

**HARWINTON ZONING COMMISSION**  
**MONDAY, JUNE 26, 2023**  
**TOWN HALL 7:00 P.M.**

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

**PLEDGE OF ALLEGIANCE**

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

Chairman D. Thurston called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member D. Foster seated for T. Root and Alternate Member M. Whitford seated for C. Kasey.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 5/22/2023**

M. Whitford **motioned** to approve the minutes of the previous meeting with the following amendment: Page 2, Item 9, Paragraph 2, line 5 should read: "The down payment of \$10,367.53 was quoted by Oak Hills Landscaping with the amount of the project for landscaping totaling \$20,735.06."

**3. PUBLIC COMMENT. None.**

**4. ERIC CARLSON – SPECIAL PERMIT APPLICATION FOR BASEMENT ACCESSORY APARTMENT, 80 BROOKFIELD ROAD.**

Mr. Carlson is present and provides an overall layout showing the 634 square foot proposed open floor apartment that will include a living room area, kitchen, bedroom and full bath in the basement of the home with entrances through the attached garage and an existing walkout from the basement. Two parking spaces will be provided for the accessory apartment. Torrington Area Health approval has been received. W. Ponte **motioned** to accept the application for special permit and set a public hearing date for Monday, July 10, 2023 at 7:00 p.m. in the town hall, seconded by D. Kovall. Motion passed unanimously.

**5. MARTIN & SILVIA SWIDER – APPLICATION FOR 28' X 28' GARAGE, 34 MEADOW LANE.**

LUC Redmond informs the Commission that upon receiving an engineered plan of the proposed garage, meeting all setbacks and receiving Torrington Area Health approval, she has signed off on the application.

**6. LEONARD LOPARDO – DISCUSSION OF SUNSET RIDGE, MOUNTAIN VIEW DRIVE, HANNAH WAY, LAUREN LANE.**

Mr. Lopardo is present along with approximately 15 residents of Sunset Ridge also in attendance. A punch list was prepared and provided by Lillian Busse, 15 Hannah Way, listing outstanding items.

ZEO D. Truskauskas informs Mr. Lopardo that a new Landscaping Plan should be submitted in order for it to be said that the landscaping is done and that this Landscaping Plan should be submitted to the Commission as a modification.

Referring to a revised Site Grading and Drainage Plan, revised 6/16/2023, Mr. Lopardo points out the area where elimination of a catch basin at Unit 27 is proposed noting that water will now flow out on to Torrington land at Fairlawn Drive, marked as Open Space of Doolittle Heights Section III on the Drainage Plan. Mr. Lopardo states that all water flow within Sunset Ridge development is going where it is supposed to but that this particular flow (at the spot where eliminating the catch basin is noted) flows south towards Torrington. Mr. Lopardo goes on to explain that the City of Torrington put in a large French drain alongside Marcia Drive and Fairlawn Drive and that his engineers thought the sheet flow, in small amounts and into woodlands, would not be an issue. ZEO Truskauskas believes this should be reviewed by the Town of Harwinton's engineer, at the expense of Mr. Lopardo, and that he would not be in favor of this without Mr. Lopardo's engineer and the town's engineer looking at it. The City of Torrington should also be made aware. Mr. Lopardo adds that eliminating the catch basin would prevent water flow going to the house in that area (Unit 27).

Referring to the punch list, Mr. Lopardo states that the remaining lights from Eversource will be installed in July.

ZEO Truskauskas notes that all catch basins, proper location of sunrooms and decks and driveways should all be shown on an updated as built after WMC Consulting Engineers' review.

Mr. Lopardo submits photos of lots showing that seeding has been placed down.

ZEO Truskauskas reads through the punch list making comment as to what does not fall under the Zoning Commission's jurisdiction. The punch list submitted refers to the storm drain that is to connect to the drain between Units 1 and 30 (11 & 13 Hannah Way) stating that Mr. Lopardo's engineer said the catch basin wasn't needed. Mrs. Busse notes that it is on the plan and collects ground water runoff from nearby units. Mr. Lopardo states that by eliminating this catch basin it will prevent water flow going to Unit 27.

Other items in the punch list refer to lack of maintenance of the pond, landscaping, lack of seeding, grading, and drainage swales. The punch list remains on file.

Mr. Lopardo addresses the Commission stating that he has a couple waiting to move in to 19 Hannah Way (Unit 27) one of four units that have a freeze on issuing of a Certificate of Compliance/C.O. Noting that the other two units the Zoning Commission motioned to withhold Compliance on, Mr. Lopardo notes that they won't be completed for six to seven months. He asks that the Zoning Commission release the motion of no compliance for 19 Hannah Way (Unit 27) so that the couple can move in as one is in need of knee surgery and the doctor won't perform it because they are currently living in a camper. D. Kovall notes that in February of this year, one unit that was to be held against issuance of Compliance was released so a couple could move out of the hotel they were living in and move into the house. Mr. Lopardo was told then that there would be no more allowances for releasing any of the three remaining units allowing Certification of Compliance. D. Kovall goes on saying that at that time, Mr. Lopardo assured the Commission there'd be no problems and that outstanding items would be taken care of. She feels sorry for this couple caught in between but if the Commission releases 19 Hannah Way, she believes another issue will arise where Mr. Lopardo will ask for release of another unit and the Commission will lose all credibility.

D. Foster points out things that Mr. Lopardo said at the February 13, 2023 Zoning meeting that items would be Done by June and these things have not been done. Mr. Lopardo points out that the Landscaping Plan has been revised two times since February and that final paving is to be done in July. He adds that this project is a work in progress and landscaping cannot be done right away and curbing can't be installed until the last house is completed, then final paving will be done. ZEO Truskauskas states that perhaps if all plantings and shrubs get put in, the Commission can reconsider allowing the couple to move in to 19 Hannah Way. Mr. Lopardo states he can get the road paved in July, not the little road but the big portion of road, and get the landscaper to put in shrubbery. D. Kovall states that perhaps if Mr. Lopardo comes through with these things, the Commission will revisit the matter of releasing 19 Hannah Way allowing for a Certificate of Completion.

Terry Foley, 13 Hannah Way, states that seeding has been done behind her house and 19 Hannah Way but then It rained and all that seed put down is now in a lake.

Lillian Busse states a lot of the area needs to be planted but there are areas that have weeds that need to be removed so landscaping can take place. She said of all the plantings, 26 plants can't be planted because the area is in a construction zone. ZEO Truskauskas states that those areas will have to have the weeds taken care of with D. Kovall stating that once the plantings are in, it will eliminate the weeds, the rocks and the slopes.

Mr. Lopardo asks that ZEO Truskauskas accompany him to the site with the Punch List in hand. They will meet at the site at 6:30 a.m. tomorrow morning.

Commissioner D. Kovall recuses herself at this time and takes a seat in the audience.

**7. COMPLAINTS/ENFORCEMENT ACTIONS.**

**PETER HOCK – HIS REQUEST TO APPEAR BEFORE THE COMMISSION TO DISCUSS A COMPLAINT AGAINST HIM REGARDING KEEPING OF ANIMALS, 797 HILL ROAD.**

Mr. Hock is present in response to a Notice of Possible Violation sent to him on May 23, 2023 after the town received a written complaint of non-compliance of setbacks for keeping of animals, business operation. He states that the structure housing animals is 150 feet from his side property line and is in compliance with Zoning Regulation 6.5. The distance to the back property line may be at 73 feet where 75 feet is required. Mr. Hock states that ZEO Truskauskas can come on to his property to measure the distance.

William Kovall, complainant, is in the audience and states that the Commission is missing the point of the fact that Mr. Hock is operating a commercial business in a residential zone. IWZEO Truskauskas states that the operation that is taking place, in his opinion, is an agricultural use.

Deborah Kovall states that the property has gone from a personal use to a commercial use with advertising found on Facebook offering chickens, eggs, pigs, etc. and that the business address is listed as 797 Hill Road and is registered by the State of CT under the business owner name of Delicias da Fazenda. She states that everything about the residence has changed when the activity became a commercial operation, noting that last Sunday eight cars at a time were showing up at 797 Hill Road. D. Kovall speaks of the manure pile and that with the number of animals kept on the property, the manure pile that borders her back property line is eight feet tall. Mr. Hock states that Torrington Area Health has visited his property and found no manure problems.

Mr. Hock states that the chickens he sells at 797 Hill Road are USDA approved, purchased frozen. He purchases 600-700 dozen eggs a week to sell at the property and that the activity is considered a farm stand approved by the USDA and the State of CT. He states that the only problem he sees is that he may not meet the setback of 75 feet from the structure housing animals to the back property line but that the structure could be moved.

ZEO Truskauskas will contact Mr. Hock to set a time to meet at the property to measure the distances from the structure housing animals to the property lines.

D. Foster points out that if items sold by Mr. Hock are being purchased, then the operation should not be deemed agricultural.

Commissioner D. Kovall is reseated.

ZEO D. Truskauskas states that in regards to a complaint/petition received from residents of White Oak Drive against the owner of 25 White Oak Drive for appearance of auto repair business in a residential zone, he will keep an eye on the property since it has recently been cleaned up according to a neighbor.

**8. ANY OTHER BUSINESS.** None.

**9. CORRESPONDENCE.** None.

**10. INVOICES.**

W. Ponte **motioned** to approve the invoice of the Zoning Enforcement Officer for 15 hours, 48 miles, seconded by D. Kovall. Motion passed unanimously.

**11. ADJOURN.**

W. Ponte **motioned** to adjourn the meeting at 8:55 p.m., seconded by M. Whitford. Motion passed unanimously.

Respectfully submitted, Polly Redmond, Land Use Coordinator

