

## **HARWINTON ZONING COMMISSION**

**MONDAY, APRIL 22, 2024**

**TOWN HALL 7:00 P.M.**

Present: Chairman Daniel Thurston, William Ponte, Deborah Kovall, Michelle Whitford, Alternate Member Dave Foster, Alternate Member Victoria Elliot and Land Use Coordinator Polly Redmond

Absent: Theodore Root, Alternate Member Stephen Smith and ZEO Don Truskauskas

### **PUBLIC HEARING**

#### **1. OPEN HEARING – ESTABLISH QUORUM.**

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

#### **2. KYLE AND DANIELA LOCKERY - SPECIAL PERMIT APPLICATION FOR ACCESSORY APARTMENT, 10 BREAK MAIDEN LANE.**

Kyle and Daniela Lockery are present along with their builder, Steve Lepore, Lepore & Sons, LLC. LUC Redmond reports that the legal notice announcing the public hearing was published in the Republican American on April 12 & 19, 2024. Receipts from certified mailings giving notice to neighbors of this hearing are collected. Floor plans are reviewed showing a kitchen, bedroom and bathroom totaling 511 square feet to be located on the first floor. The proposed house approved at the April 8, 2024 Zoning meeting will be 2967 square feet. TAHD approved the septic system design plan for a four-bedroom home.

Chairman D. Thurston opens the floor to public comment at this time.

James Zasso, 155 Lake Harwinton Road, questions the regulations on accessory apartments.

#### **3. CONTINUE OR CLOSE HEARING.**

With no other comments from the public or Commissioners, D. Kovall **motioned** to close the hearing at 7:08 p.m., seconded by M. Whitford. Motion passed unanimously.

### **REGULAR MEETING**

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

Chairman D. Thurston called the meeting to order at 7:08 p.m. All regular members present are seated with Alternate Member D. Foster seated for T. Root.

#### **2. APPROVE MINUTES OF PREVIOUS MEETING: 4/8/2024**

D. Foster **motioned** to approve the minutes of the previous meeting, seconded by D. Kovall. Motion passed unanimously with M. Whitford and W. Ponte refraining from vote due to their absence at the previous meeting.

#### **3. DISCUSSION/POSSIBLE DECISION - KYLE AND DANIELA LOCKERY - SPECIAL PERMIT APPLICATION FOR ACCESSORY APARTMENT, 10 BREAK MAIDEN LANE.**

Commissioners agree that the accessory apartment meets all the requirements of Zoning Regulation 9.3 and received TAHD approval. D. Foster **motioned** to approve the Special Permit application for the reason that the application meets the requirements of Zoning Regulation 9.1.1 and 9.3, seconded by M. Whitford. Motion passed unanimously.

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

Mr. Lopardo is present and provides a letter from Haley Ward Engineering dated April 12, 2024 that is attached to these minutes. The letter outlines the steps that should be taken to issue a final certification regarding the construction of the remaining section of Hannah Way and the two short spur roads and includes engaging a boring contractor, suggesting that General Borings of Prospect, CT as one such contractor. Mr. Lopardo provides a quote from General Borings, Inc. dated April 15, 2024 that is a quote and does not constitute as a binding contract though Mr. Lopardo states he has already contracted with this company and that borings in the road will be done between now and May 9<sup>th</sup> of this year. Mr. Lopardo states the core locations shown on a small map he submits tonight, titled Core Location Map, were selected by Todd Parsons, P.E., Haley Ward.

Mr. Lopardo states that a video pipe inspection of the storm drainage lines will be done to document their condition and will be conducted by Berkshire Industrial Services of Torrington, CT. This video will show drainage and is the second half of the development that will be video documented. LUC Redmond questions whether video documentation from the first part of the development was submitted with Mr. Lopardo stating that Haley Ward will submit documentation for the entire development. Mr. Lopardo adds that an as-built will be completed by his surveying company. Todd Parsons' letter states that a surveyor should complete the as-built of the road and the drainage system, including elevations. LUC Redmond reminds Mr. Lopardo that roads, homes, sunrooms that have been added that were not on the original site plan, and driveways relocated must be on the as-built as well.

In regards to the bank/slope that failed behind 31 Hannah Way, Mr. Lopardo states that Haley Ward Engineering said work can be done now on repairing it and be completed next week.

William Foster, 6 Hannah Way, questions the chain of custody of the test results from coring the road by General Borings and why it has to go through Mr. Lopardo. In his experience, coring is never touched by a contractor so it can't be manipulated. He questions how and who will enforce if the core results come back inadequate. Mr. Lopardo answers that the contractor will be liable if the roads don't meet town standards.

Anthony Mercuriano, 29 Hannah Way, asks Mr. Lopardo when fill will be placed behind curbs that don't have fill with Mr. Lopardo answering it will be done at the same time the bank is being worked on and material from on site will be used.

William Foster, 6 Hannah Way, refers to 5 Ross Drive where basement windows of that home have a plastic dome attached to the siding of the house and then buried with 8-inch process that slopes away from the window. He states that this is not a proper installation. Mr. Lopardo explains that this work was done to shed water off of that area and that water accumulating is from condensation. Kevin Canady, owner of 5 Ross Drive, vehemently states that it is not from condensation. Ingrid Canady reminds the Commission of the last time she and her husband were before them when she had shared pictures of the flooding in their basement and outside their home. She states that nothing has been done by Mr. Lopardo to alleviate this. Water is still in her basement and her sunroom will soon collapse if nothing is done. She states that water is coming into their house and it's being held there because they are at the bottom of the development where all water collects. William Foster, 6 Hannah Way, states that the only solution is a curtain drain installed to solve this problem. Chairman D. Thurston addresses Mr. Lopardo stating that the water must be redirected and the problems experienced by the Canady's must be addressed and fixed.

Anthony Mercuriano, 29 Hannah Way, states that the Canady's need to be helped because their house is in danger of collapsing. He questions Mr. Lopardo if he has any pride in this project.

Lillian Busse, 15 Hannah Way, approaches the Commission stating that the map where the borings will take place is all in the upper newer half of the development. She presents photos of what the lower half of the development looks like with the road crumbling. She points out that this is the road that is used by fire trucks and ambulances and it is already in disrepair. The part of this road was paved on 7/2/2022 with a skim top coat and the road is breaking up and sinking on the edges. Boring results from this area of road should be submitted as well as the newer upper half of the development. Commissioners insist that all roads within the development need to have updated current core testing and reports submitted to this Commission. Mr. Lopardo states that he will “ask” his engineer if this can be done with LUC Redmond stating that he is to “insist” his engineer provide this information. LUC Redmond questions whether the town can have W.M.C. Consulting Engineers look at the results of the road borings at the expense of Mr. Lopardo since this is an open permit, W.M.C. has reviewed the original plans, and Zoning Regulations allow for consultant fees to be paid for by the applicant.

Mr. Lopardo is requested to attend the next Zoning meeting on May 13, 2024.

**5. INFORMAL DISCUSSION – PROPOSED ZONING REGULATION AMENDMENTS.**

On April 10, 2024 the Planning Commission met and discussed the proposed Zoning Regulation amendments and asked LUC Redmond to bring back to the Zoning Commission questions and comments they have regarding the proposals. Zoning Commissioners agree to make some changes to proposals on Zoning Regulation 6.8 (eliminating), temporary buildings to be added to Section 2.3 Definitions and recreational vehicles will be added to Zoning Regulation 6.9. LUC Redmond will make changes to the proposed amendments and bring back to the Planning Commission for discussion at their May 8, 2024 Planning meeting. The Planning Commission shall give a report to the Zoning Commission on the proposed amendments in accordance with State Statute 8-3a.(b).

The Zoning public hearing is scheduled for June 10, 2024 and notices to Council of Governments will be sent out on May 1, 2024.

**6. COMPLAINTS/ENFORCEMENT ACTIONS.** None.

**7. ANY OTHER BUSINESS.**

LUC Redmond reports that she received a call from the owner of Misfit Farms at 645 Hill Road who was inquiring about putting a farm sign made from an old bed headboard out in the front of her property. Zoning Regulations only allow a 2 square foot sign in residential zones and the headboard would exceed that size. Commissioners agree that the headboard cannot be used as a sign but could possibly be used as part of the landscaping in her yard and a 2 square foot sign could be placed under it but not attached to it, thereby meeting the requirements. The owner was instructed to contact CTDOT as she wishes to place the sign on the state right of way.

**8. CORRESPONDENCE.** None.

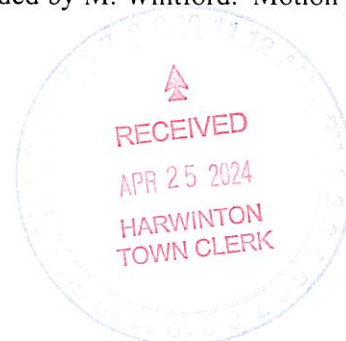
**9. INVOICES.** None.

**10. ADJOURN.**

W. Ponte **motioned** to adjourn the meeting at 8:40 p.m., seconded by M. Whitford. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator





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April 12, 2024

Leonard Lopardo  
c/o Litchfield County Realty  
478 East Main Street  
Torrington, CT 06790  
Email: [llopardo2009@hotmail.com](mailto:llopardo2009@hotmail.com)

Re: Sunset Ridge, Harwinton, Connecticut  
Project 4010149.5131

Dear Mr. Lopardo

Lenard Engineering, Inc. (now Haley Ward) inspected the road construction at Sunset Ridge beginning in the summer of 2007 and continuing through the spring of 2008. The work at that time included Road "A", Ross Drive, Lauren Lane, and Hannah Way (limited to the section between Ross Drive and Lauren Lane). Lenard issued a letter dated September 13, 2021 regarding the construction that was completed during that period.

This letter outlines the steps that should be taken to issue a final certification regarding the construction of the remaining section of Hannah Way and the two short spur roads.

1. Engage a surveyor to complete the as-built of the road and the drainage system, including elevations.
2. Conduct a field review to observe and document conditions that are visible to the eye.
3. Acquire a letter from the site contractor that the work was constructed according to the plans and specifications, noting any exceptions or deviations.
4. Conduct an evaluation of the pavement cross-section as follows:
  - a) Mark out the locations of the borings.
  - b) Engage a boring contractor. General Borings of Prospect, CT (203-758-5817) is one such contractor.
  - c) Have the contractor contact Call-Before-You-Dig to confirm utility clearance. Adjust the boring locations if necessary.
  - d) Core the road in six locations to a depth of three feet as shown on the attached sketch using a 3-inch sampler. The contractor should extract pavement and material samples of the base and subbase from each core.

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Measure the depths of the pavement, base, and subbase layers. We should have a representative on-site during this work.

- e) Engage a contractor to backfill the test holes with compacted processed aggregate and pave the surface.
  - f) Send the samples to a material testing lab to determine pavement thickness, pavement density, base material gradation, and subbase material gradation.
  - g) Prepare a concise report comparing the test result to the project plans and specifications.
5. Conduct a video pipe inspection of the storm drainage lines to document their condition. Contractors for this work include New England Subsurface Imaging of Newtown, CT (202-873-7397) or **Berkshire Industrial Services** of Torrington, CT (877-489-3388).
6. Review all of the information from the testing lab, surveyor, video contractor, site observations, and boring contractor. Prepare a summary report. The report will acknowledge that the road was constructed in accordance with the plans and specifications or identify deficiencies if any are discovered.

We also recommend that you meet with representatives of the homeowner's association and create a list of their concerns that should be addressed.

Lastly, we understand that you are waiting for suitable weather to address the slope remediation on the east end of the site. Once this work is complete, it should be included on the as-built drawing.

Sincerely,  
Haley Ward, Inc.

Todd Parsons, PE  
Senior Project Manager