

HARWINTON ZONING COMMISSION
MONDAY, OCTOBER 28, 2019
TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Don Truskauskas, Alternate Member Theodore Root, ZEO Troy LaMere and LUC Polly Redmond

Also Present: Michael D. Rybak

PLEDGE OF ALLEGIANCE

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman Rewenko called the meeting to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 10/15/19

M. Szydlo **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously with Chairwoman Rewenko refraining from vote due to her absence at the 10/15/19 meeting.

3. PUBLIC COMMENT.

None.

4. MICHAEL BOUCHER – APPLICATION FOR SINGLE FAMILY DWELLING, 8 WOODCHUCK LANE. ZBA GRANTED VARIANCE ON 10/16/19.

Mr. Boucher is present. Plans by Robert Green Associates titled Zoning Location Survey Plot Plan for Addition & Leaching Area Layout, 9/26/19, are reviewed. The house is to be built in the same location as an existing non-conforming foundation with a new foundation to be poured. A 24' x 30' garage addition will be constructed on the west side of the house and a 10' x 20' deck to the east of the house. Erosion Control permit is on file with Commissioners informing Mr. Boucher that additional silt fence should be installed on the east side of the property along the edge of the wetlands. TAHD approval for septic and driveway opening permit are outstanding. The property is served by Torrington Water Company.

M. Szydlo **motioned** to approve the application with the condition that TAHD approval and driveway opening permit are obtained, seconded by D. Thurston. Motion 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.

Commissioner D. Thurston states for the record that he has listened to the audio recording of the 9/23/19 Zoning Public Hearing he did not attend.

Commissioners and Atty. Rybak continued review of the Draft decision with minor changes that LUC Redmond will make. Changes include adding notation that the bond is found in Exhibit A4 and includes a 10% contingency and that "the Developer shall be responsible for cost and maintenance of the fire hydrants. Upon prior notice to the owner, the Harwinton Fire Departments will be granted access to the property to inspect the fire hydrants."

M. Szydlo **motioned** to approve the application with the following 29 Conditions:

1. 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.
2. 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.
3. That the Restrictions on Use, Alienation and Occupancy Covenant (Exhibit A22) shall be filed in the land records in the office of the Town Clerk at the time the site plan is filed.
4. In accordance with Harwinton Zoning Regulation 8.4, a Performance Guarantee in the amount of **\$43,208.00** (Exhibit A4) shall be posted and held by the Town of Harwinton Treasurer to ensure the satisfactory completion of all improvements, excluding buildings shown on the site plan. The Performance Guarantee shall be posted prior to the filing of the site plans in the land records in the office of the Town Clerk.
5. The Performance Guarantee shall be held by the Town of Harwinton and shall not be released until it is certified that all of the requirements of the Zoning permit have been met. This includes certification by the applicant's engineer that the road within the development is built to Town Standards. As built drawings shall be submitted before the Performance Guarantee is released.
(Zoning Regulation 8.4)
6. 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)
7. 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 Developer shall be responsible for cost and maintenance of the fire hydrants. Upon prior notice to the owner, the Harwinton Fire Departments will be granted access to the property to inspect the fire hydrants.
8. 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)
9. 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)
10. 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)

11. 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)
12. 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)
13. The contact name and phone number of the person responsible for maintenance issues, emergencies and notifications shall be provided and updated in the Land Use office as needed.
14. Quarterly Inspection Reports shall be submitted to the Land Use office beginning three (3) months after construction begins. Reports will include updates on building locations and erosion control locations.
15. Drainage Planning and Design will be in compliance with Zoning Regulations 9.9.12, 9.9.14.
16. The property shall be suitably landscaped to protect the neighborhood and adjacent properties. (Zoning Regulation 9.1.1e)
17. 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)
18. 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.
19. Bumper Brook Estates shall obtain a Road Opening Permit from the Harwinton Public Works Department prior to any building permits being issued.
20. 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.
21. Placement of any sign identifying the development shall be reviewed by the Zoning Commission and shall be located off of the town's right of way. (Zoning Regulation 11.3.2)
22. 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. (Zoning Regulation 4.7.4.e.1.)
23. The Developer's professional engineer shall certify in writing on the as built site plan that all structures, utilities, driveway, drainage and other improvements shown on the site plan are constructed where shown on the site plan and comply with the requirements of the Harwinton Zoning Regulations and the special permit and site plan approval, and the requirements of the Harwinton and Torrington WPCA Regulations and their sewer connection permits.
24. Engineer Certification and cross-section of the driveway is required. (Zoning Regulation 6.4.3)

25. 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.
26. 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)
27. That the Developer/Owner request of Regional School District #10 and shall 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, if needed.
28. 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. (Zoning Regulation 8.5.15)
29. 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 Performance Guarantee has been posted.

D. Thurston seconded the motion and it passed unanimously

6. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO Troy LaMere states that today was the last day (10th day) for Ralph Johnson/Ron Conroy to comply with the Cease & Desist Order sent by certified mail to both parties on 10/16/19. ZEO LaMere states that he stopped at 508 Hill Road on Saturday, 10/26/19 and there were still commercial vehicles and cars on the property as first witnessed. ZEO LaMere informs the Commission that he received a call from Ron Conroy today who stated that everything has been removed off the property. Commissioner D. Kovall who also lives on Hill Road states that when she went by 508 Hill Road the property looked tidier but there was still a lot of "stuff" on the northern side of the property. ZEO LaMere states that he can have the State Police go out to the property again to make certain that the cars on the property are registered but that the commercial vehicles must be removed. ZEO LaMere states his belief that the only way to have compliance is to start fining the property owner, Mr. Ralph Johnson. Atty. Rybak states that ZEO LaMere will have to get photos of the vehicles and the license plates attached before proceeding with fines. In the meantime, ZEO LaMere will contact the Harwinton Assessor to find out what vehicles are registered to 508 Hill Road.

ZEO Troy LaMere reports that he received a complaint from Annette Spino, 10 Spring Hill Road regarding light being transmitted onto her property from the Sunoco Gas Station, 207 Birge Park Road. ZEO LaMere states that he spoke with the attendant at the gas station who informed him that the lights are turned off at 10:00 p.m. ZEO LaMere informed him that the lights must be shielded with Commissioners in agreement. ZEO LaMere will send a letter to the owner of the gas station stating that this is a required action.

ZEO LaMere reports that he inspected property at 38 Westleigh Drive for a 25' x 10' deck application and 95 Highview for a 12' x 12' deck. Compliance has been met in both cases.

7. ANY OTHER BUSINESS.

None.

8. CORRESPONDENCE.

None.

9. INVOICES.

None.

10. ADJOURN.

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

Respectfully submitted,



Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 10-31-19 AT 9:05am

ATTEST TOWN CLERK

