

HARWINTON ZONING COMMISSION MEETING
MONDAY, MARCH 10, 2014
TOWN HALL 7:00 P.M.

Present: Chairman Todd Ouellette, Don Truskauskas, Anne Marie Buonocore, Cory Iacino, David Mathes, Alternate Member Joseph Marzullo, Alternate Member Lynne Steincamp, Land Use Coordinator Polly Redmond and ZEO David Perkins

Also Present: Town Attorney Michael D. Rybak

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Ouellette called the meeting to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/24/14

D. Truskauskas questions what is proper in the way of adding public letters submitted at public hearings to the minutes with Atty. Michael Rybak stating that under Robert's Rules, one may include a brief statement on what has been submitted but letters should not be made part of the minutes and should only remain as exhibits. A. Buonocore states that precedence was set at the previous two public hearings to make submitted letters a part of the minutes and it is her belief that the practice should continue. Chairman Ouellette states that the letters will remain part of the minutes of 2/24/14 but that further discussion regarding this will be taken up at a later time.

A. Buonocore would like to add the following wording to Page 6, Item 3, line 25, after the sentence "...really need addressing and adds that Medical Marijuana should also be addressed." Additional wording: **A. Buonocore has suggested several times to the Zoning Commissioners that a Moratorium be put in place regarding Medical Marijuana Dispensaries until the Zoning Commission has regulations on them.**

A. Buonocore **motioned** to approve the minutes as amended, seconded by D. Mathes.

Motion passed 4-1 with C. Iacino opposed.

3. DISCUSSION/POSSIBLE DECISION - PROPOSED ZONING REGULATION AMENDMENTS PRESENTED AT PUBLIC HEARINGS HELD ON 1/27/14, 2/10/14 AND 2/24/14.

At this time, Chairman Ouellette recuses himself from any discussion or possible decision on the proposed Zoning Regulation amendments on the advice of his attorney. Secretary D. Truskauskas will act as Chairman and he reminds members of the public that this is not a public hearing and that no comments will be taken. Alternate Member J. Marzullo is seated for T. Ouellette.

A. Buonocore **motioned** that all proposals be withdrawn. Hearing no second, Acting Chairman Truskauskas proceeds by asking Atty. Rybak if a motion is required after discussion of each proposal with Atty. Rybak stating that the record is a hard one to defend if there's an appeal. He suggests detaching what the Commission wants to keep and setting them aside for review with a Planner. He suggests at this time that the Commission review each proposed amendment one by one and make a motion at the end of the discussion period.

D. Mathes **motioned** to address each proposed amendment one by one with a possible decision at the end, seconded by C. Iacino. Motion passed 4-1 with A. Buonocore opposed.

Section 2.3: Definition of Accessory Building or Use – to add wording stating 'Accessory Buildings used for Agricultural Purposes are permitted without a principle use.'

Atty. Rybak suggests that this amendment should be addressed more specifically.

Section 2.3: Definition of Garage, Public – to add wording that the *vehicles* shall not be owned by the property owner.

It is the opinion of the Commission that this definition be deleted entirely.

Addition of Definitions for Height, Low Impact Development, Livestock and Poultry.

No comments.

Section 4.1: To allow buildings and use of property as a permitted use in residential zones for **recreational operations including ATVs and Snowmobiles as long as there is no commercial aspect.**

A. Buonocore states that this proposed amendment should be withdrawn with D. Truskauskas in agreement. Atty. Rybak states that these uses are already allowed on residential properties.

Section 4.3: Special Permit Uses in the Lake Harwinton Charter Zone calling for approval from the Lake Association prior to Zoning Commission approval.

It is the opinion of the Commission that this proposal needs rewriting.

Section 4.4: Retail Service Zone A – Adding ‘Standards and Requirements’.

No comments.

Section 4.5: Light Industrial Zone A – Changing the word “shall” to the word “may” in Section 4.5.4.

No comments.

Section 4.5.12 Sign and Parking Requirements (b): Deleting the regulation stating ‘Internally illuminated signs shall not be permitted’ and adding wording that states “‘Illuminated signs may be permitted subject to review by the Zoning Commission...”

Consensus of the Commission is that they are not in favor of illuminated signs.

Section 4.5.13 Additional Required Information: Adding wording found in State Statute 8-7d concerning Time Frames and Extensions.

No comments.

Section 4.8: Retail Service Zone B – 4.8.2e. Parking and Sign Requirements: Adding wording found in Light Industrial Zone B Regulation for Parking and Sign Requirements.

No comments.

Section 5: Lot Area and Other Dimensions and Space Requirement Table Footnotes.

Section 1: Deleting ‘Rear Lot’ requirement for a Special Permit.

No comments.

Section 5: Deleting the wording as it does not make sense to the Commission to keep it in the Regulations.

No comments.

Section 6: Deleting the wording due to the Buildable Lot Area requirement being stricken from the Regulations by Public Hearing in 2012.

No comments.

Section 6.4: Rear Lots: Taking the exact wording from Rear Lots found under Special Permits, Section 9.6 and placing it under Section 6 Supplementary Regulations.

No comments.

Section 6.5.2: Driveways and Accessways: Allowing for shared driveways.

Atty. Rybak states that the Commission should be cautious with this proposal and that it is worthy of further investigation. Shared driveways should take into account engineered drawings with cross sections, drainage plans, emergency vehicle accessibility, amount of crushed material underneath the driveway as well as landings at the bottom of the driveway.

Section 6.5.4: Omitting the requirement for Cross-Sections for driveways in excess of 200 feet or in excess of 10% grade.

See above.

Section 6.5.6: Adding wording to include "Town, State or neighboring property" replacing the wording, "out into highway."

No comments.

Section 6.6: Keeping of Animals. Deleting all regulations pertaining to keeping of animals and replacing with regulations that follow generally accepted agricultural practices.

A. Buonocore is against this proposed regulation amendment. Atty. Rybak states that from an enforcement standpoint there must be clear regulations. He suggests further study.

Section 6.17 Fences. Adding wording to advise that fences over 6 feet requires a building permit in accordance with State Building Codes.

No comments.

Section 6.20 Use of Home for Personal Business. Deleting the restriction that no clients shall come to the home and allowing for two (2) clients to come to the home.

A. Buonocore states her belief that this proposal for two clients is too restrictive. Further study is required.

Section 8: Site Plan and Erosion and Sedimentation Control Plan.

No comments.

Section 8.1 gives the Land Use Coordinator the approval to sign off on structures and not just decks measuring under 200 square feet.

No comments.

Section 8.5.16 gives notification on contacting the Zoning Enforcement Officer.

No comments.

Section 8.6.1 gives notification on contacting the Zoning Enforcement Officer.

No comments.

Section 9.1: Special Permits.

Section 9.1 Procedures: clarifies the notification process to adjacent property owners.

Commission is in agreement that further study is required.

Section 9.3: Accessory Apartments. The Zoning Commission is amending the title and adding notation that accessory apartments are not to be used for income generating purposes.

Commission is in agreement that further study is required.

Section 9.3.2 is being deleted as the Fire Marshall is in fact not required and approval from the Building Inspector is received after Zoning Commission approval.

No comments.

Section 9.3.4 Clarifies that two parking spaces are required for the principle occupants and two parking spaces for the accessory apartment are required.

No comments.

Section 9.6: (old & new) OLD: Deleting Rear Lots listed under Section 9.6 as it has been relocated to Section 6.4.

Section 9.6 (NEW): RESTAURANT, GRILL, TAVERN, PACKAGE STORE OR OTHER BUILDING OR ESTABLISHMENT SELLING OR SERVING ALCOHOLIC LIQUOR.

The Zoning Commission is deleting the 1000 foot setback requirement for establishments selling or serving alcoholic liquor within that distance of municipal boundary lines, school, church, library, park, playground or other establishments selling/serving alcohol and proposing a regulation that allows selling and serving of alcoholic liquor anywhere within the town as long as compliance with State of CT liquor laws are followed.

D. Truskauskas states his belief that this proposal should be withdrawn and given further study and that any future proposed regulation amendment concerning sale of alcohol might be able to mirror the Town of Bantam's regulation on sale of alcohol.

A. Buonocore states that she is uncertain of the purpose of this amendment and that the Commission should not approve any part of it.

Atty. Rybak cautions the Commission to move very carefully with any proposal to allow serving/selling of alcohol within 1000 feet of schools, churches, libraries, etc. and that they should consult with a Planner and also solicit public comment. He adds that any future proposal should be entirely separate from any other proposed amendments with D. Truskauskas noting his agreement.

The proposal for inclusion of a Regulation for Special Exceptions is off the table.

Section 11.1.3: The Zoning Commission is allowing for contractor's signs to be displayed for thirty (30) days following completion of a project.

No comments.

Section 11.1.5: Signs. The Zoning Commission is allowing signs for agricultural farms to be twelve (12) square feet.

No comments.

Section 11.8: To delete the entire section for “Permitted Signs for Uses in Zones Requiring Site Plans”

No comments.

Section 12: Landscape Buffer Requirements. The Zoning Commission is amending the wording of the landscape buffer requirement to make it more understandable. It has been revised since publication of the proposed Zoning Regulation amendments and shall read as follows:

“Where a Multi-Family, Retail Service or Light Industrial Zone abuts a single family Residential Zone (CR,TR,LH), a landscape buffer at least 50 feet in depth, *measured 90 degrees from abutting property line and continuing along the entire property line(s) that abut the residential zone,* shall be provided and maintained by the owner. The landscape buffer area shall be a part of the setback requirement listed in Section 5. This area shall not be used for storage of materials or parking of cars and trucks. **new wording is in italics*

Commission is in agreement that further study/clearer wording is required.

Section 13.3.2: Restrictions on Non-Conforming Lots. The Zoning Commission is amending the time frame for restoration from two (2) years to five (5) years.

Commission is in agreement that further study is required.

Section 14: Excavation, Grading, Filling or Removal of Earth.

Section 14.1 General: The Zoning Commission is increasing the amount of cubic yards from 50 to 100.

No comments.

Section 14.2 EXCEPTIONS shall include Section 14.2.5 to read as follows:

14.2.5 Fill for septic systems are exempt at any limit.

No comments.

Section 14.2.1 is being amended to include *grading for site improvements* and is omitting the ‘minimal amount of 50 cubic yards’. **new wording is in italics.*

No comments.

Section 14.4.5 allows for washing and crushing of material in any zone providing the material will be used on the site it originated and was crushed on.

D. Truskauskas states that this proposal should be looked into further. A. Buonocore states she is not in favor of this proposed amendment. D. Mathes notes that the Commission should drop this proposal for now and that the Commission is here for the town and the town comes first (in light of public outcry).

At this time, Atty. Rybak informs Commissioners that whatever action they take, that reasons be given to support their decision. If they do not, the Court will search the record for a reason and he cautions that this is something the Commission would not want done.

Commissioner J. Marzullo **motions** to withdraw the proposed amendments in their entirety due to public outcry and because many proposals require further study, seconded by A. Buonocore. D. Mathes states his belief that some proposals should be removed. D. Truskauskas gives his opinion that all proposals should be withdrawn and that the Commission work first with Atty. Rybak on any new proposed amendments and then work with a Planner. Motion passed unanimously.

Chairman Ouellette is reseated.

4. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Perkins is present. No complaints or enforcement actions to report. He informs the Commission of his recent inspections.

5. **ANY OTHER BUSINESS.**

A. Buonocore asks that *Discussion on Moratorium of Marijuana Dispensaries* be added to the next meeting agenda. LUC Redmond will contact First Selectman Michael Criss on obtaining information on how to proceed.

Commissioners discussed the need for Town Atty. Michael Rybak to assist the Commission with a new set of proposed Zoning Regulation amendments before sending out an RFP for a Planner. Atty. Rybak states that ZBA and other Land Use Commissions should be included in discussions and that information should be placed on the town's website. Workshops should be held that pertain only to work on proposed amendments. D. Truskauskas **motioned** to schedule a workshop with Town Atty. Michael Rybak and include members of ZBA, the Agricultural Committee and other Land Use Commissions. C. Iacino seconded the motion and it passed unanimously. A future date will be chosen.

Atty. Rybak commends the Zoning Commissioners for the work they put into the proposed amendments and notes that changing regulations is a very difficult task.

6. **CORRESPONDENCE.**

A letter from the Board of Selectmen dated 3/10/14 is received regarding the proposed Zoning Regulation amendments and the possible decision to be made on them. Each Commissioner who was seated during the Discussion/Possible Decision process of Item 3 is given a copy.

7. **INVOICES.**

None.

8. **ADJOURN.**

C. Iacino **motioned** to adjourn the meeting at 8:30 p.m., seconded by D. Truskauskas. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 3-13-2014 AT 10:42AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK