

**ZONING COMMISSION MEETING
TUESDAY, OCTOBER 12, 2021
TOWN HALL 7:00 p.m.**

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

Absent: Alternate Members Theodore Root and William Ponte

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 9/13/2021

D. Thurston **motioned** to approve the minutes of the 9/13/2021 meeting with the following amendments: Page 2, last sentence to read: "Mr. Lopardo states that he will get started quickly on it and will let ZEO Truskauskas know when and agrees that it will be (omit the word *done*) **completed fully** by winter."

Page 4, 1st paragraph, last sentence to read: "Acting Chair M. Szydlo wants to make sure that all concerns expressed tonight by the residents are addressed by the reviewing engineer."

M. Szydlo seconded the motion and it passed unanimously.

3. PUBLIC COMMENT.

None.

4. ROBERT KILLEEN – APPLICATION FOR 20' X 30' BARN, 112 MANSFIELD ROAD.

No one is present to represent.

5. NELSON REBECCHI – APPLICATION FOR 30' X 30' BARN/GARAGE, 38 RIDGEWOOD DRIVE.

Dennis McMorrow, P.E., Berkshire Engineering is present along with Nelson Rebecchi. Plans by Berkshire Engineering are submitted titled B100a Reserve Septic and Site Plan, 2/10/20, revised to 8/28/21 for moving of barn, revised driveway and grading. The property is located in a Town Residential zone requiring a 25-foot side yard setback. The plan shows the barn 29 feet to the side yard property line. Mr. McMorrow submits a wetlands report from George Malia dated 12/11/2019 with no wetlands found within the area he inspected (the westerly and central sections of the property). Inland Wetlands approval and TAHD approval have been received. Erosion Control permit is on file. M. Szydlo **motioned** to approve the application, seconded by C. Kasey. Motion passed unanimously.

6. ROBERT RICCIO – APPLICATION FOR SINGLE FAMILY DWELLING, 34' X 35' BARN AND 20' X 20' CABANA, LOT 18, STEEPLE CHASE ROAD, A ROAD WITHIN EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD. ROAD IS NOT A TOWN APPROVED ROAD. ORDINANCE 70 ALLOWS FOR CONSTRUCTION ON UNAPPROVED ROADS IF THERE IS A GUARANTEE OF ROAD COMPLETION BY A BOND, WHICH THERE IS.

Tim Furey, Furey, Donovan, Tracy & Daly, PC is present along with Robert Riccio. Plans by Robert Green Associates are reviewed titled Zoning Location Survey Site Plan for House, Lot 18, Steeple Chase Road, dated 9/14/2021. Atty. Furey talks of the lots being joined together from Lot 18, 19 and a portion of Lot 21 within Equestrian Estates and that Mr. Riccio plans to purchase the lots from Pickett Brook Properties, LLC once building approval is received. Atty. Furey continues with discussion regarding the accessory apartment on the second floor of the proposed barn with Chairwoman Rewenko reminding Commissioners and Atty. Furey that discussion on the accessory apartment will follow as noted on the next agenda item. TAHD approval received for the house, septic, barn and cabana but not for the proposed pool as that is through a separate application from the health department. Driveway permit is outstanding from DPW. Discussion takes place on the driveway opening constructed just off the binder course of the road. ZEO Truskauskas states the road is close to being paved so that may not remain an issue.

LUC Redmond advises the Commission that after her review of the plans she spoke with Joseph Green, Robert Green Associates, to inform him of required information that is missing on the plan such as contours, drainage plan for the driveway that has a maximum grade of 14%, and lack of driveway pull offs. ZEO Truskauskas states that he has been out to the property and saw fill being moved without any permits in place. He agrees that revised plans must be submitted showing prior and proposed contours, erosion control measures for the driveway location, pull offs for the driveway and a cross-section for the driveway. With no further discussion, C. Kasey **motioned** to not accept the application as the site plan is incomplete, seconded by M. Szydlo. Motion passed unanimously. The applicant will consult with his engineer on revisions to the plans and will be placed on the next Zoning meeting agenda set for Monday, October 25, 2021 at 7:00 p.m.

7. ROBERT RICCIO – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL, ACCESSORY APARTMENT, SECOND FLOOR OF PROPOSED BARN (BARN APPLICATION INCLUDED IN ITEM 7 ABOVE). SEE ZONING REGULATION 9.3.

Chairwoman Rewenko reads Zoning Regulation Section 9.3 regarding Accessory Apartments noting that the apartments may be permitted in “existing residences” as worded in the title of that section. Atty. Furey notes that the regulation is intended to accommodate a person’s needs and states that the accessory apartment has been designed for Mr. Riccio’s daughter to live in. He states that the proposed house will be 3500 square feet and the accessory apartment will be just over 1000 square feet therefore meeting regulation 9.3.1. D. Kovall states that accessory apartments are not permitted in accessory structures, only in a home, and she believes this application should not be accepted. D. Kovall **motioned** to not accept the application for special permit and site plan approval for an accessory apartment, second floor of proposed barn, as it is not in compliance with Zoning Regulations. C. Kasey seconded the motion and it passed unanimously.

8. WESLEY CYR – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 11, WHITE OAK DRIVE.

Charlie Talmadge, Development Planning Solutions, LLC, Bristol, CT is present to represent. Plans by Robert Green Associates titled Zoning Location Survey Site Plan for House, Lot 1811, White Oak Drive, dated 9/21/2021 are reviewed. Inland Wetlands approval has been received as the plan is identical to what was proposed in the Indian Meadow Subdivision. TAHD approval has been received and is noted that the property is served by water line. Erosion Control permit is on file. Driveway opening permit is outstanding. M. Szydlo **motioned** to approve the application with the condition that the driveway opening permit be obtained through the DPW, seconded by D. Thurston. Motion passed unanimously.

M. Szydlo **motioned** to add to the agenda: **Stephen Sheak – application for 30’ x 23’ shed, 418 Locust Road**, seconded by C. Kasey. Motion passed unanimously.

Mr. Sheak is present. Plans prepared by Godfrey Hoffman Hodge, LLC titled General Location Survey, dated 7/2/2013, revised 9/28/2021 to depict proposed shed are reviewed. Inland Wetlands approval has been received. TAHD approval is outstanding. The property is located in a Country Residential zone requiring a 35-foot side yard setback. The proposed shed is 36.5 feet to the side property line. Mr. Sheak states that he will provide an as-built once the shed is completed. M. Szydlo **motioned** to approve the application with the condition that TAHD approval is received, seconded by C. Kasey. Motion passed unanimously.

9. COMPLAINTS/ENFORCEMENT ACTIONS.

TARGA I, LLC – SUNSET RIDGE – UPDATE – NEW LANDSCAPING PLAN

Mr. Leonard Lopardo, developer, Sunset Ridge, is present along with residents of the multi-family age-restricted development off Mountain View Drive. Mr. Lopardo submits a copy of a landscaping plan with a revision date of 6/27/2007 explaining that he worked with the residents of the development, and in particular, Lillian Busse, 15 Hannah Way, to come up with an agreed upon planting plan for specific types of trees and ground cover. This is due to residents, who wanted trees but did not see any being planted by Mr. Lopardo, planted their own trees over the years that may now conflict with the landscaping plan. Lillian Busse forwarded a letter to the Land Use office that she sent to Mr. Lopardo regarding plantings, walking paths, signage and dead trees and what their community wants regarding these. That letter is attached to these minutes as well as in the Land Use office with accompanying pictures of plantings desired. Mr. Lopardo states that he is asking the Commission for a modification to the original landscaping plan and permission to eliminate a portion of the walking path. The existing partial path will remain but because it is being used by outsiders and people with BMX bikes, the residents are opposed to completing the path. Lillian Busse asks that the existing walking path be maintained and also asks that with the remaining homes to be built, that those owners have an option of the types of trees they want. She also asks that another sign be placed at the entrance of the development at Mountain View Drive identifying the property as Sunset Ridge since the original one is no longer there.

The Land Use office received an email from Cindy and Greg Lucian, 31 Hannah Way, on 10/4/2021 informing of their continuing issue with water pooled underneath their deck. Lillian Busse has sent a photo of this in a previous email. Tonight, Cindy Lucian explains that they have runoff from the unfinished (eroded) bank in their backyard. The pitch of the ground underneath the deck was never properly finished which is now creating a foot of water pooling every time it rains. They have notified Mr. Lopardo of this on several occasions. She wants this problem corrected before winter sets in so ice and water do not build up against their foundation and cause basement leaking. ZEO D. Truskauskas has a picture on his phone of the Lucian deck showing a hose running under it and shares it with Commissioners. Mrs. Lucian states the pitch by the deck is incorrect and needs to be addressed and wanting it to be done before winter. She believes a curtain drain should be installed at the bottom of the slope. Mr. Lopardo replies that this would be a small job that is not a time-consuming project and will be done. He will put in a yard drain under the deck and tie in to the gutter drain that leads to the detention pond. Henry Buck, 6 Hannah Way, states that houses #2, #4, #6 and #8 gutter drains don't work and there are sink holes on the properties. He adds that trees are best planted in the fall and should be done in the next three weeks. Mr. Lopardo states that the State of CT has a differing opinion on the best time to plant trees and that is only up until June to avoid root oxygen deficiency causing the tree to die.

ZEO Don Truskauskas states that the Commission should ask for hydroseeding to take place within a week. It is fast-growing and stabilizing and because of the time of year, it will prevent erosion.

Tony Mercuriano, 29 Hannah Way, presents photos of diseased and dead trees in his backyard that are a danger to not only his house but also could cause bodily harm. These photos remain on file in the Land Use office. He has asked Mr. Lopardo in the past to remove them and tonight Mr. Lopardo states that they are pines and can be easily taken down. M. Szydlo questions when they will be taken down with Mr. Lopardo stating he has some workers coming in but he wants to check insurances on them so perhaps within a month the trees can be taken down.

Mr. Lopardo has submitted to the Land Use office a copy of a bill from Superior Sweeping Services dated 9/27/2021 for work consisting of cleaning out catch basins and street sweeping. This was required by the Zoning Commission at the last Zoning meeting and is one of the conditions of approval for the originally submitted application.

Chairwoman Rewenko recaps the items the Commission and residents are looking for completion on:

- *Seeding for erosion control to be done quickly.
- *Address the sinkholes.
- *Tree planting.
- *Cut down and remove all dead, diseased trees mentioned including those on the Mercuriano property, 29 Hannah Way, within a month's time.
- *Mulch the bank behind Units 20-22 and plant pachysandra instead of crown vetch.
- *Replace the missing sign identifying Sunset Ridge at the entrance from Mountain View Drive.
- *Install street lighting within a month's time.
- *Remedy the water issue at the Lucian property, 31 Hannah Way.
- *Improve the existing walking path and keep it maintained.

Lillian Busse notes that between Units 1 and 30 (in the northern end of the property) there are weeds at the end of the roadway where grass should be planted as shown on the landscaping plan. At Units 29 and 31, there is no top soil there, only fill and stone, and that should be attended to as well.

Commissioners and ZEO Truskauskas remind Mr. Lopardo that the last four (4) Certificates of Occupancy will not be issued until all work is completed including paving of the road.

M. Szydlo mentions that at the last Zoning meeting he wanted to make sure all concerns were to be addressed by Mr. Lopardo's reviewing engineer. Mr. Lopardo states that he is in contact with Mike Sherman who is his "water guy". M. Szydlo wants an independent review of what is proposed on the plans and that it meets the intent of the project.

ZEO Truskauskas points out that some of the trees to be taken down are within the regulated area at the northeast corner of the property with no distinguished trunks. Mr. Lopardo states he will cut them to grade and let the stumps deteriorate on their own.

ZEO Truskauskas states that the Commission should take action to make official the agreement to eliminate a portion of the walking path on the easterly side of the property as well as the path by the left corner of the detention pond and the modifications to the landscaping plan.

M. Szydlo **motioned** that each item pointed out above, including fixing holes in the fence surrounding the detention basin, shall be completed along with the final road bed prior to the last four (4) Certificates of Occupancy being issued (for Units 25, 26, 27 & 28). Mr. Lopardo is to provide an independent drainage review by a Professional Engineer not associated with him or his current work. M. Szydlo notes that the intent is to close out any open issues discussed tonight and that anything else can be addressed in the future. C. Kasey seconded the motion and it passed unanimously.

ZEO Truskauskas updates the Commission on the matter of the Hock Cease & Desist Order.

ZEO Truskauskas updates the Commission on new complaints received via email of auto repairs taking place at 20 Breezy Hill Road. He visited the property and saw that trucks and cars were there but Mr. Segura, who resides in the home but is not the owner, said he was working on his brother's truck. ZEO Truskauskas will check with DMV on this type of activity and whether the address is registered as a repair facility. Commissioners agree that he should follow up with DMV.

ZEO Truskauskas informs Commissioners that he visited Lot 18 Steeple Chase Road (the lot Mr. Riccio is making application on in Item 6 above) after LUC Redmond informed him that she also visited the site with the Building Inspector and seeing that a lot of earth was being moved around in preparation for the house with no approvals or permits taken out, including the lack of a driveway permit even though the driveway was cut in already, she thought he should take a look. Upon his visit, ZEO Truskauskas saw that no erosion control measures were in place, only a row of woodchips, and no erosion control in the location of the driveway. ZEO Truskauskas will visit the site again next week and report back to the Commission.

10. INFORMAL DISCUSSIONS: OUTDOOR DINING REGULATIONS

No discussion. Item will be placed on the next Zoning meeting agenda in addition to discussion on Accessory Apartments in connection with new legislation.

11. ANY OTHER BUSINESS.

None.

12. INVOICES.

D. Kovall **motioned** to approve the invoice of the ZEO Don Truskauskas for 18 hours and 87 miles, seconded by M. Szydlo. Motion passed unanimously.

13. ADJOURN.

M. Szydlo **motioned** to adjourn the meeting at 9:15 p.m., seconded by C. Kasey. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 10-14-2021 AT 2:20 PM

ATTEST NANCY E. ELDRIDGE TOWN CLERK