

ZONING COMMISSION MEETING
MONDAY, AUGUST 9, 2021
TOWN HALL 7:00 P.M.

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Theodore Root, Alternate Member Dave Foster, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Don Truskauskas

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: 4/26/2021

D. Thurston **motioned** to approve the minutes of the previous meeting, seconded by M. Szydlo. Motion passed unanimously with C. Kasey refraining from vote due to her absence at the 4/26/21 meeting.

C. Kasey **motioned** to amend the agenda in order to take up **Item 5 Complaints: Sunset Ridge**, seconded by T. Root. Motion passed unanimously.

Len Lopardo, Sunset Ridge owner and developer, is present along with 20-25 residents of Sunset Ridge residing on Hannah Way and Lauren Lane. ZEO Truskauskas states that residents have submitted complaints to the Land Use office with photos attached showing the lack of erosion control and poor drainage on their properties and in areas throughout the site. He has spoken to Mr. Lopardo about this and asked that silt fence be installed but as of last Monday night when he was there, silt fence was not installed. Mr. Lopardo states that he has put in silt fence and haybales and submits photos for the record showing such erosion controls. Original site plans from the 2007 Zoning approval are reviewed by Commissioners. Mr. Lopardo states that he has put additional erosion control measures in which should alleviate the erosion and drainage problems the residents are experiencing. ZEO Truskauskas states he will drive through the property, which is located off of Mountain View Drive, this week. He notes that the retention pond needs to be cleaned out and also points out that the gate to the pond can't be open due to the vegetation that has grown in the pond. Mr. Lopardo explains that he spoke with a forester regarding the retention pond and was told to let it be as is because cleaning it out would be detrimental though, Mr. Lopardo states, some trees will be taken out. ZEO Truskauskas believes that the retention pond is acting as it should with cattails growing and no silt but feels it should be reestablished. He adds that the Wetlands Commission holds a bond on the functionality of the retention pond at the time when the site plan approval expires in 2026. M. Szydlo questions the photo Mr. Lopardo presented showing $\frac{3}{4}$ crushed stone in the back of a home with Mr. Lopardo stating that it was placed there to stop the hydraulics of the water and that silt fence was also installed. Check dams are in back of the newly constructed homes that have slopes. He also adds that once gutters are in, they will act like drains. M. Szydlo states that what is there *now* should be functioning.

Teresa Foley, 13 Hannah Way, provides pictures showing silt fence behind her house that she and her husband have to maintain themselves. She states that the land is not pitched correctly and in regards to the pond, she notes that it used to be bigger but has since filled in. She believes that the matter of the road not having a final coat is creating problems also. She states that the erosion control measures that Mr. Lopardo recently put in was only because he was told to after attending the Wetlands Commission meeting last Monday, 8/2/21. She asked ZEO Truskauskas to please check the area behind her house when he visits the site. M. Szydlo asks if her lot still has ponding of water with heavy rain with Mrs. Foley stating, yes.

Mr. Lopardo states that the pond is a retention pond with a berm and a swale. It holds water so runoff goes into it. He states that he even built another pond alongside it but there was a lot of rain in July which caused problems. He adds that the swale he mentioned has been altered and he doesn't know by who.

Lillian Busse, 15 Hannah Way, states that she disagrees with what Mr. Lopardo is saying and provides her photos. She speaks of an access road that was created to have a new foundation put in on a lot and that it is still there but is basically a dirt road bed. Beyond that access road is a pond, 3 feet deep, that has remained that way for years.

The water in the pond was black and had a terrible smell so she admits that it was her who dug the swale in order to get rid of the water because it also attracted mosquitos. She provides a photo of where the Foley's house was, prior to construction, and there was no water and the grade was fine. Mr. Lopardo states that there was never reason for an access road to be constructed since there was a road right in front of the house he built. He states that he discovered there was a problem with the pond and in talking to Mrs. Busse, he told her he would add silt fence and that he might have to reconstruct the pond. He was aware of the situation and tried to help but the July rain was overwhelming. He adds that he will now have to reconstruct the berm.

Jill Fattig, 8 Lauren Lane, questions why Zoning isn't watching this project. Haybales just went up last week along with silt fence but erosion hasn't been addressed in years. She adds that the pond is supposed to be tested.

Harry Buck, 6 Hannah Way, reads a prepared statement regarding his issues with erosion and drainage. He expresses his thoughts on how the drainage mechanism of the site is incorrect. He notes that the retention pond has never been cleaned out and that construction trucks wash their trucks on site at the end of the day with all the water going in to the pond which now has concrete and rocks in it. He speaks of the private road that everyone and anyone can use and adds that the plans called for phasing of the project which has not been followed.

Mr. Lopardo states that in regards to the phasing, he had the chance to get the road in with one end done first and then the other end. Hemlock Construction did the drainage and Dick Traub, an engineer, suggested the design with Lenard Engineering providing the engineered plans.

Noreen Dostaler, 2 Hannah Way, states that she has a drain in the back of her house and a sink hold she and her husband continue to fill and that this is a safety issue.

Greg (last name not heard), Hannah Way, states that his bank is eroded as well and has discussed this problem with Mr. Lopardo but isn't sure on what should be done about it. He asks the Commissioners for their thoughts on what could be done. Mr. Lopardo responds that he wants to keep the land crown-pitched and will have it landscaped with ground flowers which should stabilize the bank.

Chairwoman Rewenko states that ZEO Truskauskas will inspect the property and to Mr. Lopardo she states that the people here are not happy and that their voices must be heard by him. Mr. Lopardo states that he is following the plan, a plan that the neighbors might not understand, and that rain has definitely been an issue. He states that further construction will take care of a lot of issues.

Harry Buck, 6 Hannah Way, suggested that no further building permits should be issued until these matters are taken care of. He states that Mr. Lopardo should be working with the residents of Sunset Ridge.

Chairwoman Rewenko states that the ZEO will inspect the properties and report back to this Commission. Any further complaints by the residents should be sent to the ZEO or the Land Use office.

C. Kasey motioned to amend the agenda to add Sean Magill and Jacob Honig to the agenda for informal discussion on Food Manufacturing Establishment, seconded by D. Kovall. Motion passed unanimously.

Sean Magill and Jacob Honig are present and remind Commissioners that they were before this Commission last year to discuss their proposed hemp farm. They have their licenses but the state asked if they were also looking for a food manufacturing license in connection with the hemp farm. The application for such an establishment asks if Zoning approval has been received or whether the town's Zoning Commission does not require approvals of any kind. They explain that they will be selling coconut oil (a product of hemp) online through their website and will also sell to businesses in a retail manner. They believe they won't be wholesaling the product but DCP told them they were wholesalers and to check with the town. ZEO Don Truskauskas poses the question, is it an agricultural product, much like someone growing blueberries and then selling blueberry pies, or is it a home business?

D. Kovall believes this activity would go from “porch sales” to deliveries and building up to a commercial operation with sales. LUC Redmond points out Zoning Regulation 6.19 Use of Home for Personal Business and that perhaps what is being proposed falls under that regulation since there will be no employees and no outward appearance of a business being operated out of the home. Chairwoman Rewenko advises Commissioners to read State Statute 1-1q Agriculture and Farming, Zoning Regulation Section 6.19, and perhaps confer with the Town Attorney on whether the Zoning Commission should weigh in on this or agree that no sign off or approval is required for operating a food manufacturing establishment in connection with the proposed hemp farm. Sean Magill will send to the Land Use office a flow chart of product growth to distribution to give the Commission an idea on what is being proposed. Further discussion will take place at the next Zoning meeting on **Monday, August 23, 2021** at 7:00 p.m. in the town hall.

M. Szydlo **motioned** to add **Warren Wilford, President, Lake Harwinton Association**, to the agenda for informal discussion on short term rentals in the lake area and septic systems. D. Kovall seconded the motion and it passed unanimously.

Mr. Wilford emailed the Land Use office with a letter stating the Lake Association has been discussing septic systems and short-term rentals with the BOG. They go hand in hand as the septic systems of most of the homes around the lake really won’t support the use of short-term rentals. The Association is looking into ways to reasonably regulate septic system cleaning and inspections, if possible. The letter states that the lake is in its own LHC zone, and expanding into the LHA zone would cover almost their entire watershed and they would like to work with the town on this and possibly a zoning regulation for these zones.

Tonight Mr. Wilford states that he’s lived in Harwinton for fifty years and he’s not sure why the lake lots were split up the way they were and he would like to get the little lots in the LHC zone more into compliance. Referencing a map that he sent accompanying his letter shows that the Lake Association has purchased more lots now. He suggests that perhaps the Zoning Commission can change their regulations concerning septic systems and create a regulation that excludes short-term rentals in the lake zone. Everything in the lake area is non-conforming and he would like to see lots made into building lots and perhaps develop the roads with turnarounds and improved drainage. M. Szydlo states that it sounds like the Lake Association wants to redesign the area with Mr. Wilford stating, yes. Barbara Bigos, a member of the audience, former Harwinton resident, former Zoning Commissioner and former town Assessor, states that the Lake Association Charter should be looked at as the creation of lake lots was not a typical subdivision. Mr. Wilford states that the Association could revise the Charter and would invest their money to work cooperatively with the town. He states that it’s his understanding that the town regulations trump the lake laws with D. Kovall stating that the Lake Association has always been the first front for approvals and then on to the Zoning Commission. ZEO D. Truskauskas states that perhaps as Lake Association residents come to the Zoning Commission for construction project approvals it be required that they provide a survey to provide true details of lots. This could set the stage for future development. D. Thurston states that the Lake Association should put their goals on paper with Mr. Wilford in agreement.

3. **PUBLIC COMMENT.** None.

4. **INFORMAL DISCUSSIONS: RECREATIONAL MARIJUANA LAW**

USE OF FAIRGROUNDS, LOCUST ROAD

CREATION OF SPECIAL EVENTS APPLICATION/REGULATION/ORDINANCE

Recreational Marijuana: D. Kovall, T. Root and D. Truskauskas all attended last week’s 5th Thursday presented by NHCOC where discussion was held on PA 21-29 including Recreational Marijuana. Licenses for recreational marijuana would be issued to one grower and one distributor per the Town of Harwinton’s population. D. Kovall states that recreational marijuana is not an agricultural activity and towns can restrict similar to liquor store Zoning Regulations for distance separation, etc. **Opting out is an option by January 23, 2022.** D. Truskauskas states that towns can opt out of parking requirements for accessory apartments also. At the forum it was also suggested that the word “character”, as in “rural character”, should be eliminated from the Zoning Regulations as well as the word “reasonable”.

Use of Fairground, Locust Road: John Bigos, V.P. Harwinton Fair/Agricultural Society, is present along with other members of the Harwinton Agricultural Society. He states that the Harwinton Fair can't sustain itself on just the fair and have in the past held other events at the fairgrounds. The Lion's Club has held concerts there for many years and other events include drive-in movies, tractor pulls, haunted house, and the recent renaissance fair. A Monster Truck show is coming this weekend and then discussion came up as to whether Zoning approval was required for this event. Chairwoman Rewenko states that if events have always happened at the fairgrounds and there have been no complaints, she believes the Zoning Commission should leave as it is with no requirements for permits needed. Commissioners agree and believe that events that have been held on the fairgrounds have always been held responsibly.

Sean Magill and Jacob Honig, still present in the audience, address the Commission stating their belief that permitting **recreational marijuana** in town would be a huge opportunity for the town to make revenue and to opt out would be a poor choice. From one micro-grower the town could possibly make \$30,000 a month in revenue. Further discussion will be held at the next Zoning meeting with them on **Monday, August 23, 2021** as noted above.

5. COMPLAINTS/ENFORCEMENT ACTIONS.

SUNSET RIDGE, MOUNTAIN VIEW DRIVE/HANNAH WAY/LAUREN LANE – EROSION CONTROL ISSUES

See above for Sunset Ridge matter.

ZEO D. Truskauskas informs the Commission that 231 Clearview Avenue is looking for a compliance signoff for a C.O. for an approved accessory apartment. He will sign off on compliance after he checks with the Building Inspector.

Commissioners are informed of the Hock appeal to the Cease-and-Desist Order issued to him.

6. ANY OTHER BUSINESS.

None.

7. INVOICES.

None.

8. ADJOURN.

C. Kasey **motioned** to adjourn the meeting at 9:50 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 8-12-21 AT 11:15am

ATTEST TOWN CLERK

James Bryan