

ZONING COMMISSION MEETING

MONDAY, MARCH 23, 2015

TOWN HALL 7:00 P.M.

Present: Chairman Don Truskauskas, David Mathes, Anne Marie Buonocore, Joseph Marzullo, Alternate Member Lynne Steincamp (arriving at 7:18 p.m.), Zoning Enforcement Officer David Perkins and Land Use Coordinator Polly Redmond

Absent: Todd Ouellette and Alternate Members Daniel Thurston and Michele Rewenko

PLEDGE OF ALLEGIANCE

Chairman Truskauskas opened the meeting with the Pledge of Allegiance and a roll call of members present.

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/9/15

D. Mathes **motioned** to approve the minutes with amendment to Item 8 (per J. Marzullo) to amend the first sentence to read: "J. Marzullo motions that a Zoning Regulation be written prohibiting the retail sale, distribution, wholesaling..." and to delete wording "*reads a prepared statement on his belief that there is no benefit of medical marijuana to the citizens of Harwinton, young and old, and*". Mr. Marzullo explained that he was not referring to medical marijuana with this statement regarding benefits, but in fact, was referring to recreational marijuana. J. Marzullo seconded the motion and it passed unanimously with A. Buonocore abstaining from vote due to her absence at the previous meeting.

3. PUBLIC COMMENT.

Jessica Genovese, 109 Scoville Hill Road, in regards to Item 4, Don Truskauskas' application, reads a prepared statement. Topics include concerns over the property at 99 Scoville Hill Road becoming a commercial staging area for Mr. Truskauskas' business, Autumn Excavating and Contracting. She asks that any approval of the application before this Commission for a barn would be condoning of running a contractors yard out of this property and is in violation of a Cease and Desist Order handed down by the Zoning Board of Appeals. She refers back to a 40 Bull Road application (previous address of the Truskauskas family) to construct a 30' x 30' storage barn for personal equipment and that the use of that storage barn had changed from storage of personal property to being one of a commercial staging area. She refers to past Zoning minutes where a Zoning Commissioner had stated that there was an outward appearance of a business being operated at the 40 Bull Road property. She refers to Zoning Regulations concerning appropriate uses of land, enforcement, inspections by the ZEO and regulations concerning excavation that touch upon truck access, progress reports, minimizing hazards and nuisances, work hours and adverse impacts to neighboring land. She states that the town should be sure that work is documented and that she is here to make certain that what has happened in the past (referring to a Cease and Desist Order issued to Mr. Truskauskas for operating a business in a residential zone) from happening again. She understands Mr. Truskauskas has a right to apply for the construction of a barn but expresses concern over contaminated fill and questions who will be checking to make certain clean fill is brought on site.

Ron Genovese, 109 Scoville Hill Road, expresses his concern over the amount of fill being brought in to 99 Scoville Hill Road in connection with the application for a barn as well as concerns of noise and dust the project may bring. He questions whether the amount of fill to be brought on site would trigger a Special Permit and public hearing for exceeding 50 cubic yards. ZEO David Perkins reads Zoning Regulation 14.2.4 and states that the Commission will determine whether a public hearing will be held once the application is discussed.

Faye Richards, 170 Scoville Hill Road, questions what the barn will be used for and how big it will be. This will be determined when the application is discussed.

Georgia Buettner, 79 Scoville Hill Road, states that she had worked for a bank reviewing environmental disaster reports and knows of one case in CT where fill was brought in that was contaminated. She expresses concern over what contaminated fill will do to their wells and watercourses and she would want confirmation that contamination will not occur and that inspections will be made. She adds that it is her belief that if Mr. Truskauskas is going to keep presenting projects to this board that he should not be sitting on this Commission; that it is a conflict of interest.

Chairman Truskauskas recuses himself from the following agenda item and leaves the room. D. Mathes is seated as Acting Chairman.

Alternate L. Steincamp arrives at this time and is acknowledged and seated for absent Regular Member T. Ouellette.

4. DON TRUSKAUSKAS – APPLICATION FOR 40' X 40' BARN, 99 SCOVILLE HILL ROAD.

Dawn Truskauskas is present to represent. Plans by Aeschliman Land Surveying, East Hartford, CT, dated 1-15-15, revised to 2-5-15 for Town Comment - Rip Rap Surface - and titled Proposed Barn, 99 Scoville Hill Road are reviewed. Mrs. Truskauskas states that the barn will be used to store a camper, a boat, five quads and five snowmobiles. She explains that she had a barn at her previous home and the need remains for a storage barn on her present property. L. Steincamp questions what the height of the building will be with Mrs. Truskauskas stating she did not know but that there will be loft space used for storage. The barn will have water and electric but no bathroom. TAHD approval has been received, dated 1-21-15, with notation that the barn is approved with outside frost freeze hose bib. ZEO Perkins notes that there is no information on the site plans pertaining to electric or water. J. Marzullo questions Mrs. Truskauskas as to whether the barn will be used as a commercial building with Mrs. Truskauskas stating, no, it will not. At this time, ZEO Perkins presents for Commissioner viewing a 3-D representation, a scale, that depicts the amount of fill that will be brought on to the property. He also distributes a computation he had done for amount of fill to be brought on to the property for this project. He explains that the first area, behind the barn, has a 2 foot elevation drop. This is the first piece involving grading, calculated at the 476 elevation line, and is 40' wide, 5' long and 18' high, which equals 133 cubic yards of fill for this area alone. By reading the topography lines, ZEO Perkins states he has calculated 1725 cubic yards of fill to be brought in, not including calculating the areas on the sides of the proposed barn, and totals 115 truckloads of fill at 15 yards per truckload. He states that when looking at the site plan you don't see that it's 18' of fill.

He asks that the Commission review Zoning Regulation 14.2.4 under Section 14 Excavation, Grading, Filling or Removal of Earth. The Regulation states that when the Commission determines that site development plans include significant grade changes that require extensive excavation and grading operations in terms of time duration and/or material removed, an Excavation and Grading special permit prior to commencement of construction may be required which will also allow the Commission to set hours of operation and any other conditions they see fit. ZEO Perkins explains that the Commission must determine if this proposal is significant. At this time, ZEO Perkins distributes to Commissioners copies of pages taken from the 2002 CT E&S Guidelines titled Preserve and Conserve Soils pertaining to slopes and erosion control measures. ZEO Perkins notes that the plans should show engineered swales, leader and foundation drains and notation on whether there will be floor drains in the barn. He states that the plan also lacks a profile of the grading area. A. Buonocore questions Mrs. Truskauskas as to who will be building the barn with her replying, her husband, Don Truskauskas will.

ZEO Perkins states that the Commission should request from the applicant an engineered plan showing controls for stability of the bank, engineered plans for the slope, drainage, best management practices information, elevation view of the proposed building, information on height of the proposed building as well as a rendering of the proposed building. The Commission should condition that soil brought in is from an approved pit, free of construction debris, and that all fill placed must be compacted in layers not exceeding one foot in thickness. It is ZEO Perkins position that the Truskauskas' engineer should also attend any meeting or hearing where the Commission will review the application further. J. Marzullo **motioned** to table any decision on the barn application at this time until a Special Permit for excavating and grading is received, accompanied by a revised site plan with details that are outlined above. L. Steincamp seconded the motion and it passed unanimously.

Don Truskauskas is reseated as Chairman at this time.

5. , DENNIS MCMORROW, P.E., BERKSHIRE ENGINEERING FOR, GEORGE MOLITOR – APPLICATION FOR SINGLE FAMILY DWELLING, CORNER OF GREEN ACRES ROAD AND BREEZY HILL ROAD, ASSESSORS MAP NO. B9-03-0034.

Dennis McMorrow is present to represent. Plans by Berkshire Engineering, revised to 1-19-15 for house footprint, titled Septic System Design, Lot 34, prepared for George Molitor, are reviewed. IWWC approval was received in 2012 and plans have only been revised for house design with distance to wetlands remaining the same. TAHD approval has been received for revised plans. Mr. McMorrow points out that there is a deed restriction on the property requiring a 75 foot front yard setback on Breezy Hill Road and that the plans show compliance with that. Driveway opening permit and permit to connect to highway drainage through the Highway Department is outstanding. Upon questioning by ZEO Perkins on the amount of fill to be brought on site, Mr. McMorrow points out on the site plan the cross section showing septic design and states that there will be minimal fill brought on site. The basement will be excavated and approximately two feet of fill will be brought in and placed around the house to bring the house up a bit but that the lot remains quite flat. D. Mathes **motioned** to approve the application with condition that the driveway opening permit and the permit to connect is obtained through the Highway Department. Motion was seconded by A. Buonocore and passed unanimously.

6. JAMES DELAY – APPLICATION TO RELOCATE ORIGINAL HOUSE FOOTPRINT AND 693 SQUARE FOOT ADDITION 50 WOODCHUCK LANE.

No one is present to represent.

7. DISCUSS AND POSSIBLY SET PUBLIC HEARING DATE TO PRESENT PROPOSED ZONING REGULATION TO PROHIBIT MEDICAL MARIJUANA PRODUCTION FACILITIES AND MEDICAL MARIJUANA DISPENSARY FACILITIES.

LUC Redmond gives information to the Commission on research she has done of other towns that have Zoning Regulations permitting Medical Marijuana, Zoning Regulations of other towns that prohibit Medical Marijuana, those that have no Regulations pertaining to Medical Marijuana or have Moratoriums for Medical Marijuana. It is this Commission's position to prohibit Medical Marijuana Dispensaries and Production Facilities in any zone within the Town of Harwinton. Town Atty. Michael Rybak has reviewed and suggested changes to the wording of the proposed definition of Medical Marijuana Dispensary Facility and Medical Marijuana Production Facility as well as changes to the wording of the Statement of Purpose. In an email to LUC Redmond, he suggested that, in addition to his attendance, Atty. Steven Byrne be contacted and asked to attend a public hearing for presenting the proposed Zoning Regulation amendments. L. Steincamp **motioned** to set a public hearing date to present Commission-initiated proposed Zoning Regulation amendments that Prohibit Medical Marijuana Production and Dispensary Facilities for Monday, May 11, 2015 at 7:00 p.m. in the town hall, seconded by A. Buonocore. Motion passed unanimously.

8. COMPLAINTS/ENFORCEMENT ACTIONS. None.

9. ANY OTHER BUSINESS. None.

10. CORRESPONDENCE.

Correspondence from DOT has been received regarding bridge repair work to be done on Route 4 over the West Branch of Leadmine Brook in the late summer of 2016.

Correspondence from Torrington Area Youth Bureau giving information on Youth Service Day and providing nomination form for awards.

11. INVOICES.

None.

12. ADJOURN.

A. Buonocore **motioned** to adjourn the meeting at 8:13 p.m., seconded by J. Marzullo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 3-30-2015 AT 10:40 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK