

**ZONING COMMISSION MEETING**  
**MONDAY, SEPTEMBER 10, 2012**  
**TOWN HALL 7:00 P.M.**

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

**1. OPEN MEETING – ESTABLISH QUORUM.**

Chairman Brazaitis called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate G. Bradley seated for A. Buonocore.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 7/23/12 AND 8/27/12**

N. LaGanga **motioned** to approve the minutes of 7/23/12, seconded by T. Ouellette. Motion passed unanimously with D. Truskauskas and G. Bradley not voting due to their absence at the 7/23/12 meeting. D. Truskauskas **motioned** to approve the minutes of 8/27/12, seconded by T. Ouellette. Motion passed unanimously with N. LaGanga not voting due to her absence at the 8/27/12 meeting.

**3. GREG MELE – INFORMAL DISCUSSION – CHANGE OF USE, 178-182 BIRGE PARK ROAD.**

Mr. Mele, 410 New Harwinton Road, Torrington, CT is present and distributes a building floor plan of the commercial property presently listed on the Harwinton Assessors Street Card as Harwinton Supermarket (5000 square feet and now vacant and last used as a fried pizza dough manufacturer) and Dance Studio (1296 square feet and now vacant). The third space is presently being used as Harwinton Birge Park Luncheonette (720 square feet). Mr. Mele would like to move his business, Eastside Electric, and 23 employees into the 5000 square foot space for use as office and warehouse. There would be four office personnel and the remaining employees will be out working and taking their trucks home. Larger vehicles would be parked inside of a proposed garage with bays to be installed on the north side of the building. The parking lot will remain the same. Mr. Mele notes that Section 4.4.1 of the Harwinton Zoning Regulations allows for a contracting office and storage. Also on the property is a house assessed as a single family dwelling that contains three apartments. Tax documents in Harwinton dating back to 1969 showed there was a coffee shop in the single family dwelling at one time and then converted to an apartment. Mr. Mele notes that there are three electric meters outside and one time clock meter for water servicing the house. There are no proposed changes in the footprint to the dwelling and the use will remain the same, that of the three apartments. Commissioner N. LaGanga's thought is that the single family dwelling that last housed Personalized Travel had two apartments and when the business closed, the space was converted to another apartment. Mr. Mele is working with the TAHD and the septic system is being looked into now. Water quality has been checked and is excellent according to Mr. Mele. LUC Redmond had done some research of this property and found in a binder listing Zoning applications dating back to 1955, notation of applications submitted by Harry Richard for Apartment House, House and Accessory Building. After Michael Nejaime purchased the property, applications by him were made for the Supermarket, Change of Use into Apartment and Dance Studio. Zoning minutes dated 3/3/69 were found which states the commission granted a permit to Michael Nejaime to finish the second apartment. The Commission is agreeable to the uses of this property and informs Mr. Mele that once his closing on the property takes place and TAHD gives their required approvals, he should present a site plan and building plans to them with a Change of Use application. The Fire Marshal should be contacted for inspection of the three apartments.

**4. PAUL HONIG – APPLICATION FOR TENNIS COURT AND EXTENSION OF DRIVEWAY, 71 TOWN LINE ROAD.**

Mr. Honig is present with revised plans by Berkshire Engineering titled Site Plan for Proposed Tennis Court and revised to 9/7/12 for proposed driveway extension, trench drain, dimensions and notes. Mr. Honig has

added to his previous application the construction of a 9' x 10' gazebo and extension of his driveway to make it horseshoe shaped using an existing driveway opening used by previous owners. LUC Redmond checked with Highway Supervisor John Fredsall and confirms that there is no requirement for a driveway opening permit. Lighting statistics from LSI Courtsider Sports Lighting, Cincinnati, OH, for light levels are handed out by Mr. Honig and will remain on file. Note has been added to the site plan stating "All proposed lighting for the tennis court shall conform to the Town of Harwinton Lighting Regulations." A letter dated 9/7/12 from Dennis McMorro, P.E., Berkshire Engineering is submitted that certifies revisions to the plans do not need to be resubmitted to the IWWC in connection with the curtain drain/perimeter drain. TAHD approval has been received after reviewing the site plans dated 9/7/12. D. Truskauskas **motioned** to approve the application with the condition that an as-built be provided upon completion of the tennis court, seconded by N. LaGanga. Motion passed unanimously.

**5. LIBERTY LISCOMB – APPLICATION FOR 34' X 48' BARN AND 30' X 40' ADDITION TO EXISTING BARN, 765 SOUTH ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Chris Gemino (husband of L. Liscomb) is present and states that the location of the barn previously reviewed by the commission has been relocated to meet the 50 foot setback for structures used for keeping of animals. This will eliminate the need to seek a variance. The 34' x 48' barn will be located 60 feet from the property line and the addition to an existing barn will be 90± feet to the property line. A revised letter requesting a waiver of an engineered plan is received and remains on file. IWWC approval has been received. TAHD approval is outstanding. D. Truskauskas **motioned** to grant the waiver of the requirement for an engineered plan, seconded by T. Ouellette. D. Truskauskas **motioned** to approve the application subject to TAHD approval, seconded by N. LaGanga. Both motions passed unanimously.

**6. RANDALL SERKEY – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 2, LAUREL ROAD ESTATES, LAUREL ROAD.**

Mr. & Mrs. Serkey are present and it is noted that the application is for construction of the driveway only. Plans by Gary Giordano titled (1) Overall Site Plan and Sedimentation and Erosion Control Plan, dated 4/21/12, (2) Property Survey, Record Subdivision Map, Laurel Road Estates, dated 4/13/12, revised 5/24/12 for TAHD and Planning Commission pre-review comments and (3) Lot 2 Site Plan, Laurel Estates, dated 4/21/12, being the same plans submitted to the Planning Commission for subdivision approval, are reviewed. Mr. Serkey informs the commission that he is seeking approval for just the construction and wetlands crossing of the driveway at this time. The driveway will have pull-offs as noted on the site plan due to its length exceeding 200 feet and will be certified by an engineer upon completion. IWWC, TAHD approval for septic system design and driveway opening permit are on file. D. Truskauskas **motioned** to approve the application for driveway construction only subject to certification of the completed driveway before a second application for construction of the dwelling is made, seconded by N. LaGanga. Motion passed unanimously.

**7. BENTON BROWN – APPLICATION FOR RELOCATION OF EXISTING HOME, 260 VALLEY ROAD.**

LUC Redmond is representing for the applicant. The house is to be relocated 350 feet uphill and further away from the Flood Plain zone that a portion of the 235 acre parcel is in. Plans titled Zoning Location Survey prepared for Benton A. Brown by David Little, Licensed Land Surveyor, dated August 2012 are reviewed. TAHD approval has been received with a note stating, "Relocate a section of the existing house and construct a 4 bedroom home. Remove the remainder of the existing 4 bedroom house." Also "Install a 1500 gallon septic tank proximal to the proposed house and connect it to either the existing tank or the existing leaching system and abandon the existing tank. Existing leaching system to be evaluated." T. Ouellette **motioned** to approve the application, seconded by G. Bradley. Motion passed unanimously.

**8. BOB SCHNEIDER/GRANDVIEW FARMS, LLC – APPLICATION FOR SPECIAL PERMIT FOR USE OF PROPERTY AT 280 SOUTH ROAD, FERRO PROPERTY, AS A DAY CAMP.**

Robert Schneider is present and is prepared to submit a special permit application for use of 280 South Road as a day camp only, non-residential. He is proposing to purchase the property and hold activities that would include, as outlined in a prepared letter written by him, “animal care, agriculture and outdoor activities such as Scouting activities, physical activities and badge preparation/accomplishments, identification of plants and rocks, archery, etc.” The property is the old Ferro farm containing approximately 30 acres in a Country Residential zone where past activities included horses, boarding, training and rentals. Mr. Schneider and his wife are owners of Joni’s Day Care and would like to extend the day care to summer day care/camp involving “horses, animals and horticulture”. Further discussion during the meeting led to the possibility of adding llamas, sheep, goats and cattle with Chairman Brazaitis stating that there would have to be a stipulation that no exotic animals would be allowed. Mr. Schneider stated that these activities would only take place during the summer and during school vacations. Children would be bused in from towns such as Canton and Farmington and the capacity would be between 50 and 75 children. Upon questioning of whether any new buildings were proposed to be constructed, Mr. Schneider replied that there may be a need for bathrooms or a restroom facility. He also informed commissioners that indoor activity would be conducted in the first floor of the house. Upon questioning by Land Use Coordinator Redmond whether Mr. Schneider was planning on living in the house, he replied that “he is thinking about it.” Zoning Commissioner Don Truskauskas stated his belief that Mr. Schneider did not have to live in the house because the use would be agricultural.

The Zoning Commission did not know how to accept this application after reviewing Section 4.1b of the Zoning Regulations which allows agricultural and horticultural uses and does not require a public hearing but the commission would like to hold a public hearing so neighbors are made aware of the proposed activity that would differ from its original use. Section 4.2b of the Zoning Regulations does allow, under special permit, a “park, playground, athletic field or other similar outdoor recreational use not conducted for profit”. This operation would be a for profit entity, therefore, it does not fall under Section 4.2b. Town Counsel, Michael Rybak will be contacted by LUC Redmond for his opinion at the request of the Zoning Commission.

**9. DISCUSSION – OPM’S LOCATIONAL GUIDE MAP.**

The Zoning Commission reviewed the Locational Guide Map provided by LHCEO that is set to go to public hearing in Goshen Town Hall on September 18, 2012. They found two areas of discrepancy on the map. They are:

(1) the area highlighted in pink, Priority Development Area, at the southern edge of town on Hill Road bordering the Town of Plymouth. The Zoning Commission believes this area should be shaded in yellow for Balanced Growth Areas;

(2) the area highlighted in brown, Priority Conservation Area, at the northeast edge of town on Route 4 bordering the Town of Burlington (at the now defunct airport location). The Zoning Commission believes this area should be shaded in pink for Priority Development Areas as it is located in a Light Industrial zone.

**10. DISCUSSION – TOWN CENTER/BUSINESS ZONE.**

The commission clarifies that the areas they were looking into for possibly creating a town center/business zone allowing mixed uses is along (1) Route 4 west to the City of Torrington and (2) Route 4 east to the Town of Burlington. This zone would allow the use of existing homes as primarily low key businesses such as day care centers, physician offices, etc.

LUC Redmond will review the Town of New Hartford’s regulations on home-based businesses and mixed uses within their town center and also the Town of Colebrook. Copies of subject regulations will be made and distributed to Zoning Commissioners for discussion on their next meeting.

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

Chairman Brazaitis and N. LaGanga have listened to the recording of the 6/11/12 public hearing that they were absent from now qualifying them to vote. T. Ouellette **motioned** to accept and approve the proposed changes to Section 2.3 to add the definition of Agriculture to the Zoning Regulations, to accept and approve amendment to Section 6.5 Keeping of Animals for clarification of acreage requirements (acreage requirement to stay the same), to accept and approve amendment to Section 17 to add wording for Invalidation and lastly, **to not accept or approve the proposed amendment to Section 11 Signs**. D. Truskauskas seconded the motion and it passed unanimously with G. Bradley refraining from voting as he did not attend all of the public hearings and has not listened to the recordings. Legal notice of this decision will be published in the Republican-American on Sunday, September 16, 2012 and have an effective date one day after publication.

**12. COMPLAINTS/ENFORCEMENT ACTIONS.**

Commissioners received copies of ZEO Karen Nelson's reports regarding Palomba, 194 Delay Road and GRJH, Birge Park Road.

**13. ANY OTHER BUSINESS.**

LUC Redmond informs the commission that she has signed off on a sign application submitted by the Historical Society for placement of a sign to measure fundraising for the reassembly of the Harwinton House. It shall be displayed at the end of Bentley Drive near the proposed location of the house and then moved to the Harwinton Fair for that weekend and then finally it will be displayed on the corner of Marion Thierry's property, Litchfield Road/Bentley Drive.

First Selectman Michael Criss discusses the PermitLink program and the \$10 processing fee. Zoning application fees may be increased to reflect this cost.

**14. CORRESPONDENCE.**

Correspondence from Atty. Steve Byrne dated 9/4/12 in the matter of Lucas v HZC is received.

**15. INVOICES.**

None.

**16. ADJOURN.**

N. LaGanga **motioned** to adjourn the meeting at 9:00 p.m., seconded by T. Ouellette. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 9-13-12 AT 9:01 AM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK