

HARWINTON ZONING COMMISSION
MONDAY, MARCH 11, 2024
TOWN HALL 7:00 P.M.

PLEDGE OF ALLEGIANCE

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman D. Thurston called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member D. Foster seated for W. Ponte.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/26/2024

D. Foster **motioned** to approve the minutes of the previous meeting, seconded by T. Root. Motion passed unanimously with M. Whitford refraining from voting due to her absence at the previous meeting.

3. LEONARD LOPARDO – DISCUSSION OF SUNSET RIDGE OFF MOUNTAIN VIEW DRIVE, HANNAH WAY, LAUREN LANE.

Mr. Lopardo is present stating that the slope behind 31 Hannah Way is being monitored with no changes since the last Zoning meeting. There is still seepage due to heavy rains in February and March but final repairs require better weather. Dirt has been placed behind curbing except for up at the top of the development. Dirt from onsite will be used to fill behind curbing in this area. ZEO D. Truskauskas states that he spoke with Dave Curtis, Mr. Lopardo's contractor, who informed him that slope repairs are approximately three weeks out.

Tony Mercuriano, 29 Hannah Way, questions the backfilling of curbing in front of his house with Mr. Lopardo explaining that fill from onsite will be used for this curbing. Mr. Mercuriano questions what the plan is to fix the slope and who will supervise the slope after work has been done. Mr. Lopardo answers that rip rap will be going into the embankment along with a curtain drain and his engineers will supervise.

Lillian Busse, 15 Hannah Way, sent an email to the Land Use office that was forwarded to all Commissioners. The email points out the following:

Len has been checking the mudslide bank. The erosion continues to expand.

The dirt he put behind the curbs between unit 27 and 28 has caused more water to run down the hill towards where there was already erosion. It has gotten worse. This causes flooding at Unit 30 common ground next to the side and behind the house.

The area next to Unit 30 on Fairlawn Drive side was supposed to have a swale going to the catch basin. The grading is causing the water to go towards the road instead of the original installed catch basin. Len is supposed to rake and seed that area but it hasn't been done as yet.

Our landscaper emailed me and asked about the remaining 15 landscape plants that were not planted last year because of grading areas not finished. The areas are still needing grading and filling work. Len is responsible to have the remaining plants installed that were part of the revised landscaping plan approved by the Zoning Commission which still needs to be completed.

Mr. Lopardo responds to the email, to which he also received a copy of, stating that these things will be fixed in the spring.

4. DISCUSSION – 100 WILDCAT HILL ROAD – MOBILE HOME PERMIT ISSUED JUNE 2023 AFTER HOUSE FIRE.

LUC Redmond reports that Jeff Neumann, Building Inspector, spoke with town counsel Michael D. Rybak regarding the mobile home being lived in on the property after the house was destroyed by fire. The mobile home has been there since June 2023 with the appearance of no work being done to rebuild the house. LUC Redmond wrote a letter and sent it to the property owner on January 19, 2024 asking that the Land Use office be contacted with any request to extend the time permitted or the mobile home must be removed. No reply was received from the property owner. Town Counsel Michael D. Rybak gave his verbal opinion that a Notice of Violation be sent by the Zoning Enforcement Officer stating that the mobile home is in violation and must be removed immediately. The Notice will also give the property owner the opportunity to plead his case in front of the Zoning Commission. LUC wrote up the Notice of Violation and asks that ZEO D. Truskauskas sign it tonight if the Commission is in agreement with it. The Notice is signed and LUC Redmond will mail it out Certified/Return Receipt.

5. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO D. Truskauskas reports that a new driveway has been installed at 138 Scoville Hill Road that replaces an existing driveway which did not meet Zoning Regulations and was causing erosion problems out onto the road. The property owner's house is complete and a Certificate of Compliance can now be signed once a new as built is submitted.

6. ANY OTHER BUSINESS.

LUC Redmond informs the Commission that a representative from *The Forsaken Lands* reached out to her office questioning areas in town that would allow this outdoor seasonal attraction.

7. INFORMAL DISCUSSION – PROPOSED ZONING REGULATION AMENDMENTS.

LUC Redmond wrote up proposed Zoning Regulation amendments as follows:

SECTION 6.8 SPECIAL PERMIT FOR NON-CONFORMING TEMPORARY BUILDING

This Section to be titled "Temporary Building" removing the words "*Special Permit for Non-Conforming*" Remove the wording ["*non-conforming*", "*conforming*" and "*by Special Permit subject to the requirement of Section 9*"] within the paragraph.

Amended Wording:

Section 6.8 TEMPORARY BUILDING

A TEMPORARY BUILDING OR USE SHOWN TO BE NECESSARY PENDING CONSTRUCTION OF A BUILDING OR USE MAY BE PERMITTED FOR NOT MORE THAN ONE YEAR, BUT RENEWAL PERMITS FOR SUCCESSIVE PERIODS OF SIX MONTHS EACH MAY BE GRANTED.

SECTION 6.9 TRAILERS AND CONSTRUCTION TRAILERS AND MOBILE HOMES

remove the first two words in the title: ["*TRAILERS AND*"]

No person shall occupy a [*trailer*] mobile home or recreational vehicle for domestic or business purposes, except that the owner of land not engaged in the business of renting rooms or parking space, may permit the occupancy of said land by a guest using a [*trailer*] mobile home or recreational vehicle for living purposes for a period not exceeding two weeks.

ADD: "MOBILE HOMES MAY BE OCCUPIED BY THE OWNER/TENANT OF A HOME THAT HAS BEEN DEEMED UNINHABITABLE DUE TO A CATASTOPHIC EVENT FOR A PERIOD OF SIX (6) MONTHS. RENEWAL PERMITS FOR SUCCESSIVE PERIODS OF SIX (6) MONTHS EACH MAY BE GRANTED IF THERE IS EVIDENCE THAT THE HOME IS BEING RESTORED.

SECTION 8.6 EROSION AND SEDIMENT CONTROL PLAN.

DELETE the following wording within the paragraph: [*“...or where any timber harvest permit has been obtained from the state. A single family dwelling that is not part of a subdivision of land shall be exempt from this section on erosion and sediment control.”*]

Amended Wording:

Section 8.6 EROSION AND SEDIMENT CONTROL PLAN

A soil erosion and sediment control plan shall be submitted for certification by the Soil and Erosion Control Officer with any application for development when the cumulative disturbed area is more than one-half acre.

SECTION 9.3.7 ACCESSORY APARTMENTS

The following paragraph shall be amended as follows:

Because the intent of this section is to permit uses which are accessory to the principal single family use, the [*applicant must be the owner and occupant of the principal use*] **OWNER MUST OCCUPY THE PRINCIPAL USE.**

[*italics*] = delete wording

CAPS = add wording

ZEO D. Truskauskas proposes that the word “*reasonable*” be stricken from everywhere in the Regulations with Commissioners in agreement.

T. Root **motioned** to accept the proposed amendments and set a public hearing to present them for Monday, June 10, 2024 at 7:00 p.m. in the town hall. M. Whitford seconded the motion and it passed unanimously. LUC Redmond will send out the required notices.

8. CORRESPONDENCE.

None.

9. INVOICES.

None.

10. ADJOURN.

D. Foster **motioned** to adjourn the meeting at 7:30 p.m., seconded by T. Root. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

