

Present: Chairman Don Truskauskas, David Mathes, Joe Marzullo, Alternate Member Lynne Steincamp and Land Use Coordinator Polly Redmond

Also Present: First Selectman Michael R. Criss and Town Counsel Michael D. Rybak

Absent: Anne Marie Buonocore, Alternate Member Daniel Thurston and Alternate Member Michelle Rewenko

#### PLEDGE OF ALLEGIANCE

#### 1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Truskauskas called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member L. Steincamp seated for A. Buonocore.

#### 2. APPROVE MINUTES OF PREVIOUS MEETINGS: 9/14/15, 9/28/15 AND 10/13/15

D. Mathes **motioned** to approve the minutes of 9/14/15, seconded by L. Steincamp. Motion passed unanimously with J. Marzullo refraining from vote due to his absence at the 9/14/15 meeting.

Minutes of 9/28/15 and 10/13/15 are tabled to the next Zoning meeting due to lack of a voting quorum.

#### 3. PUBLIC COMMENT.

None.

#### 4. ROLAND LARIVIERE – APPLICATION FOR 15' X 20' ADDITION TO EXISTING BARN. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. Lariviere is present. A sketch of the proposed addition to the barn is shown using a 1998 site plan prepared by Robert Green Associates titled Zoning Location Survey. The proposed addition will be 100 feet to the rear property line, 310 feet to the east side property line and 120 feet to the front property line. Written request for waiver of engineered plan is on file. IWWC and TAHD approvals have been received. TAHD conditioned that there be no water service in the barn. L. Steincamp questioned the grade of the land in the location of the proposed barn to which Mr. Lariviere states it is level. J. Marzullo **motioned** to grant the request for a waiver of an engineered plan, seconded by D. Mathes. D. Mathes **motioned** to approve the application, seconded by L. Steincamp. Both motions passed unanimously.

#### 5. BRIAN MARKEL – APPLICATION FOR 10' X 24' DECK, 445 CLEARVIEW AVENUE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. Markel is present along with his contractor, Justin Domonell, JD Building and Remodeling, Inc. A sketch of the proposed deck is provided showing it to be 122 feet to the rear property line and 30 feet to the south side property line. Front and north side property line setbacks will be met in excess of the requirements. Written request for waiver of engineered plan is on file. The property is serviced by sewers. IWWC approval has been received. J. Marzullo **motioned** to grant the request for a waiver of an engineered plan, seconded by L. Steincamp. D. Mathes **motioned** to approve the application, seconded by L. Steincamp. Both motions passed unanimously.

#### 6. PATRICIA CAREDDU – APPLICATION FOR 12' X 24' SHED, 209 CATLIN ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. & Mrs. Careddu are present. A sketch of the proposed 14' x 24' shed is provided showing it to be located 34 feet to the rear property line and 16 feet to the south side property line. Written request for waiver of engineered plan is on file. IWWC, TAHD and Lake Harwinton Association approvals have been received. Zoning

Regulation 6.17 allows the placement of sheds in the LHA zone to be 10 feet to a side property line and when agreeable to adjacent property owners, they may be placed back to back on a mutually agreed boundary.

L. Steincamp **motioned** to grant the request for a waiver of an engineered plan, seconded by J. Marzullo.

D. Mathes **motioned** to approve the application, seconded by L. Steincamp. Both motions passed unanimously.

D. Mathes **motioned** to add to the agenda: **SCOTT SADLER, 93 ORCHARD HILL ROAD, APPLICATION FOR 20' X 26' ADDITION** to home, seconded by J. Marzullo. Motion passed unanimously.

Mr. Sadler is present. Plans by Berkshire Engineering titled B100A Sketch Plan, dated 9/24/15 are reviewed.

IWWC and TAHD approvals have been received. J. Marzullo **motioned** to approve the application, seconded by D. Mathes. Motion passed unanimously.

**7. DISCUSSION ON DRAFT BLIGHT ORDINANCE AND REVISED ORDINANCE 103 ABANDONED AND INOPERABLE VEHICLES PREPARED BY BOARD OF SELECTMEN.**

First Selectman Michael R. Criss and Town Counsel Michael D. Rybak join the commission on the informal discussion of the draft Blight Ordinance. First Selectman Michael Criss notes that a number of complaints have been received in the Board of Selectmen's office of junk cars on residential properties with no legal enforcement actions that could be taken by the town using Ordinance 103 Abandoned and Inoperable Vehicles. The proposed Blight Ordinance will allow for citations to be sent to property owners in violation of the abandoned/inoperable vehicle definition within the ordinance who will then have the opportunity to be heard before a Citation Hearing Officer. Properties that are abandoned where the premises accumulates garbage/junk not contained within trash or refuse storage bins outside or is dilapidated or in disrepair, as noted in the definition within the ordinance, will also be in violation of the Blight Ordinance and property owners will have the same opportunity to be heard.

Town Counsel Michael Rybak discusses the problems with Ordinance 103 concerning abandoned vehicles in that it is an old ordinance from the 1960s that mixes State Statute 14-150, the State Police statute where abandoned cars are tagged with orange stickers and towed, and State Statute 14-150a which allows for the town to adopt ordinances to tow vehicles that are on public properties. The problem with towing the vehicle off a public property is that there is no way to gain clear title of the vehicle if it is never claimed. A problem with abandoned vehicles on private property is that the Enforcement Officer has no authority to go on to the property and the State Police say it is a town matter to enforce. He notes that the Blight Ordinance does not give the town the right to tow. Atty. Rybak adds that Ordinance 103 would be repealed by town vote if the Blight Ordinance is adopted.

Chairman Truskauskas states that he had made a point at the last Zoning meeting that he believed the Blight Commission should be made up of three members; one from the Zoning Commission, one from the Planning Commission and one member from the Wetlands Commission. He also had concern of the mowing requirement found in Section 5 of the draft Blight Ordinance where it states that it shall be unlawful to allow grass to grow within six (6) feet of any side yard property line adjoining a property on which a building or dwelling exists. He notes that many properties in town have unmowable areas along property lines that would be in violation. Atty. Rybak states he understands this and has given the broadest version of a Blight Ordinance looking at Blight Ordinances found in Watertown, Prospect, Madison and Griswold for guidance. In reference to whom the Blight Commission may be he states that whoever is charged with handling blight areas in Harwinton must be very careful in their dealings. He adds that enforcement of blight will be done through written, signed complaints. Discussion takes place on identifying blight with First Selectman Criss stating, in addition to receiving written and signed complaints, the Zoning Enforcement Officer, who will be the Blight Enforcement Officer, could bring blight conditions on foreclosed/vacant homes that he sees to the forefront and then action could be taken with the Management Company of that property.

J. Marzullo questions that with a Blight Commission of three members, will a vote for action be by majority or unanimous vote with First Selectman Criss stating it would likely be unanimous vote. J. Marzullo refers to Section 4 *Blighted Premises* and questions whether an action must be clearly blight and falling under a condition listed and that he hopes identifying blight is uniform and that identical action be taken for identical situations.

Chairman Truskauskas points out that the Blight Ordinance definition of *Junk Yard* where two or more unregistered and inoperable vehicles would be considered blight should be made clear and questions what if these vehicles are garaged? The ordinance doesn't specify if they are vehicles that are enclosed.

Chairman Truskauskas refers to Section 7 *Complaints* and believes the wording should state "must" file a written complaint instead of "may". Atty. Rybak will amend the first sentence of Section 7 to read: "(a) Any resident, *property owner or public official shall* file a written complaint of violation..."

J. Marzullo questions whether all complaints would be accessible to the public under the Freedom of Information Act with Atty. Rybak stating that it would be a public document and not exempt from the FOIA.

Upon questioning by Marie Etter, member of the public audience, of the agricultural exemption, Atty. Rybak notes that Section 5 *Mowing* is the only exemption for agricultural land as found in Section 5(b).

First Selectman Criss reminds the commission that the Board of Selectmen are just looking for input from the Land Use Commissions at this time before getting public feedback. Atty. Rybak states that if Land Use Commissions want to omit some things within the Blight Ordinance they should let him know collectively as a commission.

Zoning Commissioners would like to review the final draft after Zoning comments and Planning Commission comments are incorporated and prior to the draft going before the public for their input.

Discussion on the draft Blight Ordinance will be continued to the next Zoning meeting on November 9, 2015.

8. COMPLAINTS/ENFORCEMENT ACTIONS. None.

9. ANY OTHER BUSINESS.

Lynne Steincamp reads a prepared statement, as this is her last meeting of her term as an alternate on the Zoning Commission, and that it has been an honor to serve and she looks forward to being able to do so again.

10. CORRESPONDENCE. None.

11. INVOICES. None.

12. ADJOURN.

J. Marzullo **motioned** to adjourn the meeting at 8:12 p.m., seconded by L. Steincamp. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 10-29-15 AT 12:43  
ATTEST NANCY E. ELDRIDGE TOWN CLERK