

**HARWINTON ZONING COMMISSION**  
**MONDAY, SEPTEMBER 23, 2019**  
**TOWN HALL 7:00 P.M.**

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Matthew Szydlo, Deborah Koval, Alternate Member Don Truskauskas, Alternate Member Theodore Root and Land Use Coordinator Polly Redmond

Absent: Daniel Thurston

Also Present: Michael D. Rybak

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING #1**

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

Chairwoman M. Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for D. Thurston. Chairwoman M. Rewenko reads the call to hearing as published in the Republican American on 9/11/19 and 9/20/19.

**2. B&R CORPORATION – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL, REQUEST TO GRANT A DECREASE IN PARKING SPACES REQUIRED BY ZONING REGULATION 10.6 IN CONNECTION WITH A SITE PLAN APPROVAL FOR A 44' X 44' ADDITION TO AN EXISTING COMMERCIAL BUILDING, 216 BOGUE ROAD. ZONING REGULATION 10.7 REQUIRES A SPECIAL PERMIT TO BE APPLIED FOR UPON THE APPLICANT'S REQUEST TO DECREASE THE NUMBER OF PARKING SPACES REQUIRED.**

Jim Jones, Jones Engineering, LLC, Southington, CT is present to represent. Plans by Jones Engineering titled Site Plan, 8/31/19, showing the 1936 square foot addition, Existing Conditions, 7/2/19, Boundary Survey, 8/11/09, Septic System Reserve Area Plan, 7/31/19 are reviewed. Mr. Jones explains that when he presented the application at the last Zoning meeting, he was unsure of the amount of office space and what was classified garage space. He now reports that half of the building is office space and notes that a Parking Tabulation Table has been added to the site plans showing the Use of the building, the Required Spaces (22) and the Proposed Spaces (23). Also noted on the site plans is an area for Reserve Parking if the Zoning Commission deems those spaces necessary (Zoning Regulation 10.7.3). Commissioner D. Truskauskas questions if the front parking area will remain paved with Mr. Jones replying, yes, and the back lot would remain processed stone. He notes that the employed mechanics park in the back of the property, the Project Managers park in the processed stone area and office employees and visitors will use the paved parking area. No additional employees are proposed and the addition is for the purpose of adding office space for the company owners that will include a bathroom. TAHD approved the application on 8/12/19. IWWC Agent approval has been received. Notice of this application has been sent to the City of Torrington by the applicant and the Land Use office.

Chairwoman opens the floor to public comment at this time to which there is none.

Commissioner D. Truskauskas questions whether the new parking spaces will be paved and striped with Mr. Jones replying, yes, they will.

**3. CONTINUE OR CLOSE HEARING.**

Commissioner D. Truskauskas **motioned** to close the hearing at 7:10 p.m., seconded by M. Szydlo. Motion passed unanimously.

**PUBIC HEARING #2**

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

Chairwoman M. Rewenko called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for D. Thurston. Chairwoman M. Rewenko reads the call to hearing as published in the Republican American on 9/11/19 and 9/20/19.

**2. BUMPER BROOK ESTATES, LLC - APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF A 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-03, A8-03-04 AND A8-03-06.**

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT is present to represent along with Scott Bayne, S&W Custom Home Builders, Bristol, CT and Robert Hiltbrand, R.R. Hiltbrand Engineers and Surveyors, Bristol, CT. Atty. Tracy refers to the first application for this proposed development that was withdrawn on June 24, 2019 due to lack of a sewer connection approval. The application being presented tonight is a new application but is identical to the first application. Site Plans have been revised to 9/23/19 and are titled Property Boundary Survey, Site Layout Plan, Site Grading and Drainage Plan, Site Utilities Plan, Sediment & Erosion Control Plan, Roadway Profile, Site Landscaping Plan (sheets 1, 2 & 3), Sediment & Erosion Control Notes and Details. Atty. Tracy states that the plans have been revised for WMC Consulting Engineer comments asking to stripe for handicapped parking and to add the Sight Easement on the plans.

Atty. Tracy requests that the Exhibit List from the first application remain the same for this application with some exhibits not being entered and marked as “exhibit not introduced”. Those exhibits not being introduced concern W.M.C. invoicing and letters from the applicant requesting extensions of the public hearing. Atty. Tracy also requests that the Zoning minutes and audio from the first public hearing be made part of the record for this application presented tonight but not part of the Exhibit List. The entire Exhibit List, with updates, is shown on Page 5 of these minutes.

Atty. Tracy submitted to LUC Redmond proof of mailings to neighbors within 200 feet of the property lines giving notice of this hearing (**Exhibit Z**). Proof of mailings and a list of neighbors receiving notice remain on file in the Land Use office. Atty. Tracy submits for the record a copy of Torrington WPCA Approval – City Council and WPC Authority 8/19/19 meeting minutes (**Exhibit A24**). Approval was granted to extend the City’s sanitary sewer system from manhole #CE02-109 at the intersection of Perkins Street and Andrews Street to the Harwinton town line at Twenty-four Bumper Road. Torrington WPCA minutes include “Public Comment” with Atty. Tracy stating that “the sewer connection would serve a 36-unit apartment complex for adults age 55 and older at Twenty-four Bumper Road in Harwinton and that the estimated daily wastewater production of 6,600 gallons falls within the reserve capacity that the Town of Harwinton already pays for and clarified that the construction work for the proposed sewer extension would be done at the Developer’s expense.” In addition, Atty. Tracy provided additional clarification during “Public Comment” regarding the gallonage of wastewater allocated to the Town of Harwinton and stated that “Harwinton is only asking to utilize existing capacity which it already pays for.” Atty. Tracy submits a copy of Harwinton WPCA 9/10/19 Meeting Minutes (**Exhibit A25**). Approval was granted to extend the Harwinton sewer system from the Bumper Brook Estates, LLC property on Twenty-four Bumper Road to the point of connection to the Torrington sewer system at the intersection of Perkins Street and Andrews Street. Approval was also granted to authorize the construction of the sewer pipes and system shown on Site Plans titled Site Utilities Plan, revised 4/8/19. Atty. Tracy submits a Bond Acceptance (**Exhibit A26**) that states the applicant accepts the bond estimate as revised by WMC Consulting Engineers in the amount of **\$43,208.00**.

Atty. Tracy submits a Permanent Sight Line Easement (**Exhibit A27**) that is to be filed in the Land Records at the time the Site Plan is signed by the Zoning Chair and filed in the Land Records. The Sight Line Easement is noted on Sheet L of the plans provided.

Atty. Tracy reviews Zoning Regulation Section 9.9 against the site plans presented stating that all requirements are being met. He also reviews General Standards under Section 9 Special Permits and notes that those requirements are also being met.

Chairwoman M. Rewenko asks Atty. Rybak for his comments, if any. Atty. Rybak refers to the Sight Line Easement and questions who is to maintain the easement with Atty. Tracy replying that it will be the property owner and if they fall behind, it would be the town. Commissioner M. Szydlo questions who would pay the town for their time doing any maintenance with Atty. Rybak stating that the town has the right to maintain the easement but not the responsibility. It would be up to the Commission if they wish to make it part of any condition of approval that any maintenance by the town would be at the developer's expense. Commissioner D. Truskauskas questions if the Commission has that standing with Atty. Rybak stating it isn't really a Zoning matter, more of a Public Works matter. Commissioner D. Truskauskas states that perhaps the language in the Easement should be amended to state that the owner of the development is responsible for the maintenance of the Easement and the Town of Harwinton has the right to maintain but not the obligation. Atty. Rybak agrees that the Easement should have this wording. Commissioner D. Truskauskas question whether the public hearing should remain open to accept a revised Sight Line Easement with Atty. Rybak stating that it could be a condition of any approval to have this wording included.

Chairwoman M. Rewenko opens the floor to public comment at this time.

Andrew Smail, 142 Pierce Street, Torrington, CT addresses the Commission questioning the buffer for residents on Pierce Street and has concerns of drainage runoff that might impact his property.

R. Hiltbrand, P.E., reviews the site plan with Mr. Smail explaining that the area near his house is protected by a buffer and that there is a proposed drainage system that picks up water, treats it, and discharges it away from the street. Mr. Smail questions change of topography with Mr. Hiltbrand stating that the vegetation in the area close to Pierce Street will remain and that there should be no impact to neighbors.

Commissioner T. Root questions if there is a light on the existing utility pole across from the accessway to the development with Mr. Hiltbrand stating he does not know. Sheet L, Lighting Plan, is reviewed. Two lights are proposed at the entrance of the development but Commissioner T. Root suggests that perhaps the developer may want to ask Eversource to put a light in across the street. Atty. Rybak questions whether there is a Utility Plan with Atty. Tracy replying, yes, on Sheet U.

Commissioner D. Truskauskas questions if the WPCA approval was for one connection per building with Atty. Tracy replying, yes. Atty. Rybak questions if the connections are all gravity-fed with Atty. Tracy replying, yes.

Commissioner D. Truskauskas questions whether the applicant will go back to appear before the Wetlands Commission for the additional planting in the wetlands buffer with Atty. Tracy stating yes, it will be brought back to the Wetlands Commission for a determination.

Commissioner D. Truskauskas questions if a fence is needed around the detention basin since there will be people 55 and older who may have difficulty walking in that area. R. Hiltbrand states that the area of the detention basin is maintainable with a 3:1 slope so it is not steep and a fence wouldn't be needed. Chairwoman M. Rewenko questions if there are any lights proposed for the area of the detention basin/walking area deemed recreation. Atty. Tracy states that there is not and that light spillage was taken into consideration in that area as that area is where the limits of clearing are the narrowest.

Commissioner D. Truskauskas states that he would like to see a condition of any approval that "No Parking" signs are to be posted on both sides of Twenty-four Bumper Road for the distance of the sight line.

Chairwoman M. Rewenko states, with the possibility of a child living in this development, where would a school bus pick up that child? Atty. Tracy states that yes, under the Federal Fair Housing Act, it is possible for a child to live in this development but it would be for Region 10 School District to decide where a pick up would be. The internal accessway of the development accommodates fire trucks so a bus would also be able to drive within the development and turn around if that is what would be determined to do. Atty. Rybak states that he would hope that a bus stop would be within the development and not at the road intersection of the entrance and Twenty-four Bumper Road. Atty. Tracy states that he is concerned that this is out of the applicant's control and he would encourage the town to discuss this matter with Region 10, that the applicant can't dictate bus stops same as a private landowner can't dictate that their child be picked up down a long driveway of a residence instead of at the street. Atty. Rybak agrees with this but believes the developer could request it of Region 10 if the situation arises. Commissioner D. Truskauskas questions if the Commission can require the allowance of a bus to go into private property with Atty. Rybak stating yes, the Commission can ask that the developer request it.

Atty. Rybak asks about signage for the development with Scott Bayne stating there will be markings for the development, a decorative sign. Commissioner D. Truskauskas questions whether there should be a separate approval for the sign under Zoning Regulation 11 with Atty. Rybak stating that it can be made part of any approval that the sign identifying the development shall meet Zoning Regulation 11.

As a final comment, Atty. Rybak states that he would like to review any draft motion drawn up.

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

Commissioner M. Szydlo **motioned** to close the public hearing at 8:00 p.m., seconded by D. Truskauskas. Motion passed unanimously.

**BUMPER BROOK ESTATES – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF A 36-UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.**

9/23/19

**EXHIBIT LIST**

- A) SPECIAL PERMIT APPLICATION Dated 9-13-19
- B) SITE PLAN APPLICATION Dated 4-8-19
- C) EROSION & CONTROL PERMIT Dated 4-8-19
- D) ASSESSORS MAP - ASSESSORS MAP NOS. A8-03-03, A8-03-04 AND A8-03-06
- E) STREET CARDS – ASSESSORS MAP NOS. A8-03-03, A8-03-04 AND A8-03-06
- F) SITE PLANS – PREPARED BY R.R. HILTBRAND ENGINEERS REVISED TO 11/5/18, rev. 4/8/19, rev. 9/23/19
- G) COPY OF QUIT CLAIM DEED – Parcel B, C & D - NOW UNDER ONE OWNERSHIP (to be joined)  
ACCOMPANIED BY MAP 1654.
- H) INLAND WETLANDS COMMISSION DECISION OF 11/5/18 (IWWC minutes of 11/5/18).
- I) LEGAL NOTICE OF IWWC DECISION PUBLISHED IN THE REPUBLICAN AMERICAN 11/12/18.
- J) IWWC DECISION LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO APPLICANT’S ATTORNEY, WILLIAM J. TRACY, FUREY, DONOVAN, TRACY & DALY, DATED 11/13/18.
- K) LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO ATTY. WILLIAM TRACY DATED 2/6/19 REGARDING OUTSTANDING W.M.C. CONSULTING ENGINEERS INVOICES (INVOICES INCLUDED IN LETTER) IN RELATION TO W.M.C.’S INLAND WETLANDS REVIEW. “EXHIBIT NOT INTRODUCED” (TO BE MARKED ON ACTUAL EXHIBIT)**
- L) LETTER FROM HARWINTON WPCA DATED 1/9/19 REQUESTING 8-24 REFERRAL FROM HARWINTON PLANNING COMMISSION TO EXTEND SEWER SERVICE.
- M) HARWINTON PLANNING MINUTES OF 2/13/19 – FAVORABLE REFERRAL GIVEN TO EXTEND SEWER SERVICE.
- N) LEGAL NOTICE OF HARWINTON PLANNING COMMISSION’S 8-24 REFERRAL PUBLISHED IN THE REPUBLICAN AMERICAN 2/15/19.
- O) LEGAL NOTICE OF ZONING PUBLIC HEARING – PUBLISH DATES: 9/11/19 AND 9/20/19
- P) LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO CITY OF TORRINGTON, CITY CLERK, DATED 9/10/19 GIVING NOTICE OF THE APPLICATION and PUBLIC HEARING.
- Q) LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO HARWINTON VOLUNTEER FIRE DEPARTMENT DATED 2/14/19 REQUESTING THEIR REVIEW OF SITE PLANS.
- R) LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO HARWINTON WESTSIDE FIRE DEPARTMENT DATED 2/14/19 REQUESTING THEIR REVIEW OF SITE PLANS.
- S) LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO BILL BALDWIN, FIRE MARSHAL, DATED 2/14/19 REQUESTING HIS REVIEW OF SITE PLANS.
- T) LETTER FROM LAND USE COORDINATOR POLLY REDMOND TO DAVE BOUSQUET, HIGHWAY SUPERVISOR, DATED 2/14/19 REQUESTING HIS REVIEW OF SITE PLANS.
- U) REVIEW REPORT FROM HARWINTON VOLUNTEER FIRE DEPARTMENT, WILLIAM BUYS, FIRE CHIEF, DATED 2/26/19.
- V) REVIEW REPORT FROM HARWINTON WESTSIDE FIRE DEPARTMENT, SCOTT KELLOGG, FIRE CHIEF, DATED 3/4/19.

- W) REVIEW REPORT FROM DAVE BOUSQUET, HIGHWAY SUPERVISOR, DATED 3/11/19.
  - X) CURRENT VERSION OF CGS 8-3(g) SITE PLANS.
  - Y) CURRENT VERSION OF CGS 8-3c SPECIAL PERMITS.
  - Z) RECEIPTS OF CERTIFIED MAILINGS RECEIVED FROM ATTY. WILLIAM TRACY AT 9/23/19 PUBLIC HEARING.
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- A1) COPIES OF FLOOR PLANS AND ELEVATIONS SUBMITTED BY ATTY. WILLIAM TRACY THAT ACCOMPANIED THE APPLICATION.
  - A2) ATTY. WILLIAM TRACY'S RESPONSES TO LUC POLLY REDMOND'S PLAN REVIEW COMMENTS.
  - A3) COPY OF PROPOSED RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY SUBMITTED BY ATTY. WILLIAM TRACY.
  - A4) BOND ESTIMATE SUBMITTED BY ATTY. WILLIAM TRACY IN THE AMOUNT OF \$21,994.00. \*See Exhibit A26
  - A5) LETTER FROM TORRINGTON WATER COMPANY DATED 3/25/19 RECEIVED FROM ATTY. WILLIAM TRACY. LETTER STATES THAT WATER CAN BE PROVIDED TO THE LOCATION ON TWENTY-FOUR BUMPER ROAD.
  - A6) HARWINTON WATER POLLUTION CONTROL COMMISSION MEETING MINUTES OF 3/12/19.
  - A7) LETTER FROM ATTY. WILLIAM TRACY CONSENTING TO EXTENSION OF THE PUBLIC HEARING TO THE 4/8/19 ZONING MEETING AND CONSENTS TO THE EXTENSION OF TIME PERMITTED BY STATUTE FOR CLOSURE OF THE PUBLIC HEARING. "EXHIBIT NOT INTRODUCED" (TO BE MARKED ON ACTUAL EXHIBIT)**
  - A8) CITY OF TORRINGTON INLAND WETLANDS PERMIT DATED MARCH 22, 2018 FOR MINOR GRADING FOR STORM DRAINAGE AND INSTALLATION OF WATER AND SEWER LINE IN THE ROAD RELATED TO THE CONSTRUCTION OF AN ELDERLY HOUSING COMPLEX IN HARWINTON.
  - A9) W.M.C. CONSULTING ENGINEERS ZONING REVIEW REPORT DATED MARCH 3, 2019 (TO BE CORRECTED TO 4/3/19 – DATED IN ERROR BY WMC). REPORT INCLUDES W.M.C. ADJUSTMENT TO BOND ESTIMATE SUPPLIED BY THE APPLICANT. WMC'S BOND ESTIMATE: \$43, 208.00
  - A10) R.R. HILTBRAND ENGINEERS & SURVEYORS 4/8/19 RESPONSE TO W.M.C. CONSULTING ENGINEERS REVIEW.
  - A11) DRAINAGE REPORT PREPARED BY R.R. HILTBRAND ENGINEERS & SURVEYORS DATED 9/9/18 SUBMITTED BY ATTY. TRACY.
  - A12) LETTER FROM ATTY. WILLIAM TRACY DATED 4/8/19 CONSENTING TO A CONTINUANCE OF THE PUBLIC HEARING TO THE 4/22/19 ZONING MEETING AND CONSENTS TO THE EXTENSION OF TIME PERMITTED BY STATUTE FOR CLOSURE OF THE PUBLIC HEARING. "EXHIBIT NOT INTRODUCED" (TO BE MARKED ON ACTUAL EXHIBIT)**
  - A13) LETTER FROM DAVID BOUSQUET, HIGHWAY SUPERVISOR AND DEPUTY CHIEF, HARWINTON VOLUNTEER FIRE DEPARTMENT, DATED 4/22/19.
  - A14) LETTER FROM ATTY. WILLIAM TRACY CONSENTING TO EXTENSION OF THE PUBLIC HEARING TO THE 5/13/19 ZONING MEETING AND CONSENTS TO THE EXTENSION OF TIME PERMITTED BY STATUTE FOR CLOSURE OF THE PUBLIC HEARING. "EXHIBIT NOT INTRODUCED" (TO BE MARKED ON ACTUAL EXHIBIT)**
  - A15) EMAIL DATED APRIL 10, 2019 TO LUC REDMOND FROM ATTY. TRACY PERTAINING TO HIS RESEARCH ON ADA COMPLIANCE FOR ACCESS FROM PARKING AREA TO SIDEWALKS SERVING INDIVIDUAL RESIDENTIAL UNITS.
  - A16) W.M.C. CONSULTING ENGINEERS FINAL REPORT DATED 4/30/19 WITH THREE COMMENTS OFFERED.
  - A17) EMAIL FROM STEVE MCDONNELL, P.E., W.M.C. CONSULTING ENGINEERS STATING THEY HAVE NO FURTHER COMMENT REGARDING ADA COMPLIANCE AND THE NUMBER OF PARKING SPACES.

- A18) **EMAIL FROM TOWN COUNSEL MICHAEL D. RYBAK DATED 5/8/19 GIVING GUIDANCE ON THIS APPLICATION REGARDING WHETHER ZONING CAN BASE THEIR DECISION CONTINGENT ON THE APPLICANT PAYING OUTSTANDING W.M.C. INVOICES AND ALSO REGARDING WPCA SEWER HOOK UP FEES. "EXHIBIT NOT INTRODUCED" (TO BE MARKED ON ACTUAL EXHIBIT)**
- A19) **EMAIL FROM ATTY. WILLIAM TRACY CONSENTING TO EXTENSION OF THE PUBLIC HEARING TO THE 6/10/19 ZONING MEETING AND CONSENTING TO THE EXTENSION OF TIME PERMITTED BY STATUTE FOR CLOSURE OF THE PUBLIC HEARING. "EXHIBIT NOT INTRODUCED" (TO BE MARKED ON ACTUAL EXHIBIT)**
- A20) COPY OF CUT SHEET OF THE PROPOSED PARKING LOT LAMPS SUBMITTED BY ATTY. WILLIAM TRACY.
- A21) COPY OF SAMPLE RESIDENTIAL APARTMENT LEASE USED BY SCOTT BAYNE AT THE BRISTOL ELDERLY HOUSING COMPLEX, APPLE GROVE ON LAKE AVENUE.
- A22) REVISED COPY OF DEED RESTRICTIONS ON USE, ALIENATION AND OCCUPANCY (see exhibit A3).
- A23) **COPY OF HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING MINUTES OF 5/6/19 SUBMITTED BY ZONING COMMISSIONER DON TRUSKAUSKAS THAT SHOW THE WETLANDS COMMISSION MOTIONED THAT THE INLAND WETLANDS APPROVAL FOR THIS APPLICATION IS NOT VALID DUE TO THE APPLICANT NOT COMPLYING WITH THE CONDITION OF APPROVAL THAT ALL W.M.C. CONSULTING ENGINEERS' INVOICES BE PAID BY HIM. "EXHIBIT NOT INTRODUCED" (TO BE MARKED ON ACTUAL EXHIBIT)**
- A24) TORRINGTON WPCA APPROVAL – CITY COUNCIL AND WPC AUTHORITY 8/19/19 MEETING MINUTES.
- A25) HARWINTON WPCA APPROVAL - 9/10/19 MEETING MINUTES. MOTION MADE TO APPROVE.
- A26) A TYPED SUBMISSION FROM ATTY. WILLIAM TRACY STATING THAT "THE APPLICANT ACCEPTS THE BOND ESTIMATE PREPARED BY R.R. HILTBRAND ENGINEERS & SURVEYORS DATED MARCH 11, 2019, AS REVISED BY WMC CONSULTING ENGINEERS, A COPY OF WHICH IS ATTACHED. THE TOTAL BOND ESTIMATE IS \$43,208.00.
- A27) PERMANENT SIGHT LINE EASEMENT SUBMITTED BY ATTY. WILLIAM TRACY TO BE FILED IN THE LAND RECORDS.

ZONING MINUTES DATED FEBRUARY 11, 2019 (ACCEPTANCE OF APPLICATION), MARCH 11, 2019 PUBLIC HEARING, MARCH 25, 2019, APRIL 8, 2019, APRIL 22, 2019, MAY 13, 2019, JUNE 10, 2019 FROM THE FIRST SUBMISSION OF THIS APPLICATION ARE ENTERED INTO THE RECORD FOR 2<sup>ND</sup> SUBMISSION. APPLICATION WITHDRAWN 6/24/19 AUDIO FROM THESE DATES FROM THE FIRST SUBMISSION OF THIS APPLICATION TO ZONING ARE ALSO ENTERED INTO THE RECORD FOR 2<sup>ND</sup> SUBMISSION.

\*\*\*MINUTES AND AUDIO ARE NOT EXHIBITS, SIMPLY PART OF THE RECORD OF THE NEW APPLICATION.

## REGULAR MEETING

### 1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman M. Rewenko called the meeting to order at 8:00 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for D. Thurston.

### 2. APPROVE MINUTES OF PREVIOUS MEETING: 7/8/19, 8/12/19, 8/26/19 AND 9/9/19

Minutes of 7/8/19: Tabled to next Zoning meeting due to lack of a voting quorum.

Minutes of 8/12/19: M. Szydlo **motioned** to approve the minutes of 8/12/19, seconded by D. Kovall.

Voting to pass the motion: M. Szydlo, D. Kovall, D. Truskauskas

Minutes of 8/26/19: D. Truskauskas **motioned** to approve the minutes of 8/26/19, seconded by C. Kasey.

Voting to pass the motion: D. Truskauskas, C. Kasey, D. Kovall

Minutes of 9/9/19: D. Kovall **motioned** to approve the minutes of 9/9/19, seconded by C. Kasey.

Voting to pass the motion: D. Kovall, C. Kasey, M. Rewenko, M. Szydlo, D. Kovall

3. **PUBLIC COMMENT.** None.

4. **DISCUSSION/POSSIBLE DECISION - B&R CORPORATION – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL, REQUEST TO GRANT A DECREASE IN PARKING SPACES REQUIRED BY ZONING REGULATION 10.6 IN CONNECTION WITH THE SITE PLAN APPROVAL FOR A 44' X 44' ADDITION TO AN EXISTING COMMERCIAL BUILDING, 216 BOGUE ROAD. ZONING REGULATION 10.7 REQUIRES A SPECIAL PERMIT TO BE APPLIED FOR UPON THE APPLICANT'S REQUEST TO DECREASE THE NUMBER OF PARKING SPACES REQUIRED.**

M. Szydlo notes that the plans show additional parking with C. Kasey stating that the Zoning Commission can request that these parking spaces be put in and utilized. M. Szydlo **motioned** to approve the Special Permit and grant the request to decrease the number of parking spaces required under Zoning Regulation 10.6 and approve the site plan as presented. D. Truskauskas seconded the motion and it passed unanimously.

5. **DISCUSSION/POSSIBLE DECISION - BUMPER BROOK ESTATES, LLC – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-03, A8-03-04 AND A8-03-06.**

Commissioners discuss possible conditions of any approval that may be received. Those and other possible conditions to be discussed at the next Zoning meeting on Tuesday, October 15, 2019 are:

- That additional language within the Sight Line Easement presented as Exhibit A27 state that the owner is responsible for the maintenance of the easement and that the town has the right but not the obligation to maintain.
- That the Sight Line Easement granted to the Town of Harwinton, and approved by the Town Attorney, shall be filed in the land records in the office of the town clerk at the time the site plan is filed.
- That the contact name responsible for maintenance of the detention basin and the Sight Line Easement maintenance be noted on the site plans to be filed in the land records in the office of the town clerk.
- That the Restrictions on Use, Alienation and Occupancy Covenant (Exhibit A3) shall be filed in the land records in the office of the town clerk at the time the site plan is filed.
- In accordance with Harwinton Zoning Regulation 8.4 a Performance Bond in the amount of **\$43,208.00** shall be posted to ensure the satisfactory completion of all improvements, excluding buildings shown on the site plan. The bond shall be posted prior to the filing of the site plans in the land records in the office of the town clerk.



- The location, types, character and size of the use and any building or other structure in connection therewith shall be in harmony with and conform to the appropriate and orderly development of the Town and the neighborhood and shall not hinder or discourage the appropriate development and use of adjacent property or substantially or permanently impair the value thereof. (Zoning Regulation 9.1.1a)
- The nature and location of the use and of any building or other structure in connection therewith shall be such that there will be adequate access to it for fire protection purposes. (Zoning Regulation 9.1.1b)
- The streets serving the proposed use shall be adequate to carry prospective traffic and that provision is made for entering and leaving the property in such a manner that no undue hazard to traffic or undue traffic congestion is created and that adequate off-street parking and loading facilities are provided. (Zoning Regulation 9.1.1.c)
- The excavation, grading, filling or removal of earthen material shall not result in sharp declivities, pits or depressions or soil erosion, drainage or sewerage problems or condition that would impair the reasonable reuse and development of the lot for purposes permitted under the Zoning Regulations in the zone where the lot is located. (Zoning Regulation 14.4.2)
- Truck access to the site shall be arranged to minimize danger to traffic and nuisance to surrounding properties during construction. (Zoning Regulation 14.4.4)
- No construction activity or truck traffic shall be permitted prior to 7:00 a.m. or after 8:00 p.m. Monday through Friday. Saturday hours shall be limited to 7:00 a.m. to 12:00 p.m. No construction activity or truck traffic shall be permitted on Sundays or national holidays. (Zoning Regulation 14.4.7)
- During the period of excavation all operations shall be conducted so that no dangerous conditions shall be created and no dust, odor, smoke, fumes, noise or vibrations sufficient to constitute a nuisance shall result. (Zoning Regulation 14.4.8)
- That the contact name responsible for emergencies and notifications shall be provided and updated in the Land Use office as needed.
- Drainage within the site shall be to Town of Harwinton specifications.
- The property shall be suitably landscaped to protect the neighborhood and adjacent properties. (Zoning Regulation 9.1.1e)
- Required improvements shown on the approved site plan, including landscaping, must be maintained by the owner of the property for a period of ten (10) years from the date of the approval. (Zoning Regulation 1.3.3n)
- The apartments can never be sold off as Town Houses or Condominiums and shall remain under the Use Group designated at the time of issuance of the Building Permit.
- Bumper Brook Estates shall obtain the necessary permits for sewer connection from the Harwinton and Torrington Water Pollution Control Authority prior to any building permits being issued.

- Bumper Brook Estates shall obtain a Road Opening Permit from the Harwinton Public Works department prior to any building permits being issued.
- That the Developer shall place permanent "No Parking" signs on both sides of Twenty-four Bumper Road after obtaining permission from the Town of Harwinton Public Works Department.
- Placement of any sign identifying the development shall be reviewed by the Zoning Commission and comply with Zoning Regulation 11 and shall be located off of the town's right of way.
- The driveway shall be designed so that there will be no discharge of storm drainage to the travel surface of an existing or proposed street, or into the immediate area of an existing or proposed water supply well or sewage system.
- Private roads within the development of Bumper Brook Estates, LLC shall be built to Town of Harwinton road standards for load bearing capacity in order to handle emergency vehicles. Applicant's engineer shall provide inspections and written certification of compliance with this condition.
- No light shall be transmitted outside of the lot from which it originates so as to endanger the public health or safety, including the public safety on any street or highway, or to impair the value or reasonable use of any other lot. (Zoning Regulation 6.10)
- The developer/owner request of Regional School District #10 that, if needed, to allow a school bus pickup to be designated within the development and not at the intersection of the entrance to the development and Twenty-four Bumper Road.
- That the mylar site plan shall include an approval block which shall include a space for signature of the Zoning Commission Chair and a space for the date of approval of the site plan and the date of expiration of the site plan which shall be five (5) years from the date of approval. Failure to complete all work within such five-year period shall result in automatic expiration of the approval of such plan. 'Work' means all physical improvements required by the approved plan.
- This special permit and site plan shall be signed and recorded in the Harwinton Land Records after the 15-day appeal period has expired and the bond has been posted.
- The special permit shall conform to all Zoning Regulations.
- That an as-built shall be provided to the Town of Harwinton upon completion of the project with certification by the Zoning Enforcement Officer that states the provisions of these Regulations have been complied with. (Zoning Regulation 1.3.3c)

**6. KEN HRICA, P.E. – INFORMAL DISCUSSION – PARKING LOT EXPANSION, OUR LADY OF HOPE (FORMERLY KNOWN AS IMMACULATE HEART OF MARY), 6 & 14 BIRGE PARK ROAD (CHURCH AND SOCIAL CENTER).**

Ken Hrica is present and explains to the Commission of the parking problems at Our Lady of Hope that includes a shortage of parking and stacking of parking. These problems lead to cars being parked on Birge Park Road and people not being able to leave their parking spaces after church services if they are boxed in by other cars. Mr. Hrica refers to Zoning Regulation 10.3 that calls for adequate driveways and aisles and questions if this Regulation was intended so the Commission can't approve stacked parking. Commissioners are unsure of the answer. Mr. Hrica states that he brought this application before the Wetlands Commission who had concerns over the gravel parking on the north side of the lot close to Catlin Brook. The plans he presented to IWWC provided for 20 additional parking spaces where the school was located before its demolition. Now with the IWWC concerns over the gravel parking area, parking spaces are being lost so they are looking at the possibility of stacking. Mr. Hrica is looking for ways to create more parking without having parking so far away from the church and thought it best to have an informal discussion with the Zoning Commission prior to returning to the Wetlands Commission for a decision. D. Truskauskas asks for Atty. Rybak's advice asking if the Commission has authority to not allow stacking if there is no proposal for construction. Atty. Rybak, giving full disclosure that he is a neighbor to Our Lady of Hope, states that the church parking lot is a non-conforming situation that they want to make less non-conforming. If there is no proposed construction, probably the best way to get additional parking is to allow stack parking which would most likely only be during certain times of the year where church attendance is extremely high, such as holidays. D. Truskauskas states his belief that stacked parking would work in this case, for this type of venue, because people are coming and going at the same time and that in itself is "adequate" as noted in Zoning Regulation 10.3. Atty. Rybak points out that it is adequate for a church but wouldn't be for a shopping center. Atty. Rybak states that he doesn't understand why the Wetlands Commission didn't accept the gravel parking area near Catlin Brook but he would recommend that the Land Use Commissions work with the church to prevent more pavement parking and tree cutting. Access for emergency vehicles should also be reviewed. D. Truskauskas states that since the church is not expanding its building, which would require more parking, the church is just trying to make more parking more adequate. K. Hrica notes that with the requirement for landscaped islands, he would argue the same in that no landscaped islands exist now. D. Truskauskas refers to regulations requiring paved and striped parking spaces with K. Hrica stating that the new parking area would be gravel, eventually paved. D. Truskauskas states that if and when the parking spaces will be paved, a Site Plan and Zoning approval would be required.

**7. COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Troy LaMere has reported to LUC Redmond that he is still working on wording for the Cease and Desist Order for 508 Hill Road.

**8. ANY OTHER BUSINESS.**

None.

**9. CORRESPONDENCE.**

None.

**10. INVOICES.**

None.

**11. ADJOURN.**

D. Truskauskas **motioned** to adjourn the meeting at 8:30, seconded by C. Kasey. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 10-1-19 AT 9:50am

ATTEST TOWN CLERK

*Jaime J. Bugeen*