

ZONING COMMISSION MEETING
MONDAY, OCTOBER 28, 2013
TOWN HALL 7:00 P.M.

Present: Chairman Todd Ouellette, Anne Marie Buonocore, Don Truskauskas, Cory Iacino, Alternate Member Glenn Bradley, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins.

Absent: Nancy LaGanga, Alternate Member Robert Lavoie and Alternate Member Kevin Ferrarotti

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 10/15/13

D. Truskauskas **motioned** to approve the minutes of the previous meeting, seconded by G. Bradley.

Motion passed unanimously with A. Buonocore and C. Iacino refraining from vote due to their absence at the 10/15/13 meeting.

3. J&F ASSOCIATES, LLC – INFORMAL DISCUSSION, PROPOSED HOUSE LOCATION WITHIN PROPOSED SUBDIVISION, 600 WILDCAT HILL ROAD.

Atty. William J. Tracy, Bristol, CT, is present to represent the applicant. Discussion continues from the 10/15/13 Zoning meeting regarding building in the accessway of a rear lot.

Owners of 600 Wildcat Hill Road are proposing a 3-lot subdivision of the property that includes a newly created 2.5 acre front lot with 223 feet of street frontage, an existing house lot with 6.3 acres and 280 feet of street frontage, and a second newly created lot, to be a rear lot, containing 5.2 acres of land with 140 feet of street frontage. It is this rear lot where it is proposed to plot the approximate 30' x 70' house within the accessway, meeting the 60 foot setback requirement. This lot is not a typical "flag" lot with only a 50 foot access strip but instead has a 140 foot wide strip of land for approximately 90 feet in depth where the property then opens up. The Zoning Commission requested town attorney Michael D. Rybak's opinion on this matter, which has been received on 10/23/13, and all Commissioners have received a copy of. Atty. Rybak's opinion is that there appears to be no prohibition in the Harwinton Zoning Regulations to locating the building site within the accessway area. He suggests that condition of approval would be to caution the applicant that construction of the house, garage, driveway, septic system and well within the accessway must satisfy the front and side yard building setbacks and any mistake in the location of the house or improvements, or the need or desire to add to the house in the future, could create a self-imposed hardship which would prevent the granting of a zoning setback variance by the Zoning Board of Appeals. Commissioners agree with Atty. Rybak's opinion.

4. ROBERT BEGEY – APPLICATION FOR 16' X 22' SHED, 129 LAKE HARWINTON ROAD. REAR YARD VARIANCE GRANTED BY ZBA ON 10/9/13.

Mr. & Mrs. Begey are present. Site plans by Russell J. Moresi, P.E., PLS, revised date 8/21/13, are reviewed. The Zoning Board of Appeals granted a 25 foot rear yard variance as the location of the proposed shed does not meet the 50 foot rear yard setback. After discussion on whether an as-built should be provided once the shed is complete, Commissioners feel it is not necessary. IWWC and TAHD approvals have been received and remain on file. D. Truskauskas **motioned** to approve the application, seconded by C. Iacino. Motion passed unanimously.

5. **JENNIFER FOX – APPLICATION FOR ACCESSORY APARTMENT ABOVE EXISTING GARAGE AND ADDITION OF 12' X 20' DECK OFF OF PROPOSED APARTMENT, 346 NORTH ROAD.**

No one is present to represent.

D. Truskauskas **motioned** to proceed with the agenda, seconded by G. Bradley. Motion passed unanimously.

D. Truskauskas **motioned** to add William Gilbert, Gilbert Construction, for Marie Knudsen, 5 Coventry Lane, application for driveway construction, and to add Wesley Seixus, informal discussion on use of home, 65 Burlington Road. Motions seconded by A. Buonocore and passed unanimously.

William Gilbert, Gilbert Construction, for Marie Knudsen, 5 Coventry Lane, application for driveway construction. Site plan titled Improvement Location Survey revised 10/16/2013 by Hrica Associates is reviewed. Driveway permit through the Highway Dept. is pending. D. Truskauskas **motioned** to approve the application for driveway construction pending receipt of a driveway permit through the Highway Dept., seconded by C. Iacino. Motion passed unanimously.

Wesley Seixus, 65 Burlington Road, is present and provides a notarized letter from the son (Albert Jasche) of the previous owner of 65 Burlington Road. In the letter, he states that his mother acquired the property in June of 1973 and notes that the apartment was put in some time in 1974 for his mother to generate income.

D. Truskauskas would like to review the 1974 Zoning Regulations pertaining to Accessory Apartments and also any section that states, "what is not specifically permitted is prohibited", as noted in today's Zoning Regulations. LUC Redmond will send copies of sections of the 1974 Zoning Regulations to Commissioners. Item will be placed on the next Zoning meeting scheduled for 11/12/13.

6. **INFORMAL DISCUSSION – POSSIBLE USE OF PROPERTY FOR HOME OCCUPATION, 3 BIRCH HILL ROAD.**

LUC Redmond will represent but asks that the Commission return to this agenda item later in the meeting.

D. Truskauskas **motioned** to amend the agenda to proceed with Item 8 Complaints at this time, seconded by C. Iacino. Motion passed unanimously.

Item 8. COMPLAINTS/ENFORCEMENT ACTIONS.

10/18/13 COMPLAINT RECEIVED FROM ALYSEN ALMAND, 401 BURLINGTON ROAD, AGAINST FRED PESCE, 529 BURLINGTON ROAD.

Ms. Almand is present. Her complaint against Mr. Pesce is of a commercial trailer on his property that has been there for many months/years that violates Zoning Regulations. Her complaint also involves piles of garbage being dumped on the property including a trailer that is decomposing. ZEO Perkins has gone out to the Pesce property and provides to Commissioners a copy of a photo he took (dated 10/24/13) of the area where the trailer is. He states that he has not yet spoken to Mr. Pesce regarding this complaint but will go out to the Pesce property and talk with him. Chairman Ouellette asks ZEO Perkins to write a letter to Mr. Pesce requiring him to remove the trailer. ZEO Perkins states that he will also contact TAHD for any assistance regarding blight. He reports that Mr. Pesce has cleaned up the brook and has complied with the IWWC Cease and Correct Order that was in response to Ms. Almand's complaint of silt entering into her pond.

ZEO Perkins reports that he has received a complaint against M. Knudsen, 5 Coventry Lane, regarding the permitted construction of an addition to the home. The complaint was that the addition exceeded the height requirement of Section 5 in the Zoning Regulations. ZEO Perkins went to 5 Coventry Lane and has determined that there is no violation.

D. Truskauskas **motioned** to take up Item 11 at this time, seconded by C. Iacino. Motion passed unanimously.

11. **INVOICES.**

D. Truskauskas **motioned** to approve the invoice of ZEO David Perkins for 18.75 hours for the period 8/13/13 - 9/20/13. The invoice includes Activity Reports required by the Commission. C. Iacino seconded the motion and it passed unanimously.

Item 6 is taken up at this time.

INFORMAL DISCUSSION – POSSIBLE USE OF PROPERTY FOR HOME OCCUPATION, 3 BIRCH HILL ROAD.

LUC Redmond reports that a woman from Arizona was in to see her who is interested in purchasing 3 Birch Hill Road and conduct a home occupation for dog grooming and possibly dog daycare. It is the consensus of the Commission that dog grooming would need to gain TAHD approval and could possibly be permitted by Special Permit. The Commission believed that dog daycare was a use that should not be permitted.

Item 7 is taken up at this time.

DISCUSSION – ZONING REGULATIONS AND APPLICATION FEES.

LUC Redmond provides a set of Zoning Regulations to each Commissioner with proposed amendments. Wording to be deleted has a strike-through and wording to be added is underlined and in italics. Commissioners will review and discuss the proposed amendments at the next Zoning meeting scheduled for 11/12/13. A proposed Regulation for Special Exception will be written up by LUC Redmond and reviewed at the next Zoning meeting.

9. **ANY OTHER BUSINESS.** None.

10. **CORRESPONDENCE.** None.

11. **INVOICES.** See above.

12. **ADJOURN.**

D. Truskauskas **motioned** to adjourn the meeting at 8:15 p.m., seconded by C. Iacino. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 11-4-13 AT 11:14am
ATTEST NANCY E. ELDRIDGE TOWN CLERK