

HARWINTON ZONING COMMISSION MONDAY, NOVEMBER 27, 2023 TOWN HALL 7:00 P.M.

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

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 W. Ponte.

2. APPROVE MINUTES OF PREVIOUS MEETING: 11/13/2023 SPECIAL MEETING & 11/13/2023 REGULAR MEETING

M. Whitford **motioned** to approve the minutes of the 11/13/23 Special Meeting and the 11/13/23 Regular Meeting, seconded by T. Root. Motion passed unanimously with D. Foster refraining from vote as he was not a sworn in Alternate Member at the time of these meetings.

3. PUBLIC COMMENT. None.

4. KEVIN MCGIVERN – APPLICATION FOR SPECIAL PERMIT FOR ACCESSORY APARTMENT, 91 CATLIN ROAD.

Mr. McGivern is present and states that the accessory apartment was always part of the plan when he applied for construction of a single-family dwelling. The Zoning Board of Appeals granted him variances on setbacks and lot coverage on May 15, 2019. The minutes of that meeting show Mr. McGivern as stating “the house will be 1600 square feet of living space with an office on the second floor of the garage that may become an accessory apartment for his son.” Mr. McGivern states that the accessory apartment is 900 square feet and has two bedrooms while the main house has one bedroom. At one time the house had two electric meter boxes but one has since been removed. T. Root **motioned** to accept the application and set a public hearing for Monday, January 8, 2024 at 7:00 p.m., seconded by M. Whitford. Motion passed unanimously.

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

Mr. Lopardo is present and apologizes for not being able to attend the last Zoning meeting. His engineer, Todd Parsons, is involved in an out-of-town project and was not able to attend but will be attending the December 11, 2023 Zoning meeting. Mr. Lopardo asks Commissioners to forward any questions they may have for Mr. Parsons prior to that meeting. Mr. Lopardo distributes photos showing the curbing that was just completed, minus one section still requiring curbing. Catch basin #18 has been ordered and all lighting is in. He states that the slope was resurveyed last week and verified that it is a 2:1 slope and in some areas, 3:1. Mr. Lopardo states that he has asked David Curtis, his excavating contractor, to explain the slopes to which he did in a letter distributed tonight dated 11/13/23 that remains on file in the Land Use office. Mr. Curtis stated in his letter that the embankment was stable for 3+ years with no problems but that it was altered by the removal of the natural growth and the plantings of the different shrubs. This weakened the surface by causing pockets to hold the water during heavy rain from July to September with the result being the washout of two areas on the embankment. Mr. Curtis recommends reconstituting the material on the embankment and not touch it, hoping the winter pause will firm up the slope and the spring growth will stabilize the embankment again. T. Root asks Mr. Lopardo if his engineer, Todd Parsons, has a copy of David Curtis’ letter with Mr. Lopardo answering, yes. Mr. Lopardo states that the back of the swale has been stripped and the swale will go in tomorrow, taking three days to complete. He notes that the area will have to be stumped with ZEO D. Truskauskas advising Mr. Lopardo to be sure erosion control measures are in place on the left side near the Torrington line after stumping is done.

William Foster, 6 Hannah Way, asks if there are minimum requirements for compaction of the slope with ZEO Truskauskas stating, no. Mr. Foster states that there is the possibility that the slope will wash away again in the next heavy rains.

Lillian Busse, 15 Hannah Way, states that there have always been erosion problems since 2021.

Cindy Lucian, 31 Hannah Way, states that at the last Zoning meeting there was question on who was responsible for erosion control and she asks now who that is. LUC Redmond states that she reached out to Town Counsel who said that the person who applied for the Special Permit, signed the Soil & Erosion Control Permit, and who posted the bond is responsible for erosion control.

Mr. Lopardo states that Todd Parsons will be at the December 11, 2023 Zoning meeting to discuss and answer any questions the Commissioners may have.

Greg Lucian, 31 Hannah Way, questions ZEO Truskauskas as to whether rip rap would be a solution to stabilizing the slope with ZEO Truskauskas stating, no, that water would force the rip rap downhill. Mr. Foster asks whether the curtain drain can have rip rap around it to direct water away from the Lucian property with ZEO Truskauskas stating that would not have prevented what happened with the slope and that he would defer that question to Mr. Lopardo's engineer. Mr. Foster questions whether the retaining wall at 33 Hannah Way can be extended to 31 Hannah Way (Lucian). LUC Redmond states that the Zoning Commission cannot require Mr. Lopardo to construct a retaining wall at 31 Hannah Way as it is not on the site plan. The Building Inspector required the retaining wall at 33 Hannah Way due to the distance between the house and the slope.

T. Root addresses Mr. Lopardo stating that he expects Todd Parsons, P.E. to have recently visited the site to see first-hand what is involved before coming to the Commission meeting to discuss.

6. COMPLAINTS/ENFORCEMENT ACTIONS. None.

7. ANY OTHER BUSINESS.

D. Kovall would like to discuss Continuing Education requirements for Land Use Commissions and notes that the free Workshop being held in Haddam on December 9, 2023 put on by CLEAR (UConn Center for Land Use Education and Research) that would have given attendees the full four (4) credits of the required CGS 8-4c training has no openings.

LUC Redmond will reach out to the CT Federation of Planning & Zoning Agencies to set up a two-hour workshop that is being offered at \$186 per hour for all Land Use Commissioners to attend. The CFPZ quarterly newsletter will also be sent out to all commissioners. Those reading all four newsletters will obtain one hour of credit towards the four credits required by December 31, 2023.

8. INFORMAL DISCUSSION – PROPOSED ZONING REGULATION AMENDMENTS.
No discussion.

9. CORRESPONDENCE. None.

10. INVOICES. None.

11. ADJOURN.

D. Kovall **motioned** to adjourn the meeting at 8:05 p.m., seconded by D. Foster. Motion passed unanimously.

Respectfully submitted,
Polly Redmond
Land Use Coordinator

RECEIVED
NOV 30 2023
HARWINTON
TOWN CLERK