

Present: Chairman Don Truskauskas, Joseph Marzullo, Lynne Steincamp, Anne Marie Buonocore, David Mathes and ZEO  
David Perkins Also Present: Town Atty. Michael D. Rybak Absent: Daniel Thurston

### PLEDGE OF ALLEGIANCE

Chairman Truskauskas called the Zoning meeting to order at 7:00 p.m. with the Pledge of Allegiance and a roll call of members present.

### PUBLIC HEARING - continued

#### 1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Truskauskas called the hearing to order at 7:00 p.m. All Regular Members present are seated for the public hearing.

#### 2. BORGHESI BUILDING AND ENGINEERING – APPLICATION FOR SITE PLAN APPROVAL AND SPECIAL PERMIT/CHANGE OF USE – SCHOOL BUS PARKING ON PORTION OF PROPERTY FORMERLY OPERATED AS JOHNNYCAKE AIRPORT, 529 BURLINGTON ROAD (ROUTE 4). PROPERTY OWNED BY JOHNNYCAKE AIRPORT PROPERTY, LLC.

Alan Borghesi, Chairman and Registered Engineer, Borghesi Building and Engineering, is present. Revised Site Plans prepared by Borghesi Building & Engineering titled Site Plan, Sheet No. SP1, revised to 8-25-14, Site Plan, Sheet No. SP2, revised to 8-25-14, Sheet No. SP3, revised to 8-25-14 and Sheet SPD1, revised to 7-29-14 are received. Mr. Borghesi explains that Note 6 on Sheet SP1 has been changed to read that all buses will drive directly into parking spaces and drive directly out. Arrows of direction are noted on the site plans. Item 9 on Sheet SP1 also notes that buses will test back up alarms only at the fuel island. Robert Rubbo, MPH, R.S., Director of Health, Torrington Area Health District visited the site on August 19, 2014 and has written a report to Mr. Borghesi dated 8/22/14 on decibel readings of a school bus with its back up safety alarm on and parked in the area of the proposed fuel tank. Mr. Borghesi submits this letter (Exhibit 39) for the record and the report remains on file in the Land Use office. Exhibit 40 is a letter from Harwinton Town Engineer, W.M.C. Consulting Engineers to Land Use Coordinator Polly Redmond, dated 8/25/14. The letter states that the applicant's engineer has revised the plans accordingly to address many of their previous comments and concerns and expressed a willingness to coordinate the final design of the bio-retention basin. The letter goes on to say that final sizing, construction details, plantings and operations/maintenance plan will be reviewed and approved by their office prior to construction. Regarding the landscape buffer, WMC's letter states that Mr. Borghesi has agreed to incorporate their recommendation of increasing the size of the Norway Spruces along the eastern landscape buffer from 2'-4' to 6'-8'.

Chairman Truskauskas opens the floor to public comment at this time.

Richard Miller/Mountain Meadows Corporation, Burlington Road, thanks the applicant for cooperation and agreement to his concerns and requests. He recommends that the maintenance of the landscaped buffer be kept up and would also recommend that 5' to 6' trees be planted because higher trees are more susceptible to dry out and rot.

Debbie Kovall, 789 Hill Road, states that the process of this public hearing was excellent with a lot of give and take. She believes this to be a worthwhile proposal for this location.

Commissioner A. Buonocore questions Mr. Borghesi on his level of involvement in the proposal with Mr. Borghesi stating that he is only the contractor. She questions how many trees will be planted with Mr. Borghesi stating there will be 39 trees planted and they will be maintained by the contractor who plants them.

Commissioner Joe Marzullo **motioned** to close the public hearing at this time. A. Buonocore seconded the motion and it passed unanimously.

## REGULAR MEETING

### 1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Truskauskas called the regular meeting to order at 7:27 p.m. The same quorum exists with all regular members present seated.

### 2. APPROVE MINUTES OF PREVIOUS MEETING: 8/11/14

A. Buonocore **motioned** to approve the minutes with one correction to page 1, Item 2, paragraph 3, line 2 to read: "...bus traffic and increase of the buffer from 15 feet to **32 feet**." (omit 35 feet). D. Mathes seconded the motion and it passed unanimously.

### 3. PUBLIC COMMENT.

None.

### 4. DISCUSSION/POSSIBLE DECISION – BORGHESI BUILDING AND ENGINEERING – APPLICATION FOR SITE PLAN APPROVAL AND SPECIAL PERMIT/CHANGE OF USE – SCHOOL BUS PARKING ON PORTION OF PROPERTY FORMERLY OPERATED AS JOHNNYCAKE AIRPORT, 529 BURLINGTON ROAD (ROUTE 4). PROPERTY OWNED BY JOHNNYCAKE AIRPORT PROPERTY, LLC.

A. Buonocore states that she spent a lot of time looking at the site plan and the location and finds two reasons she does not support this proposal. One being that she does not believe this proposal to be the best use of this property and that traffic is a concern of hers. L. Steincamp states that she also cannot get past the traffic concerns.

Atty. Rybak reminds Commissioners that they should look to their regulations, and specifically Section 9.1.1 and Section 9.2, for reasons of denial or approval and that those reason must be stated for the record.

J. Marzullo **motioned** to approve the application for Special Permit and Site Plan approval for the reason that it is a permissible use under the Light Industrial Zoning Regulations, that the traffic study presented from an expert in the field expressed no public safety concern, and that consideration of noise levels have been addressed. Conditions of approval include (1) that the owner perform annual maintenance and cleanout of the storm and drainage basins for proper function and (2) that the landscape buffer along the eastern boundary line be planted with 2' – 4' tall trees that shall be replaced with like if needed. D. Mathes seconded the motion. Those in favor of the motion are J. Marzullo, D. Mathes and Chairman Truskauskas. Those not in favor of the motion are A. Buonocore and L. Steincamp. Motion passed 3-2.

### 5. INFORMAL DISCUSSION – ZONING REGULATION CHANGE PROCEDURES.

Final amendments have been made with a final list of questions Commissioners could ask themselves on why a Zoning Regulation amendment is being proposed. Changes can be made as the Commission moves forward on use of this form. This form is strictly for prompting questions and discussion and is not a formal adopted form. Commissioner A. Buonocore expresses her belief that this form is not needed and changes to the Zoning Regulations are not needed at this time.

ZEO David Perkins explains that at certain times Zoning Regulations do need to be amended that include when the State of CT makes amendments to State Statutes, for clarification reasons and for compliance with the Plan of Conservation and Development. Changes to regulations can also be applied for by members of the public. He believes the form is a good tool to use in asking yourself questions.

6. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Perkins explains that he had received a complaint letter from Mitzi (Michelene) Bakunis, 139 Oak Meadow Lane, regarding boulders that the developer had left on the precipice of an embankment that look as if they can roll down and into her condo unit. Letter remains on file. A site visit was made and the boulders have since been removed.

7. **ANY OTHER BUSINESS.**

None.

8. **CORRESPONDENCE.**

Letter received from ACO Tom Mitchell regarding issues with chickens on an elderly woman's property on Clearview Avenue. ZEO David Perkins will contact ACO Mitchell and discuss further with him.

9. **INVOICES.**

D. Mathes **motioned** to approve the invoice of the ZEO in the amount of \$877.50 for 29.25 hours, seconded by A. Buonocore. Motion passed unanimously.

10. **ADJOURN.**

J. Marzullo **motioned** to adjourn the meeting at 8:21 p.m., seconded by D. Mathes. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 09/03/2014 AT 12:20PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK