

ZONING COMMISSION  
MONDAY, FEBRUARY 14, 2022  
TOWN HALL 7:00 P.M.

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

Absent: Chairwoman Michelle Rewenko and Alternate Member Michelle Whitford

1. **OPEN MEETING – ESTABLISH QUORUM.**

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

2. **APPROVE MINUTES OF PREVIOUS MEETING: 1/24/2022**

T. Root **motioned** to approve the minutes of the previous meeting, seconded by D. Thurston. Motion passed unanimously with C. Kasey and W. Ponte refraining from vote due to their absence at the previous meeting.

3. **PUBLIC COMMENT.**

None.

4. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Don Truskauskas refers to the Bumper Brook Estates Quarterly Inspection Report dated 2/6/2022 and states he is satisfied with the reporting. He visited the site and saw that grass was growing in sensitive areas from last years' planting and erosion control measures were in place. One building is well under construction and another has a poured foundation. The report from Bumper Brook Estates is vague but there isn't much else going on at the site so he feels it is acceptable. Inspections will continue.

5. **INFORMAL DISCUSSIONS: Accessory Apartments – Review Draft Regulation  
Cannabis Establishments – Temporary Moratorium 12/3/2021 to 12/3/2022**

**Accessory Apartments**

LUC Redmond made revisions to the Draft Proposed Regulation on Accessory Apartments in accordance with comments made at the last Zoning meeting. Those changes are marked in red on copies distributed to Commissioners. Since the last meeting, an email was received from the Connecticut Conference of Municipalities giving a Research Brief on Accessory Dwelling Units, February 2022, Public Act 21-29. This brief gives a Bill Summary and Analysis and states what Accessory Dwelling Unit regulations must do and what the town cannot require or prohibits. In reading this Summary, some of the Zoning Commission's draft proposed regulations are now prohibited such as; requiring two parking spaces and permitting only family members to live in an accessory dwelling. The Zoning Commission has concerns over Act 21-29 that doesn't seem to limit the number of people that can live in the ADU and what impact the school system may have on this. It is noted that schools, short-staffed already, could become overwhelmed with the number of students enrolling and particularly for those students that might require special services. The Bill Summary states that the Act "prohibits municipalities, special districts, and sewer or water authorities from: 1) considering an ADU to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling on the same lot; or 2) requiring the installation of a new or separate utility connection directly to an ADU or imposing a related connection fee or capacity charge. The Act also cannot require separate billing of utilities otherwise connected to, or used by, the principal dwelling unit. Discussion takes place on the possibility of renters of ADUs to become squatters, refusing to pay rent and refusing to leave, and not having to pay for separate utilities, leaving the owner of the principal dwelling to pay for the entire cost of utilities.

Commissioners believe that many residents, commissions such as WPCA and Board of Education members may not be aware of Public Act 21-29 and the effects it may have on the community and perhaps a public discussion should be held with the First Selectman, State Representatives, the school board, the Lake Harwinton Association (with small lots and horrible septic soil that could never support this proposal), the town attorney and even the local newspapers in attendance.

Commissioners question whether they can amend the Zoning Regulations on Accessory Dwelling Units to the way they want them to read and then opt out of the state's requirements. This would be a question for the town attorney and they ask LUC Redmond to contact Town Counsel Michael Rybak and First Selectman Michael Criss to invite them to the next Zoning meeting on February 28, 2022 or a meeting some time in March.

**Discussion on Cannabis Establishments** – Temporary Moratorium 12/3/2021 to 12/3/2022 tabled to next meeting.

6. **ANY OTHER BUSINESS.**

LUC Redmond reports on receiving a call regarding the parking of RVs on residential properties. The caller questioned whether that was allowed and whether setbacks need to be met. LUC Redmond is looking for confirmation that parking of RVs is not regulated by Zoning. Commissioners agree that there are no regulations on where RVs can be parked on someone's property and that setbacks do not have to be met. Any complaints that come in regarding the parking of an RV on a residential lot shall not be entertained.

7. **INVOICES.**

None.

8. **ADJOURN.**

W. Ponte **motioned** to adjourn the meeting at 8:15 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

