

**ZONING COMMISSION MEETING
MONDAY, NOVEMBER 8, 2021
TOWN HALL 7:00 P.M.**

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

Town Clerk Nancy Eldridge is present to swear in new members William Ponte (regular member to 11/3/2026) and alternate members Dave Foster, Theodore Root and Michelle Whitford (new terms to 11/7/2023).

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. ELECTION OF OFFICERS.

D. Thurston **motioned** to nominate and elect Michelle Rewenko as Chair, seconded by T. Root.

T. Root **motioned** to nominate and elect Cynthia Kasey as Secretary, seconded by D. Thurston.

Both motions passed unanimously.

3. APPROVE MINUTES OF PREVIOUS MEETING: 10/25/2021

W. Ponte **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously.

4. PUBLIC COMMENT.

None.

5. BRIAN MORIN FOR MEGHAN SCHMITT – APPLICATION FOR SINGLE FAMILY DWELLING, 586 HILL ROAD, LOT 1, COUNTRY VIEW ESTATES SUBDIVISION.

Brian Morin is present to represent. Plans by Robert Green Associates titled Zoning Location Survey, Lot 1, Owned by Meghan Schmitt, Hill Road, dated October 6, 2021 are reviewed. Wetlands approved as an administrative sign off, TAHD approval received for the house but not the proposed inground pool as that is a separate application through them. CTDOT approval for the driveway opening on a state highway is pending. After reviewing the plans, D. Kovall **motioned** to approve the application for a **single family dwelling**, seconded by W. Ponte. Motion passed unanimously. D. Kovall **motioned** to approve the location of the **16' x 32' inground pool** with condition that TAHD approves, seconded by W. Ponte. Both motions passed unanimously.

6. ROBERT RICCIO – APPLICATION FOR SINGLE FAMILY DWELLING, 34' X 35' BARN, 18' X 36' INGROUND POOL 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.

Mr. & Mrs. Riccio are present along with Atty. Timothy Furey, Furey, Donovan, Tracy & Daly, P.C., Joseph Green, Robert Green Associates and Jared Braddock, Building Division General Manager, Supreme Industries. Plans revised to November 3, 2021 titled Zoning Location Survey Site Plan for House, Lot 18, prepared for Robert & Catherine Riccio, 9 Steeple Chase Road (sheet 1 of 6, 2 of 6, 3 of 6 and 4 of 6), Miscellaneous Notes & Details for Site Plan for House, 9 Steeple Chase Road (sheets 5 of 6 and 6 of 6) are reviewed. Atty. Furey addresses the Commission stating that the plans have been revised at the request of the Zoning Commission, TAHD approval has been received for the house, barn, pool and cabana, and a driveway opening permit has been issued by the highway department. The road has been paved and the driveway enters out onto a base course now. Chairwoman M. Rewenko questions whether this application went before the Wetlands Commission as discussed at the last Zoning meeting with Atty. Furey stating, no, there is no activity within 100 feet of wetlands and the Wetlands Commission has no jurisdiction because

of that. He points out that with all the rain in the past month there have been no issues concerning this lot. Chairwoman Rewenko asks what the driveway grade is and it was pointed out on the plans that it states 14% grade in certain areas of the driveway. T. Root asks whether the house and barn are going to be built at the same time with Atty. Furey stating, yes. D. Kovall **motioned** to approve the application with condition that the driveway is certified (Zoning Regulation 6.4.3) prior to the issuance of a Certificate of Compliance by the Zoning Enforcement Officer, that the house is built at the same time as the barn and that there shall be no living quarters/accessory apartment in the barn. W. Ponte seconded the motion and it passed unanimously.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

TARGA I, LLC – SUNSET RIDGE – UPDATE FROM ZEO

Residents of Sunset Ridge are present. Developer Len Lopardo is not present. A new complaint was received in the Land Use office on 11/5/2021 from Greg and Cynthia Lucian, 31 Hannah Way with photos attached showing the pitch of the land underneath their deck. The complaint states that the ground has never been properly graded and that is the reason they have a problem with large amounts of water pooling under the deck when it rains. They are hoping that a retaining wall at the bottom of their steep bank, which is eroded, can be put in as well as a curtain drain to alleviate the pooling of water.

Lillian Busse, 15 Hannah Way, also sent in photos via email to the Land Use office showing where Unit 28 is retaining water and that the water has been there since October 26, 2021. Her email points out that Zoning minutes of 8/23/21 noted that the area was to be filled in and water was to be diverted to the temporary basin. Zoning minutes of 9/13/21 noted that a berm at the back was to be put in and water diverted to the temporary basin. She states in the email that Mr. Lopardo did put many berms up but that the berm on the side road for Unit 28 has water running and erosion of the land near the side of the temporary basin and down and around toward Unit 30 and that there is a mound of dirt not allowing water to go in. She questions whether silt fence should be placed around the hole in that area.

ZEO D. Truskauskas states that he was at the site after the recent heavy rains and noted that the basin was clean, the trees were down, no erosion in road, but the hydroseeding was not done yet. Mr. Lopardo claimed he was trying to get a contractor to do the work. ZEO Truskauskas will reach out to Mr. Lopardo once again regarding this. The smaller detention basin is still holding water and it might be best to leave that alone over the winter months as no vegetation will grow there over the winter.

Greg Lucian, 31 Hannah Way, addresses the Commission regarding his neighbors, who have the same steepness in grade as he does in the backyard, had a retaining wall put in by Mr. Lopardo, and he questions why he does not have that same wall. It is questionable as to whether the retaining wall is noted on the site plans. (It is not shown on the site plans.) Cynthia Lucian states that she was told the town wanted the retaining wall installed. Commissioners ask LUC Redmond to check with the Building Inspector to find out if he required the wall. Greg Lucian refers to the water under his deck and that Len Lopardo keeps telling him work will be done to alleviate the problem “next week”. ZEO Truskauskas states that the remedy would be a half hour job by just putting fill under the deck. Greg Lucian said that Len Lopardo wants to put a trench in with stone, a perforated pipe, and then cover it. ZEO Truskauskas states that would be okay but it is overkill. Greg Lucian questions whether the Commission could require that of Len Lopardo with ZEO Truskauskas stating, no, but perhaps the Building Inspector could.

Marguerite Fusco, 9 Hannah Way, questions whether there is someone else in addition to the Building Inspector who could help. T. Root asks LUC Redmond to update Jeff Neumann, Building Inspector, of the complaints that have been coming in, showing him the photos sent, and the minute of past Zoning meetings where Sunset Ridge has been discussed.

Anthony Mercuriano, 29 Hannah Way, states that there is no top soil under his deck and no crushed stone on his property and that the landscaping is pitiful. The grading next door to him is not done either although trees have been taken down. Lillian Busse notes that only the trees by 29 Hannah Way are down, not the dead ones. She questions whether the Wetlands Commission has been made aware of the detention pond issue with ZEO Truskauskas stating that they have been made aware and that he will write a letter to Len Lopardo regarding the wetland plantings that are required of him. The Wetlands Commission holds a bond on the planting.

Greg Lucian notes that the sinkhole with a drain now has brown discharge coming out of it. Lillian Busse had forwarded pictures of that situation and they have been forwarded to the ZEO and Zoning Commissioners.

Harry Buck, 6 Hannah Way, states that he keeps saying the pipes for 2, 4, 6 & 8 Hannah Way are not installed properly. Water goes to the basin and then comes back up creating a sinkhole. Behind his house he placed stone and brick and the bricks are now sunken into the ground. Lillian Busse states that she can't see any outlet out into the pond although the outlet from the street is running with ZEO Truskauskas stating that the engineer's report should show this.

Greg Lucian questions ZEO Truskauskas on whether hydroseeding was to be done in the back of his house with ZEO Truskauskas answering, yes, and if it doesn't take, Len Lopardo will have to do it again.

Barbara Furtado, 4 Hannah Way, states that she has a stream running behind her house.

D. Kovall states that she is hopeful the Commission will receive the engineer report and a plan from Len Lopardo soon and that if ZEO Truskauskas says that progress is being made, then it's being made. ZEO Truskauskas states that the biggest issue is drainage and the Commission needs to push Len Lopardo on the engineering.

Chairwoman M. Rewenko states that ZEO Truskauskas should look into getting Len Lopardo to do the seeding, remove the dead trees, address the drainage issue and look into the wetland plantings. ZEO Truskauskas notes that dead trees are really not a Zoning matter but he will address them with Len Lopardo. ZEO Truskauskas states he will also contact Hemlock Construction who did the infiltration work to see if there is any documentation on that.

T. Root states that he spoke with an Eversource representative regarding the street lights and was told that Len Lopardo returned the contract with them on November 5, 2021 and the installation was to be placed on a schedule, one that is 3-4 weeks out.

ZEO Truskauskas informs the Commission that no appeal has been made by Dakota Hock or Peter Hock in the matter of the Cease & Desist Order issued on September 26, 2021. He will discuss with Atty. Kent Mancini on the next steps. D. Kovall states that a large piece of equipment was dropped at 811 Hill Road (Conrad Hock property) on a trailer. ZEO Truskauskas questions what the Commission wants done with the millings that are on that property; that they shouldn't stay there. D. Kovall suggests to wait until all the leaves are off the trees to really see what's there with ZEO Truskauskas agreeing. Once the Commission gives direction on what to do with the millings, he will let Atty. Mancini know. The activity has stopped but the property has to be cleaned up.

ZEO Truskauskas brings up for discussion the matter of **485 Plymouth Road** where the number of horses being kept on that property, and the property known as Lot 21 Equestrian Estates across from 485 Plymouth Road, exceeds the acreage requirement for keeping of animals under Zoning Regulation 6.5. LUC Redmond wrote a letter to this effect on October 26, 2021 to Jared Braddock, Building Division General Manager, and to Supreme Industries. Jared Braddock dropped off documents in the Land Use office that include a Lease Modification Agreement between Pickett Brook Property, LLC and Oakendale Farm, LLC of 485 Plymouth Road that relinquishes any and all rights to the portion of former Lot 21 which has been combined with Lots 18 and 19 Steeple Chase Road and that the Landlord (Pickett Brook Property, LLC) hereby leases to the Tenant (Oakendale Farm, LLC at 485 Plymouth Road) the land at Lot 6 Break Maiden Lane (containing 2.95 acres). Mr. Braddock explained to LUC Redmond that 2.76 acres was taken from Lot 21 and with Lot 6 containing 2.95 acres, along with the 15.51 acres of 485 Plymouth Road should meet the acreage requirements. The Zoning Commission calculates the land being used for the 30 horses kept at 485 Plymouth Road that includes the 15.51 acres at 485 Plymouth Road, the 13.244 remaining land of Lot 21 and the 2.95 acres from Lot 6 that totals 28.999 acres which still does not meet the acreage requirement for 30 horses. Chairwoman Rewenko notes Zoning Regulation 6.5 states that wetlands shall not be counted in the land area with ZEO Truskauskas stating that State Statutes state wetlands are suitable for grazing for animals. Since the regulation of taking wetlands into account reducing the number of horses that could be kept at 485 Plymouth Road was not adhered to back in 2016 when the barn was built, allowing for the 20 horse stalls, the Commission will require total land area. In speaking to LUC Redmond, Jared Braddock questioned that if Lot 6 doesn't meet the acreage requirements for keeping of animals, along with other land, could the property at 493 Plymouth Road (the home of Alison & Jesse McCallum who operate Oakendale Farm, LLC) be used to meet the required 30 acres for 30 horses at 485 Plymouth Road. Commissioners agree that 493 Plymouth Road should be used in the calculation in order to be in compliance and Jared Braddock should either provide for a lease agreement with 493 Plymouth Road or that Alison McCallum must reduce the number of horses to 28.

The lease agreements will be reviewed by Town Atty. Michael D. Rybak and if in order, shall be filed in the land records in the office of the town clerk.

ZEO Truskauskas informs Commissioners that he will be working with Brian Morin on two houses that are being built; one on Hill Road and the other on North Gate Drive. He will send pictures of work to the Commission as it progresses.

8. INFORMAL DISCUSSIONS: ACCESSORY APARTMENTS No discussion.

9. ANY OTHER BUSINESS.

LUC Redmond polls Commissioners on whether to forgive the Home Occupation Renewal Fee once again this year to which they agree to.

10. INVOICES. None.

11. ADJOURN.

W. Ponte **motioned** to adjourn the hearing at 8:40 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,
Polly Redmond
Land Use Coordinator

