further discussion on this matter will be taken up at the next Zoning meeting on August 27, 2012.

*Also refer to Planning Commission's 8/8/12 minutes for more information.

LUC Redmond revised the Investigation Report form used for complaints by the ZEO to include information on all activities performed by the ZEO. D. Truskauskas agrees to the use of this form instead of receiving reports from the ZEO that involve many different matters including ones that do not concern Zoning but could come under scrutiny by the courts. D. Truskauskas **motioned** to adopt the new Reporting Form (that includes areas to be completed for Activities and Investigations) and that ZEO Nelson should fill out this report on every action she takes. T. Ouellette seconded the motion and it passed unanimously. The Reporting Form will be revised to show a signature line for the Chairman of the appropriate Land Use Board.

13. **CORRESPONDENCE.**

Correspondence received from Atty. Steve Byrne dated 7/16/12 re: Lucas v HZC

14. **INVOICES.**

D. Truskauskas **motioned** to approve the 8/1/12 invoice of Atty. Steve Byrne for work in connection with Lucas v HZC in the amount of \$645.00 and to approve the invoice of ZEO Karen Nelson dated June-August 2, 2012 in the amount of \$560.00 T. Ouellette seconded the motion and it passed unanimously.

15. **ADJOURN.**

T. Ouellette **motioned** to adjourn the meeting at 8:35 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED

AUG 23 2012

TOWN CLERK