

ZONING COMMISSION MEETING
MONDAY, AUGUST 27, 2012
TOWN HALL 7:00 P.M.

Present: Chairman Peter Brazaitis, Anne Marie Buonocore, Todd Ouellette, Don Truskauskas, Alternate Member Glenn Bradley, Land Use Coordinator Polly Redmond and ZEO Karen Nelson

Absent: Nancy LaGanga and Alternate Members Robert Lavoie and Kevin Ferrarotti

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Brazaitis called the meeting to order at 7:00 p.m. All members present are seated with Alternate Member Glenn Bradley seated for N. LaGanga.

2. APPROVE MINUTES OF PREVIOUS MEETING: 7/23/12 AND 8/13/12

Minutes of 7/23/12 are tabled until the next meeting due to a lack of a voting quorum.

D. Truskauskas **motioned** to approve the minutes of the previous meeting, 8/13/12, with the inclusion of a letter received from Walton and Cecelia Brothwell detailing the minutes regarding their denied application at the 8/13/12 Zoning meeting as an addendum to these minutes. A Buonocore seconded the motion and it passed unanimously.

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

Mr. Honig is present. Plans by Berkshire Engineering titled Site Plan for Proposed Tennis Court, dated 6/4/12 are reviewed. IWWC approval has been received though TAHD approval is lacking. The site plans are lacking information on distances from the tennis court to the property lines. Mr. Honig mentions that the location of the level spreader may be moved. The commission asks that Dennis McMorrow, P.E., certify, via a statement on the site plans, that the curtain drains/perimeter drains around the tennis court will have no impact on the wetlands to the east. D. Truskauskas asked for detail of the drains to be placed on the site plans in addition to the certification. Mr. McMorrow must also certify that the construction of the rain gardens have been installed properly. The gazebo on the site plans will be applied for at a later date according to Mr. Honig. To recap, the following items are required before the Zoning Commission will accept this application:

- 1) Revised plans showing distances to the property lines from the tennis court;
- 2) Proposed lighting should be shown on the site plan;
- 3) Show curtain drain/perimeter drain detail on the site plan with a statement from Dennis McMorrow, P.E. stating no impact to wetlands caused by these drains.
- 4) That the revised plans be stamped by TAHD showing that they reviewed the revised set of plans; and
- 5) Add gazebo dimensions and distances to property lines if applying for.

Mr. Honig will obtain these items and return to the next Zoning Commission meeting to be held on 9/10/12.

4. 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.

Ms. Liscomb is present and presents a letter asking for a waiver request of an engineered plan. A site plan titled Map Prepared for R. Bruce & Sarah W. Robertson dated 6/10/91 is provided with the new location of the new barn (rebuilt after destroyed by fire last year) and the proposed addition to the existing barn drawn in. IWWC approval has been received. TAHD approval is outstanding. The location of the new barn is proposed 25 feet to the side property line and is to be used for keeping of animals. The commission explains that the barn must be 50 feet to the side property line if animals will be housed in it. A 35 foot side yard setback is for any structure not used for keeping of animals. D. Truskauskas **motioned** to deny the application due to the new barn not meeting the setback, seconded by A. Buonocore. Motion passed unanimously. Ms. Liscomb will make application to the Zoning Board of Appeals for the new barn and will apply to Zoning for the addition to the existing barn after any approval is obtained.

5. **LUIS & ENIG SILVA – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 4, WINDMERE SUBDIVISION, BREEZY HILL ROAD.**

Mr. Silva is present and plans by Berkshire Engineering titled Septic System Design, dated 6/27/12, revised 8/3/12 for tree location, catch basin, grass filter strip and temporary sedimentation trap are reviewed. IWWC and TAHD approvals have been received. Driveway and Soil and Erosion Control permit are on file. As built plans will require a cross section of the driveway and certification by an engineer as the length of the driveway exceeds 200 feet. T. Ouellette **motioned** to approve the application with the condition that the driveway be certified by an engineer upon completion. D. Truskauskas seconded the motion and it passed unanimously.

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

No one is present to represent.

7. **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.**

No discussion. Some members of the Commission need to listen to the audio of previous public hearings they did not attend. Item will be placed on the next Zoning meeting agenda.

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

ZEO Karen Nelson informs the Commission that OPM will be holding a public hearing on Tuesday, September 18, 2012 at 7:00 p.m. in the Goshen Town Hall on the State's Locational Guide Map. LUC Redmond just received the Locational Map from Rick Lynn, LHCEO, and presents it at tonight's meeting. In an email received from Rick Lynn, he noted that based on preliminary review of the map, there are a number of areas where the proposed State mapping differs from existing local and regional plans and in particular, in Harwinton, showing sizeable "Priority Development Areas" in the northwest corner and southern edge of town. This State mapping can be used by the State as a tool for assistance for town funding. ZEO Nelson states that Jocelyn Ayer, Northwest CT Regional Planning Collaborative, is attending a Colebrook meeting to assist in their mapping. The Zoning Commission asks that LUC Redmond contact Ms. Ayer to set up a combined meeting date with the Planning and Zoning Commissions for 9/10/12 (Zoning meeting) or 9/12/12 (Planning meeting) to come in and discuss the mapping. *LUC Redmond has since spoken with Jocelyn Ayer and was informed that the NWCT Planning Collaborative originally accepted eight area towns as members and then opened the membership up allowing Harwinton to become a member for \$350.00 a year membership dues. Ms. Ayer reported that the dues are now being increased to \$2000.00 a year or \$500.00 for towns with their own grant writers due to the amount of work the Collaborative is asked to do by the original eight towns, including grant writing. Ms. Ayer reported that she was going to check with a woman named, Ruth, to find out if membership will even be extended this year to towns past the original eight but that she would be willing to help Harwinton answer any questions they may have on the mapping and will send a three-page summary "Locational Guide Map Criteria". This summary of information has been received and forwarded to members of the Planning and Zoning Commission and the First Selectman.

9. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Nelson reports that she has sent a letter to Frank Rybak, Harwinton Building Inspector, regarding the unsafe stairs at the Sunoco Gas Station owned by GRJH. In return, Frank Rybak has sent a letter to the Zoning Commission, with copies to GRJH and Atty. Steve Byrne, Byrne and Byrne, verifying that the wall at 207 Birge Park Road meets local building codes and was certified by an independent engineer and that the barrier installed on said wall also meets building code. The letter goes on to state that the stairs will require a four-foot landing at the top of the stairs tapering to grade and that the property owner must make said repair

within 30 days of this 8/24/12 letter. The building inspector will make another inspection of the property on 9/24/12 to insure completion.

ZEO Nelson has submitted an Activity Report on her inspections of the Palomba property, 194 Delay Road.

A. Buonocore leaves the meeting at 8:55 p.m.

10. ANY OTHER BUSINESS.

None.

11. CORRESPONDENCE.

None.

12. INVOICES.

None.

13. ADJOURN.

T. Ouellette **motioned** to adjourn the meeting at 9:05 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,



Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 9-4-12 AT 12:00 p.m.
ATTEST NANCY E. ELDRIDGE TOWN CLERK

August 27, 2012

TO: Zoning Commission
Town of Harwinton

RE: August 13, 2012 Zoning Meeting
Application by Walton J. Brothwell and Cecelia Brothwell for garage rebuild

Upon reading the Meeting Minutes as posted on Friday and pending Commission approval we ask that the Minutes that pertain to our application request be corrected before Commission approval. This request is made due to errors and omissions in the Minutes regarding our presentation.

1. "They explain that the foundation of the garage remains". The following was omitted:

They stated that they have continuously parked two vehicles in that area, have maintained the floor of the garage continuously, that due to the location of the well there is no other alternative location. They stated that they have never abandoned the area. Photos were presented showing the driveway, the location of the former garage with two vehicles parked in it, and the well cap showing the proximity of the well to the house and existing driveway.

"... the neighbors may take issue ... " When a commission member brought up the neighbors we stated we did not know, they could possibly object. We further stated that "LUC Redmond had told both of us that the neighbors opinion had no bearing on whether or not a permit was granted." this was omitted in the submitted Minutes.

2. "The location of the old garage was legal non-conforming and the Brothwell's owned a separate vacant lot to the north of their property which they recently sold and a house was built." This is partially incorrect and the following was omitted:

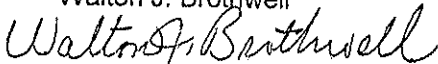
The Brothwell's stated that the garage existed when they bought the house. That they did not own the property next door at the time but purchased it many years later, selling it when the town ran the sewer line down the street as it lost its unbuildable land tax status.

3. Correction. In stating statute 13.5.1 the following was omitted: "(without regard to any intent to abandon or resume.)

Lastly, the Minutes mention that the sketch and photos were not retained for the file. We were not made aware by Ms. Redmond that they needed to be, or could be. We therefore submit the sketch and two photos showing the driveway, parking area and well location for the file.

Thank you.

Walton J. Brothwell



Cecelia N. Brothwell

