

**ZONING COMMISSION
MONDAY, MARCH 28, 2022
TOWN HALL 7:00 P.M.**

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

Absent: Chairman Michelle Rewenko

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair 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: 3/14/2022

T. Root **motioned** to approve the minutes of the previous meeting, seconded by W. Ponte. Motion passed unanimously with D. Thurston refraining from vote due to his absence at the 3/14/22 meeting.

3. PUBLIC COMMENT.

None.

4. COMPLAINTS/ENFORCEMENT ACTIONS.

TARGA I - SUNSET RIDGE

Neighbors of Sunset Ridge are present. A number of continued complaints have come in to the Land Use office in the past week including those from:

Anthony Mercuriano, 29 Hannah Way, who is present, and has included several photos with his complaint regarding incomplete and substandard landscaping at his residence. He states that back in November 2021 he complained that his lot didn't have topsoil. He has since received topsoil but it is not topsoil. He claims it was taken from a pile of dirt on site and spread with a bobcat loader and has very little seeding. Mr. Mercuriano states that the top soil Mr. Lopardo said last November that he was screening was actually taken off site. He states in his complaint that he feels Mr. Lopardo is doing the bare minimum.

Lillian Busse, 15 Hannah Way, present tonight, sent in photos of continued erosion issues including failed silt fence installation and stating that the basin on Unit 28 is starting to fill with erosion making it a shallower pond that is now leaking from a lower area and not breaching. The water coming down the side of Unit 29 and the leaking basin is still causing erosion and water build up on the side of Unit 30 and that there is now a sink hole forming on the side of the old silt fence. Lillian Busse also emailed a recapping of what has and hasn't been done since the residents attended an August 9, 2021 Zoning meeting. It includes information on street lighting (now installed), filling in of the small detention basin and diverting runoff water to the temporary sediment basin at Unit 27 and adding silt fence, as necessary, to protect downhill installed landscape. Mr. Lopardo was to provide documentation of street sweeping twice a year (it was done once last fall) and provide documentation of annual cleaning of the catch basin as required, noting that trees were removed and some of the vines are still on the fence and that animals can get under the fence in many spaces. Documentation was to be provided of semi-annual inspections of the Water Quality Basin as required, noting that Mr. Lopardo said he is testing it. Maple trees and other vegetation was to be installed as shown on the approved plan for each of the existing homes (the approved trees and landscaping have not been done). Mr. Lopardo was to submit an engineered drawing of all drainage and other changes to the approved plan and sequencing documents and an independent engineer was to be obtained. She notes that brown, foul-smelling, discharge is still coming out of the drain with the sink hole at Unit 7 where the drain discharges into the detention basin and there is still a sink hole in front of the drain behind Unit 7 that connects the gutters from Unit 7, 8 and 9 plus the runoff from the grate behind Unit 9 that collects the gutter runoff from Unit 10. She states that she contacted Torrington Area Health on what the discharge might be but hasn't heard back from them.

Lillian Busse's email also notes comments made at other meetings and are as follows (copied):

September 13, 2021 Fence around the retention pond has areas animals can get under. ZEO D. Truskauskas notes that the road will need to be pre-prepped and repaired before final coat goes on. Phase V Construction Sequencing, notes Item 8 as "Install final course of pavement throughout the project." Commissioners briefly discuss holding off on issuing Certificates of Occupancy for the last 4 houses until the road is completed.

October 12, 2021 Chairwoman Rewenko recaps: seeding for erosion control done quickly. Not done as of March 19, 2022.

Cut down trees. Done

Mulch the band behind unit 21-22 plant pachysandra instead of crown vetch. Not done as of March 19, 2022.

Replace the missing sign identifying Sunset Ridge at the entrance of Mountain View Drive. Not done as of March 19, 2022.

Remedy the water issue at the Lucian property 31 Hannah Way (Unit 21).

On Nov. 22 2021 ZEO D. Truskauskas said it was taken care of. Some areas were backfilled by hand with dirt and around the porch was built up. Water is still collecting under the deck from the porch above.

Improve the existing walking path and keep it maintained. Not done as of March 19, 2022

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

Hydroseeding - ZEO states the commission should ask for hydroseeding to take place within a week. Not done as of March 19, 2022.

Lillian Busse also emailed a concern over the road with Units 25, 26, 27 and 28 being called Hannah Way that may be confusing for emergency responders since this is a short cul-de-sac road almost directly across from Lauren Lane. She notes that Mr. Lopardo ordered a sign with the house numbers to be placed above the Hannah Way street sign. The Deputy Fire Marshal will be consulted with for any concerns.

Lillian Busse emailed the Land Use office stating that in doing the recap (noted above), she looked at the MGS Engineering LLC report on the Water Quality Basin Inspection September 12, 2021 and notes that this was done prior to the basin being cleared and that they only checked the one inlet when there are two.

Cindy Lucian, 31 Hannah Way, present tonight, sent in a complaint with photos showing the ongoing soil erosion in her backyard due to a steep bank. She also sent in photos showing pooling water underneath her deck that were taken on 2/18/2022. She states that the water is a continuing problem with water runoff from their steep, unfinished hill/bank behind her home.

Paul Horvay, 27 Hannah Way, also present, sent in photos showing drain pipes discharging into a supposed wetland area behind several houses within Sunset Ridge and complains of the state of the landscaping of the area around his house. His emailed complaint goes on to say that he has spoken to Len Lopardo, developer, about these issues and was assured that the drain pipes are footing drains only and that they are legal but that he has no intention of dressing up the area around the wetland section bordering the property although he may bury some of the large rocks stacked there and that he will redo the yard work around Mr. Horvay's house in the spring, including dressing up the area that contains the utility components.

ZEO Don Truskauskas states that it's too early in the season to address these issues and that he will wait until the end of April, beginning of May to visit the site and address finishing issues but some things being discussed tonight don't fall under the Commission's purview. The residents should push Mr. Lopardo on addressing water under the decks but the town can only do something about erosion if it is leaving the property. He notes that reports from the engineer were expected to come in. The site plans show silt fence around the parcel and it is installed with Lillian Busse stating that there was supposed to be double silt fence around the wetlands and now there are rocks in the wetlands.

D. Kovall **motioned** to reverse the Commissions former proposal on preventing the issuance of Certificates of Completion that would in turn prohibit the Building Inspector from issuing Certificates of Occupancies for the last four units until these issues are addressed and resolved, and instead **motions** that the last four units within Sunset Ridge are not to be issued Building Permits until the issues are addressed and resolved. The Building Inspector is to be notified of this motion. Motion seconded by W. Ponte and passed unanimously.

5. ROBERT GAGNE – APPLICATION TO AMEND ZONING REGULATIONS DATED 12-3-2021 TO ADD REGULATIONS ON BREWERIES/FARM BREWERIES.

Mr. Gagne is present and provides a copy to each Commissioner of the wording he is proposing to amend the Zoning Regulations to permit, by Special Permit, breweries and farm breweries in residential zones within town. After limited discussion, Mr. Gagne now wishes to provide regulations for Farm Breweries only, excluding Breweries originally outlined in his proposal. Commissioners explain to Mr. Gagne that they cannot discuss his proposed regulation and the wording written for it until a public hearing is set.

D. Kovall **motioned** to accept the application and set a public hearing date for **Monday, May 23, 2022** at 7:00 p.m. in the town hall, seconded by W. Ponte. Motion passed unanimously. A \$570.00 fee is collected. Commissioners request town counsel to attend the public hearing for guidance.

6. INFORMAL DISCUSSION – OUTDOOR DINING

On March 23, 2022 the Senate passed a bill extending by 13 months the right of restaurants to offer outdoor dining from the March 31, 2022 expiration of the Governor's Executive Order made during the Covid 19 emergency. The Commission can visit the possibility of amending the Zoning Regulations to allow or prohibit Outdoor Dining next year, or sooner, than the extended date of April 2023. ZEO Truskauskas states that there could be parking and septic issues for expanded dining that may have to be addressed if permitting.

7. ANY OTHER BUSINESS.

None.

8. INVOICES.

T. Root **motioned** to approve the invoice of ZEO D. Truskauskas for 11 hours and 6 miles, seconded by W. Ponte. Motion passed unanimously.

9. ADJOURN.

W. Ponte **motioned** to adjourn the meeting at 8:10 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

