

**ZONING COMMISSION MEETING  
MONDAY, NOVEMBER 9, 2015  
TOWN HALL 7:00 P.M.**

Present: Chairman Don Truskauskas, David Mathes, Joseph Marzullo, Steve Maston, Michelle Rewenko, Alternate Member Daniel Thuston, Alternate Member Deborah Kovall, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins.

**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.

D. Mathes **motioned** to add to the agenda: **ELECTION OF OFFICERS**. Motion seconded by J. Marzullo and passed unanimously.

J. Marzullo **motioned** to nominate Don Truskauskas as Chairman, seconded by D. Mathes. With no other nominations, a vote was taken and the motion passed unanimously.

D. Truskauskas **motioned** to nominate David Mathes as Secretary, seconded by J. Marzullo. With no other nominations, a vote was taken and the motion passed unanimously.

**2. APPROVE MINUTES OF PREVIOUS MEETINGS: 9/28/15, 10/13/15, 10/26/15 SPECIAL MEETING AND 10/26/15 REGULAR MEETING.**

9/28/15 Zoning minutes: **Motion** made by J. Marzullo to approve, seconded by D. Mathes. Motion passed unanimously with J. Marzullo, D. Mathes and M. Rewenko voting. All others abstain due to their absence at the 9/28/15 meeting.

10/13/15 Zoning minutes: **Motion** made by M. Rewenko to approve, seconded by D. Thurston. Motion passed unanimously with M. Rewenko, D. Thurston and D. Truskauskas voting. All others abstain due to their absence at the 10/13/15 meeting.

10/26/15 Special Meeting Zoning minutes: **Motion** made by D. Mathes to approve, seconded by J. Marzullo. Motion passed unanimously with D. Mathes, J. Marzullo and D. Truskauskas voting. All others abstain due to their absence at the 10/26/15 meeting.

10/26/15 Zoning minutes: **Motion** made by J. Marzullo to approve, seconded by D. Mathes. Motion passed unanimously with J. Marzullo, D. Mathes and D. Truskauskas voting. All others abstain due to their absence at the 10/26/15 meeting.

**3. PUBLIC COMMENT.**

Jessica Genovese, 109 Scoville Hill Road, speaks in regards to Item 6 on the agenda, Don Truskauskas' application for a barn and inground pool. She welcomes the newly elected Zoning Commission members and refers to Don Truskauskas' application that he presented to Zoning back in March 2015 for a barn. She encourages the new members to review the file and Zoning minutes from the application and the issue with that application. She refers to the court case in progress on the appeal taken by D. Truskauskas of a Cease and Desist Order issued by Zoning Enforcement Officer David Perkins for operating a commercial business out of a residential property. She questions why the application for a barn, and now an inground pool, has been before the Land Use Commissions seven times already since submitting back in February 2015. She reads from the past minutes of the Wetlands Commission and the Zoning Commission where further information was asked of D. Truskauskas and his inability to answer as to the amount of fill being brought in and the height of the proposed barn. She reminds the Commission that ZEO Perkins calculated the amount of fill that was to be brought in

which exceeded 1700 cubic yards, or 115 truckloads of fill, and made suggestions to the Commission on what should be required to accompany the application. She points out that a motion was made by the Zoning Commission to table any decision on the March 2015 application until a Special Permit was submitted. J. Genovese also refers to the Zoning minutes of April 20, 2015, where the application for the barn increased from 40' x 40' to 40' x 42'. Town Counsel Michael D. Rybak was present at that meeting and spoke on the application advising that if a Special Permit was not filed by the next Zoning meeting, as required by the Zoning Commission, then the Commission must deny the application as incomplete. D. Truskauskas withdrew his application at the next Zoning meeting held on April 27, 2015 and stated that he would submit the same application at a later date.

Lynne Steincamp, 160 Plymouth Road, also speaks to the application of Don Truskauskas and agrees that the new Zoning Commissioners should familiarize themselves on the past application. She notes that the original barn application had the location sited basically off a cliff with lots of fill, and at that time, the Zoning Commission requested an engineered plan. She states her belief that there is resistance on Don Truskauskas' part because all he wants to do is try to maintain the construction activities on his property which was the reason for the Cease and Desist Order being issued. She reminds Zoning Commissioners that with no Special Permit application, there are no conditions or requirements that can be placed on the activities.

Georgia Buettner, 79 Scoville Hill Road, expresses concerns with wells in the area due and bringing in the amount of fill proposed gives her great concern. She states that the Zoning Commission knows what is currently going on at 99 Scoville Hill Road with trucks entering the property and the back-up beeping of trucks that the neighbors hear and she states it would be nice if someone in town paid attention to the activities taking place there.

Paul Chiappa, 106 Scoville Road, states he lives across the street from Don Truskauskas and notes that with a Zoning approval there is a five year timeframe to complete the project and that this would be a five year plan to allow Mr. Truskauskas to continue to run his construction business out of the residence.

4. **HERMAN VON OY – APPLICATION FOR 14' X 30' DETACHED GARAGE, 166 WILDCAT HILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN. ZBA VARIANCE GRANTED 10-14-15.**  
Mr. von Oy is present. A sketch is provided showing the location of the proposed detached garage. The property is located in a Country Residential zone. ZBA granted a variance on 10/14/15 locating it 15 feet to the south side property line. IWWC and TAHD approval has been received. Upon questioning by ZEO David Perkins on drainage, Mr. von Oy states he will put in a gutter system. D. Mathes **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 S. Maston. Both motions passed unanimously.
5. **BRENT LAFFERTY – APPLICATION FOR 24' X 30' ATTACHED GARAGE, 19 CARLTON ROAD. ZBA VARIANCE GRANTED 10-14-15.**  
Mr. Lafferty is present. Plans by Berkshire Engineering dated 9/11/15, titled Zoning Location Survey for Lafferty Enterprises, Inc., are reviewed. The property is located in a Town Residential zone and is serviced by sewers. ZBA granted two variances on 10/14/15 locating the attached garage 14.6 feet to the north side property line and 41.4 feet to the front property line. IWWC approval has been received. D. Mathes **motioned** to approve the application, seconded by J. Marzullo. Motion passed unanimously.

Chairman Truskauskas recuses himself at this time and D. Mathes is seated as Acting Chairman.

**DON TRUSKAUSKAS – APPLICATION FOR 42' X 42' BARN AND 36' X 42' INGROUND POOL, 99 SCOVILLE HILL ROAD.**

Mr. Truskauskas is present and provides a copy of a 2006 As Built survey of his property with the location of the barn and inground pool sketched in. He is requesting a waiver of an engineered plan plotting the barn and inground pool on the property. He notes that a change has been made from the last site plan he presented to this Commission in March 2015 relocating the barn to a flatter area. The barn has been relocated 8.6 feet further south of the north side property line. No contour lines are shown on the plan presented. M. Rewenko verifies with Mr. Truskauskas that no updated engineer plan is being submitted tonight with Mr. Truskauskas stating no, he is submitting a waiver of an engineered plan. M. Rewenko states that she would vote not to accept the waiver and to require an engineered plan based on the previous application made. Mr. Truskauskas begins to note other applications that were approved with similar grading of property. He states that the only reason he is before the Commission now is because ZEO Perkins did calculations on the amount of fill his proposal would bring in. Mr. Truskauskas submits copies of news articles he downloaded from the internet titled "MM4CT Casino 'Request for Proposal' process changed week of deadline" which states "Five request for proposals have been submitted to host Connecticut's third tribal casino." The second article titled "Windsor Locks Select Board rejected Bradley Airport casino" which states that "A casino 15 minutes away from MGM Springfield is no longer a possibility." Acting Chairman Mathes asks Mr. Truskauskas to stick to the matter of his application and asks if Commissioners have any questions. Upon the suggestion that Town Counsel Michael D. Rybak attend the next Zoning meeting to recommend a course of action, J. Marzullo **motioned** to request the attendance of the town attorney at the next Zoning meeting scheduled for November 23, 2015 for recommendation on course of action, seconded by S. Maston. Motion passed unanimously.

Chairman Truskauskas is reseated.

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

Chairman Truskauskas states that he would like Town Counsel Michael D. Rybak to check on State Statutes as to whether a vote by the Blight Commission to proceed with action can be unanimous as opposed to majority vote. Also, regarding blight violation of tall grass, there should be some discussion on considerations, i.e. sickness or elderly being incapable, and that complaints should move forward and then a decision would be made on consideration. D. Thurston believes that if the Zoning Enforcement Officer is to enforce blight, then the ZEO should be the one to make a decision on blight. D. Thurston suggests that, pertaining to abandoned vehicles, perhaps the Zoning Commission could recommend that the Blight Ordinance state that three or more unregistered vehicles would be considered blight as opposed to two unregistered vehicles. He also notes that the nature of the community here in Harwinton, that being rural, provides for many areas to have tall grass. He notes that the Blight Ordinance on grass height should apply to state land as well. J. Marzullo asks that LUC Redmond forward the Zoning Commission's *Zoning Regulation Amendment Worksheet* to all Commissioners who should then write down their comments or questions in order to generate discussion at the next Zoning meeting. He also questions what the wording found in the Blight Ordinance, "in plain view" means. LUC Redmond reminds the Commission that the Board of Selectmen wanted final Land Use Commission comments by the end of November. The Board of Selectmen will then hold public comment workshops.

**7. DISCUSSION ON GRANTING EXTENSION OF SIGN PERMIT AT P.O. PLAZA, 122 LITCHFIELD ROAD, ADVERTISING "SPACE FOR LEASE". PERMIT EXTENSION GRANTED TO 11-12-15.**

Commissioners agree that the sign can remain in place until the site plan approval expires on 2/27/17. J. Marzullo **motioned** that the sign can remain in place until the end of the site plan approval time frame (5 years) to 2/27/12, seconded by D. Mathes. Motion passed unanimously.

**8. COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

**9. ANY OTHER BUSINESS.**

LUC Redmond questions whether the Zoning Commission wishes to review and approve applications that have been granted variances by the Zoning Board of Appeals since Zoning is reviewing something already approved. After some discussion, M. Rewenko **motioned** that the Land Use Coordinator can sign off on applications that have been granted variances providing all other approvals have been received, i.e. IWWC and TAHD, and as long as there is no legal requirement prohibiting it. J. Marzullo seconded the motion and it passed unanimously.

**10. CORRESPONDENCE.**

None.

**11. INVOICES.**

None.

**12. ADJOURN.**

J. Marzullo **motioned** to adjourn the meeting at 8:10 p.m., seconded by D. Mathes. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARTWINTON CT  
ON 11-17-15 AT 12:30 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK