

**ZONING COMMISSION MEETING  
MONDAY, SEPTEMBER 12, 2016  
TOWN HALL 7:00 P.M.**

Present: Chairman Don Truskauskas, Deborah Kovall, Michelle Rewenko, Alternate Member Brooke Cheney and Alternate Member Dan Thurston.

Absent: David Mathes

Also in Attendance: First Selectman Michael Criss and Town Counsel Michael D. Rybak

**PLEDGE OF ALLEGIANCE**

**1. OPEN MEETING – ESTABLISH QUORUM.**

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

**2. APPROVE MINUTES OF PREVIOUS MEETING: 7/11/16 AND 8/8/16**

D. Kovall **motioned** to approve the minutes of 7/11/16, seconded by D. Thurston. Motion passed unanimously with Chairman Truskauskas and Michelle Rewenko refraining from vote due to their absence at the 7/11/16 meeting.

M. Rewenko **motioned** to approve the minutes of 8/8/16, seconded by D. Kovall. Motion passed unanimously with Brooke Cheney and Dan Thurston refraining from vote due to their absence at the 8/8/16 meeting.

**3. PUBLIC COMMENT.**

None.

**4. KENNETH MCCLEN – APPLICATION FOR 14' X 36' GARAGE, 255 WHETSTONE ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Mr. McClen is present and provides a copy of an engineered plan prepared by Utilities Service Engineering, Inc., Monroe, CT, dated 10/29/93 for septic system design. Boundaries and house location are also shown on the plan. The property contains 22.54 acres with the location of the proposed garage being approximately 200 feet to the south side property line, approximately 150 feet to the rear property line, and approximately 240 feet to the north side property line. IWWC and TAHD approvals have been received. B. Cheney **motioned** to grant the waiver of an engineered plan, seconded by M. Rewenko.

B. Cheney **motioned** to approve the application, seconded by D. Thurston. Both motions passed unanimously.

**5. RICHARD & KAREN ZALESKI – APPLICATION FOR 12' X 32' RUN-IN SHED, 38 BARBER ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.**

Mr. Zaleski is present and provides a copy of an engineered plan prepared by CCA, LLC, Litchfield, CT, dated 7/23/03 for septic system design. Boundaries and house location are also shown on the plan. The property contains 6.77 acres with the location of the proposed shed being approximately 200 feet to the west side property line, approximately 216 feet to the rear property line, and approximately 165 feet to the east property line. IWWC and TAHD approvals have been received. B. Cheney **motioned** to grant the waiver of an engineered plan, seconded by M. Rewenko. B. Cheney **motioned** to approve the application, seconded by D. Thurston. Both motions passed unanimously. Application fee is outstanding. R. Zaleski states he will bring the fee to the Land Use office.

6. **JERRY & MARCIE MAKLES – APPLICATION FOR SINGLE FAMILY DWELLING, 65 SOUTH SHORE DRIVE.**

Mr. Makles is present. Plans by Berkshire Engineering, dated 7/14/16 for septic system design are reviewed. IWWC and TAHD approvals have been received. Lake Association now only signs off verifying that Association dues have been paid and septic systems have been pumped out. No Lake Association is required at this time. Driveway opening permit is outstanding. D. Kovall **motioned** to approve the application on the condition that a driveway opening permit is obtained through the Highway Department, seconded by D. Thurston. Motion passed unanimously.

7. **DISCUSSION – FILLING VACANT REGULAR MEMBER POSITION TO 11/5/19.**

D. Thurston is interested in filling the Regular Member position on the Zoning Board once Steve Maston, Zoning Commissioner who has moved out of state, formally resigns in writing.

8. **COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

9. **ANY OTHER BUSINESS.**

D. Thurston **motioned** to add to the agenda: First Selectman Michael Criss and Town Counsel Michael D. Rybak to address the Commission regarding Zoning enforcement of junk vehicles and junkyards. Motion seconded by M. Rewenko. Motion passed unanimously.

First Selectman M. Criss states that Ordinance 103 an Ordinance Concerning Abandoned, Inoperable, or Unregistered Motor Vehicles is unenforceable the way it is written and the Board of Selectmen are now looking to implement a Blight Ordinance in its place. Complaints of junk vehicles have been received in the Land Use office and in the First Selectman's office with each office claiming it is the other that handles these types of complaints. With Ordinance 103 being unenforceable, it is the Zoning Commission that should be addressing complaints and issuing Notices of Violation under Zoning Regulation 1.3.1 where it states, "Any use which is not specifically permitted in a zone is prohibited and any use that is not specifically permitted in any zone is prohibited in the entire Town." First Selectman Criss states that the town is trying to incorporate a Blight Ordinance to accompany the Zoning Regulations to clean up areas for reasons of health, safety and property values but if the Blight Ordinance doesn't pass, he wants to make it clear that the Zoning Commission can enforce complaints of junk vehicles and having a definition of Junk/Junk Yard/Junk Yard Motor Vehicle permits this.

Atty. Rybak addresses the Commission and states that determination of a collection of unregistered vehicles on private property cannot be made without a search warrant and the State Police will not inspect or enforce the town's ordinance. The proposed Blight Ordinance will allow the town's enforcement officer entry onto private property although presently the Zoning Commission can enforce under the Zoning Regulation's definition of Junk/Junk Yard/Junk Yard Motor Vehicle and also Section 1.3.1.

First Selectman Criss notes that the Blight Ordinance won't accomplish everything in regards to junk vehicles, junk yards, etc., but will give the town some power to enforce compliance on abandoned and/or bank-owned properties that fall under blight. He notes that the next Blight Workshop to discuss the draft Ordinance will be held on Tuesday, September 20, 2016.

B. Cheney **motioned** to add to the agenda Jonathan & Cynthia Kasey, 21 Swimming Hole Road – Informal Discussion of property located at 249 South Road, a 1.6 acre parcel of land containing a vacant home they are considering purchasing and wish to keep the land rural. Discussion of merging lots takes place and taking the house down and using the property as pasture land without merging the their lot and the 249 South Road lot.

10. **CORRESPONDENCE.**

None.

11. **INVOICES.**

None.

12. **ADJOURN.**

B. Cheney **motioned** to adjourn the meeting at 8:09 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 9-20-16 AT 2:40 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK