

HARWINTON ZONING COMMISSION

MONDAY, SEPTEMBER 26, 2022 TOWN HALL 7:00 P.M.

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

PUBLIC HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman D. Thurston called the hearing to order at 7:00 p.m. All members present are seated.

2. GARRY THIBODEAU – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR SINGLE FAMILY DWELLING WITH ACCESSORY APARTMENT, 24 WHETSTONE ROAD, ASSESSORS MAP NO. C6-05-290B.

PROPERTY OWNER: ESTATE OF CHERYL CHAMBERS

Garry and Sarah Thibodeau are present. Plans prepared by Colby Engineering, Goshen, CT titled Septic System/Site Development Plan, dated 8-25-22 are reviewed. Mr. Thibodeau provides proof of certified mailings giving notice of this hearing to neighbors within 200 feet of the property lines as required. He explains that the accessory apartment will be on the main floor for his mother to reside in. The proposed house will have three bedrooms and two and a half baths with the accessory apartment containing one bedroom, kitchen and one full bath. T. Root reminds Mr. Thibodeau that two parking spaces are required for the accessory apartment and that they are to be shown on an as built. TAHD approval and Wetlands approval have been received. Erosion control permit is on file.

Chairman Thurston opens the floor to public comment at this time.

Heather Burritt, 31 Whetstone Road, states that she thought there was some issues with perc testing done on the property and questions whether it is now okay. Commissioners explain that the Torrington Area Health District approved the septic design for the proposed house. Ms. Burritt expresses concern over how close the driveway will be to the side property line with it being determined that it would be approximately 40 feet.

Randy Lee Prevuznak, 34 Whetstone Road, questions who will live in the accessory apartment if the applicant's mother is not at some point with Mr. Thibodeau replying, no one.

3. CONTINUE OR CLOSE HEARING.

With no other comments, C. Kasey **motioned** to close the hearing at 7:12 p.m., seconded by T. Root. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman D. Thurston called the meeting to order at 7:12 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 9/12/2022

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

3. PUBLIC COMMENT. None.

4. DISCUSSION/POSSIBLE DECISION - GARRY THIBODEAU – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR SINGLE FAMILY DWELLING WITH ACCESSORY APARTMENT, 24 WHETSTONE ROAD, ASSESSORS MAP NO. C6-05-290B.

ZEO D. Truskauskas points out that the proposed house will have three bedrooms with a one-bedroom accessory apartment. The Commission can ask for two additional parking spaces for the accessory apartment and

that they should be shown on an as built and that a condition of approval should be that a driveway opening permit be obtained through the Department of Public Works. T. Root **motioned** to approve the application and site plan for the construction of a single-family dwelling, and the special permit for an accessory apartment connected to the proposed house, as the site plan and special permit meets Zoning Regulation Section 8 and Section 9.3 with the condition that a driveway opening permit be obtained from the DPW and that two parking spaces be provided for the accessory apartment and that they shall be shown on an as built. Motion was seconded by C. Kasey and unanimously approved.

5. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO D. Truskauskas informs Commissioners that a written complaint was received from Joseph Marzullo regarding a sign placed outside of the Liquor Lad, 17 Burlington Road, that obstructs visibility of oncoming traffic. ZEO Truskauskas states he went to the place of business but the store was closed. He wrote a letter to the business owners and will follow up on the matter.

ZEO Truskauskas notes that the lawn at 231 Catlin Road will be installed this fall.

Notice from two residents at Sunset Ridge informed the Land Use office that a concrete mixer was on site prior to the 7:00 a.m. start time condition of approval. LUC Redmond notified the developer, Len Lopardo, to remind him that work cannot begin on site until 7:00 a.m. ZEO Truskauskas reports that he contacted town attorney Michael D. Rybak regarding whether the Zoning Commission can require Mr. Lopardo to obtain an independent engineer with Atty. Rybak replying that the Zoning Commission does not have the authority to require this.

Teresa Foley, 13 Hannah Way, questions whether the time a construction crew can begin in the morning is in the Zoning Regulations and whether fines can be imposed when that time is violated. She is informed that the hours of construction were part of the conditions of approval. She takes this time to thank the Building Inspector and the Land Use Coordinator for catching the violation of separating distance between her house and the new house going in across from her that was not meeting the 20-foot separating distance. The foundation has since been moved and now meets the requirement.

Lillian Busse, 15 Hannah Way, questions who checks to be certain the roads within the development are built to town standards? ZEO D. Truskauskas states it would be before final C.O.'s are issued. Condition 2 of the approval states *private roads within the development of Sunset Ridge shall be built to Town of Harwinton Road Standards for load bearing capacity in order to handle emergency vehicles and that the applicant's engineer shall provide inspections and written certification of compliance of this condition.* Lillian Busse mentions that there are very large piles of dirt within the development that lack erosion control measures with ZEO Truskauskas stating that the approved plans showed silt fence only around the perimeter of the development lot. ZEO Truskauskas questions Mrs. Busse if the landscaping plans have been updated with Mrs. Busse stating that Mr. Lopardo took issue that the last four homes that didn't show landscaping requests but that he now does have the landscaping plan she had worked on.

6. ANY OTHER BUSINESS. None.

7. INVOICES. None.

8. ADJOURN.

C. Kasey **motioned** to adjourn the meeting at 7:35 p.m., seconded by T. Root. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

