

Present: Cynthia Kasey, Matthew Szydlo, Deborah Kovall, Alternate Member Theodore Root, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Don Truskauskas

Absent: Chairwoman Michelle Rewenko, Daniel Thurston, Alternate Member William Ponte and Alternate Member Dave Foster

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chairwoman C. Kasey called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member T. Root seated for M. Rewenko.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/9/2021

M. Szydlo **motioned** to approve the minutes of the previous meeting with amendments to page 2, paragraph 5, change “hold” to “hole”. Page 2, paragraph 6, line 3, change “crown-pitched” to “crown vetched”. Page 2, last paragraph, line 5, omit to read, “They explain that they will be selling (omit “coconut oil”) MCT oil, extracting CGB from the hemp, and mixing it to make tincture.” T Root seconded the motion and it passed unanimously.

3. PUBLIC COMMENT. None.

4. INFORMAL DISCUSSIONS: RECREATIONAL MARIJUANA LAW

Sean Magill is present to follow up on discussion from the last Zoning meeting concerning online retail sales of a hemp food consumption product. In seeking a license from the state, he was asked if a food manufacturing license was being sought in connection with hemp cultivation and if so, the state application asks whether the town’s Zoning approval is required or whether no approval is required. Commissioners were unsure at the previous meeting whether this would be considered a retail use in a residential zone and if so, be required to hold a public hearing, or whether Zoning Regulation 6.19 Use of Home for Personal Business would apply requiring no permit if there was no outward appearance of a business being conducted within the home. D. Kovall states that what Sean Magill would like to do is similar to the making of maple syrup in that producing syrup on your property and then selling it online would not require a special permit nor fall under Zoning Regulation 6.19. Sean Magill asks for clarification in that what he is hearing is that the Zoning Commission believes no permit is required. Commissioners confirm that is correct.

T. Root **motioned** to move forward to Item 5 before discussing Item 4 further, seconded by D. Kovall. Motion passed unanimously.

5. COMPLAINTS/ENFORCEMENT ACTIONS.

Sunset Ridge –

20-25 residents of Sunset Ridge are present to hear ZEO Don Truskauskas’ report on his inspections at Sunset Ridge as he was instructed to do at the previous Zoning meeting on 8/9/2021. He reports that he visited the site on August 18, 2021 and noted that street lighting was lacking from what was proposed on the site plans. He suggests that if a light post is required to be out in front of a house, then that light should be installed prior to that house receiving a Certificate of Occupancy. The sedimentation basin needs silt fence installed around it and he asks Commissioners if they feel that the temporary basin, which isn’t working properly, should be removed. He found that there was a lot of dirt in the road and told developer/owner Leonard Lopardo to clean it up. ZEO Truskauskas refers to the Stormwater Maintenance Plan submitted with the original application in 2006, prepared for Targa I, LLC by Lenard Engineering, that has requirements that are not being done and the Commission should ask for evidence of what has been done. M. Szydlo states that before and after significant rains measures should be taken to ensure erosion control and if current erosion control is not working, Mr. Lopardo should go back to his engineer saying that it is not working. ZEO Truskauskas agrees that Mr. Lopardo’s engineer should look at it. M. Szydlo states that maintenance should be made part of the next Certificate of Compliance issued and ask Mr. Lopardo if they have been done. ZEO Truskauskas states he will write a letter to Mr. Lopardo explaining this to him. D. Kovall agrees that if the plans show something that is to be done, it should be done. The pictures that are being shown by the residents of Sunset Ridge tonight, and at the last meeting, show that

there is a lot being ruined on site and the project should be protected by the developer. She believes that any progress being made by the developer is being undone by these erosion issues. M. Szydlo suggests that perhaps Lenard Engineering should take another look at the site with ZEO Truskauskas agreeing stating that these problems are not a big deal to fix, and would take probably a half day's work, but he believes that the E&S measures and Stormwater Management are not installed as designed. T. Root questions whether there are street lights on the main road within the development with an audience member stating there are three (3) lights installed out of eight (8) that are on the plan. T. Root states that these lights should be installed as it is a safety concern. ZEO Truskauskas states that all lighting and all trees should be put in before anymore C.O.'s are issued.

Harry Buck, 6 Hannah Way, speaks of the phasing of the project that was not followed. T. Root questions LUC Redmond whether Mr. Lopardo came back in with a revised plan for phasing, which he did not. Mr. Buck speaks of the drainage that he believes was installed incorrectly in that each house was to have its own drainage pipe and not four houses into one pipe which is the case. ZEO Truskauskas states that Mr. Lopardo will also be asked to submit a plan with drainage changes to the Commission so it will be known that the engineer approved the design.

ZEO Truskauskas itemizes the things he will asking for in writing to Mr. Lopardo to provide that include the following:

1. Install Site lighting in all paved areas as shown on the approved plan.
2. Fill in the small detention basin and divert runoff water to the temporary sediment basin shown on the approved plan (at unit 27) and add silt fence as necessary to protect downhill installed landscaping.
3. Provide documentation of Street Sweeping two times per year as required in the approved "Stormwater System Maintenance Plan" Revised April 24, 2006.
4. Provide Documentation of Annual Cleaning of Catch Basins as required in the approved "Stormwater System Maintenance Plan" Revised April 24, 2006.
5. Provide documentation of semi-annual inspection of the Water Quality Basin as required in the approved "Stormwater System Maintenance Plan" Revised April 24, 2006.
6. Install maple trees and other vegetation as shown on the approved Landscaping Plan for each of the existing homes.
7. Submit an engineered drawing of all drainage and other changes to the approved plan and sequencing documents.

6. ANY OTHER BUSINESS.

CONTINUED DISCUSSION OF ITEM 4:

Commissioners discuss the possibility of holding a hearing for a Temporary Moratorium on Cannabis Establishments in the Town of Harwinton similar to what other area towns are doing, and the Town of Thomaston in particular. This will give the Zoning Commission time to digest the new laws and draft a Zoning Regulation if they choose to. The new law does allow towns to **opt out by January 23, 2022** if Commissioners feel that is something they would rather do. Commissioners ask that LUC Redmond contact the town attorney to request wording to the Commission for a hearing on a Moratorium.

7. INVOICES.

M. Szydlo **motioned** to approve the invoice of ZEO D. Truskauskas for 12.25 hours and 39 miles, seconded by D. Kovall. Motion passed unanimously.

8. ADJOURN.

T. Root **motioned** to adjourn the meeting at 8:15 p.m., seconded by M. Szydlo. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 8-25-21 AT 2:45pm

ATTEST TOWN CLERK

Janet Boyan