

Present: Chairman Peter Brazaitis, Annemarie Buonocore, Don Truskauskas, Alternate Member Glenn Bradley, Land Use Coordinator Polly Redmond, ZEO Karen Nelson.

Also Present: First Selectman Michael Criss, Selectman Jon Truskauskas and Board of Finance Chairman Peter Thierry.

Absent: Nancy LaGanga, Todd Ouellette, Alternates 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 Member G. Bradley seated for T. Ouellette.

2. APPROVE MINUTES OF PREVIOUS MEETING: 9/10/12

D. Truskauskas **motioned** to approve the minutes of the previous meeting, seconded by G. Bradley. Motion passed unanimously with A. Buonocore abstaining from vote due to her absence at the previous meeting.

3. HARWINTON AMBULANCE ASSOCIATION – APPLICATION FOR CONSTRUCTION OF AMBULANCE FACILITY, 166 BURLINGTON ROAD.

*It is to be noted that the application – a Special Permit – is made by the Town of Harwinton and signed by First Selectman Michael Criss who is present tonight along with Selectman Jon Truskauskas, Board of Finance Chairman Peter Thierry and Jason Emery, Harwinton Ambulance Association.

Zoning Commissioner Don Truskauskas distributes a copy of Ordinance 55 to commissioners and points out Item 4 within the Ordinance that reads, *“The Harwinton Volunteer Ambulance Association shall remain a fully independent organization and shall be neither an agent nor agency of the Town of Harwinton.”* D. Truskauskas states that he would like to obtain legal advice on the use of a town building, located in a residential zone, by a private association. D. Truskauskas questions whether the commission can even accept this application tonight. Mr. Emery states that he believed the commission would accept this application tonight and set it for a public hearing. He adds that the use of the building would be providing assistance to the town and will also include the Harwinton Emergency Operations Center. ZEO Nelson informs commissioners that they should not pre-judge an application outside of acceptance or a public hearing and explains that in accepting a Special Permit application, one looks at the criteria listed for such in the Zoning Regulations. If it meets the criteria, the application must be accepted. Selectman Jon Truskauskas stated that Harwinton Town Counsel Michael Rybak suggested that the Zoning Commission obtain outside legal advice as he could not represent the Zoning Commission *and* the Town of Harwinton. Mr. Emery points out that the Ambulance Association was before this commission in 2010 with preliminary plans and minutes from that meeting show that this commission had no issues with the use.

D. Truskauskas notes that some of those commissioners are no longer on the board and that he would feel more comfortable if this commission would obtain legal advice to be certain they are doing the right thing in accepting and voting on such an application.

Chairman Brazaitis agrees that legal advice should be received and any information obtained would be made part of the file. He asks for a motion to accept the application and set a public hearing date. The commission is reminded that if they wish to obtain outside legal advice, the Board of Selectmen and the Board of Finance must first give their approval to do so. LUC Redmond will send a formal request to Town Counsel Michael Rybak asking him to represent. Once he declines, the Board of Selectmen and the Board of Finance will be notified with a request that the commission be allowed to obtain outside legal counsel.

D. Truskauskas **motioned** to accept the application and set a public hearing for Monday, October 22, 2012 at 7:00 p.m. in the town hall, seconded by A. Buonocore. Motion passed unanimously.

4. DISCUSSION – DRAFT 2013-2018 CONSERVATION AND DEVELOPMENT POLICIES PREPARED BY THE CT OFFICE OF POLICY AND MANAGEMENT.

Richard Lynn, Planning Director, Litchfield Hills Counsel of Elected Officials has submitted a draft letter he proposes to send to OPM. Draft copy is dated 9/18/12 and sent out to LHCEO members and Planning and Zoning

Commissions. The letter states, *"While the text of the State Plan is highly consistent with the growth management policies and plans of the LHCEO, there are a number of concerns with the draft Locational Guide Map."* The letter provides six (6) detailed notes on those concerns. Zoning members have each received a copy and have no comment at this time.

5. DISCUSSION – TOWN CENTER/BUSINESS ZONE.

LUC Redmond reviewed the Town of New Hartford's regulations on home-based businesses, contractor shop and storage and mixed uses within their town and gave copies to each commissioner. First Selectman Michael Criss states he will contact CCM and ask them to pull information on area towns with mixed uses and town centers.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

DISCUSSION – REMAINING NOTICE OF VIOLATION ON LAND RECORDS IN THE OFFICE OF THE TOWN CLERK ON 912 TERRYVILLE ROAD, PROPERTY FORMERLY OWNED BY MARTIN RUGGERI.

*ZEO Nelson gives the history of 912 Terryville Road and explains that a Notice of Violation was placed on the land records for this property due to construction of a driveway without a permit and an unauthorized accessory apartment. Mr. Ruggeri has since moved out of the house and new property owners are not using the accessory apartment as such and in fact has had the heating and stove pipe removed from the outbuilding. They do have their washer, dryer and a refrigerator inside but clearly are not living there. She questions what the commission would like to see in order for them to consider removing the NOV from the land records? First Selectman Michael Criss suggests that Frank Rybak, Building Inspector, verify that the outbuilding is not being used as living space. D. Truskauskas adds that verification should be obtained from TAHD that the septic system has been disconnected from the outbuilding and that the electric and water is approved by them. ZEO Nelson will report back after contact with TAHD.

*ZEO Nelson updates the commission on GRJH, who is seeking a contractor for repairing the stairs.

*She also received a complaint call from a resident within Sunset Ridge, off Mountain View Drive, regarding stockpiling of dirt. ZEO Nelson informed the caller that the property is still under construction and that the town will not get involved with aesthetics of the privately owned 55 and older community.

*ZEO Nelson's reports have been forwarded to each commission member in the agenda mailing.

7. ANY OTHER BUSINESS.

ZEO Nelson informs the commission that along with the addition of the definition of Agriculture recently added to the regulations, consideration should be given to add wording from the Right to Farm Act.

LUC Redmond has typed up the Annual Report and forwarded a copy to each commissioner. There are no comments or changes and it will be submitted as written.

8. CORRESPONDENCE. None.

9. INVOICES. None.

10. ADJOURN.

A. Buonocore **motioned** to adjourn the meeting at 8:20 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10-2-12 AT 11:03 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK