

HARWINTON ZONING COMMISSION
MONDAY, JANUARY 22, 2024
TOWN HALL 7:00 P.M.

Present: Chairman Daniel Thurston, 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: Theodore Root and William Ponte

PLEDGE OF ALLEGIANCE

PUBLIC HEARING - CONTINUED

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman D. Thurston called the hearing 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 S. Smith seated for W. Ponte. M. Whitford has listened to the recording of the January 8, 2024 hearing and is eligible to be seated.

2. KEVIN MCGIVERN – APPLICATION FOR SPECIAL PERMIT FOR ACCESSORY APARTMENT (EXISTING) IN NEWLY CONSTRUCTED HOME, 91 CATLIN ROAD.

Kevin McGivern is present and provides, as requested, original proof of certified mailings giving notice to neighbors of the opening of the public hearing on January 8, 2024. Mr. McGivern also provides plans stamped by a State of CT Site Plan Review and signed by Josh Meske, dated 2/21/2022 for approval limited to Factory Built Portion of the modular home. Mr. McGivern states that the accessory apartment measures 546 square feet and the main house is 2211 square feet noting that the storage area off the family/dining room #2 was not included in his square footage calculations. That storage area measures to be approximately 69 square feet and has a closet within. LUC Redmond contacted Torrington Area Health and was told that their approval was based on original plans showing an office/accessory apartment on the second floor above the garage and that another review of the revised plans is required. Approval is outstanding at this time.

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

Robert Szegedy, 120 Catlin Road, speaks in favor of the application.

3. CONTINUE OR CLOSE HEARING.

With no further comments, D. Kovall **motioned** to continue the public hearing to Monday, February 12, 2024 at 7:00 p.m. in order to receive TAHD's decision. Motion seconded by M. Whitford and passed unanimously.

PUBLIC HEARING #2

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman D. Thurston called the hearing to order at 7:10 p.m. All regular members present are seated with Alternate Member D. Foster seated for T. Root and Alternate Member S. Smith seated for W. Ponte.

2. KELLY CYR – APPLICATION FOR SPECIAL PERMIT FOR HOME OCCUPATION, DOG GROOMING BUSINESS, 282 WILDCAT HILL ROAD.

Kelly Cyr is present and provides proof of certified mailings giving notice to neighbors of this hearing. The legal notice for this hearing was published in the Republican American newspaper on January 12th and 19th. Ms. Cyr states that she would be conducting the business in her basement grooming a couple of dogs a day two or three times a week.

There are no public comments.

3. CONTINUE OR CLOSE HEARING.

D. Foster **motioned** to close the hearing at 7:13, seconded by M. Whitford. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman D. Thurston called the meeting to order at 7:13 p.m. All regular members present are seated with Alternate Member D. Foster seated for T. Root and Alternate Member S. Smith seated for W. Ponte.

2. APPROVE MINUTES OF PREVIOUS MEETING: 1/8/2024

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

3. DISCUSSION/POSSIBLE DECISION – KEVIN MCGIVERN - APPLICATION FOR SPECIAL PERMIT FOR ACCESSORY APARTMENT (EXISTING) IN NEWLY CONSTRUCTED HOME, 91 CATLIN ROAD.

No discussion.

4. DISCUSSION/POSSIBLE DECISION - KELLY CYR – APPLICATION FOR SPECIAL PERMIT FOR HOME OCCUPATION, DOG GROOMING BUSINESS, 282 WILDCAT HILL ROAD.

D. Foster **motioned** to approve the application for special permit for the following reasons: the activity will not alter the appearance of the home so that it is recognized as serving a non-residential use, will not depreciate the value of the property or the neighborhood, and the use shall not generate pedestrian or vehicular traffic beyond what is typical. D. Kovall seconded the motion and it passed unanimously.

D. Kovall recuses herself at this time. Alternate Member V. Elliot is seated.

5. PETER HOCK – DISCUSSION OF COMPLAINT AGAINST HIM REGARDING KEEPING OF ANIMALS, 797 HILL ROAD.

Mr. Hock is present. ZEO Don Truskauskas informs the Commission that Mr. Hock has moved the animals to the smaller 20' x 30' barn that meets the setback requirement for keeping of animals when in connection with a business, measuring 166 feet to the side property line. Mr. Hock has submitted to the Land Use office a copy of a Secretary of the State of CT Interim Notice that shows his name as being the new member/manager of Delicias da Fazenda LLC and the names of Veronica Maria de Melo Aquino and Ricardo Jorge Dutra Oliveira as removed members of the LLC. This document is dated 1/18/2024 and was filed with the State of CT on the same date. D. Foster questioned the manure pile with ZEO Truskauskas stating, "it will be managed." Mr. Hock questions if he can keep the animals he has for personal use, such as his horses, in the Quonset-type building that is 116 feet to the side property line (meeting the 50-foot setback requirement) with ZEO Truskauskas stating, yes, he can. ZEO Truskauskas states that Mr. Hock has done what the Commission asked him to do and that this matter should be closed. V. Elliot **motioned** to close the matter concerning keeping of animals, seconded by S. Smith. Motion passed unanimously.

D. Kovall is reseated and V. Elliot is unseated.

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

Mr. Lopardo is not present informing LUC Redmond earlier that there was a family medical issue and he could not attend.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

REQUEST OF SUNSET RIDGE RESIDENTS TO BE HEARD ON FLOODING ISSUES.

Lillian Busse, 15 Hannah Way, approaches the Commission explaining that she would like to address the issues within Sunset Ridge that began in the first year of construction of six homes and work up addressing the current issues of today including drainage and flooding.

Lillian Busse submits to Commissioners 27 sheets of photos with descriptive comments accompanying each photo as she explains what they are showing. These photos remain on file in the Land Use office.

Owners of 5 Ross Drive, Kevin and Ingrid Canady, who recently purchased their home are present and have also emailed the Land Use office photos of water damage in their basement and outside of their home. Commissioners and the Zoning Enforcement Officer were forwarded their email. Mr. Canady states that they've reached out to Len Lopardo to address these problems who came to their home and vacuumed up one entire side of water in their finished and carpeted basement. The Canady's had two basement weatherization experts assess the water damage and learned that their house was not properly built to withstand the amount of water flowing down the embankments from other properties in the community. There is now an awful odor in the home potentially triggering health concerns associated with mold. When approached by the Canady's, Len Lopardo told them to just dry out the carpet. Mrs. Canady states that the specialists told them that the windows in the basement were improperly installed and that the walls of the basement should come out to be able to see the problem. She was told that if the problem isn't fixed soon, the house will collapse. Water is always coming in to the basement due to the land not being graded properly. Photos sent to the Land Use office show how water is pooling around their deck foundation and stairs as well as the Bilco basement hatch door. ZEO D. Truskauskas informs the Canady's that these problems are not under Zoning authority and that perhaps they should call the Department of Consumer Protection since the house is still under the one-year warranty. He states that if the footing drains are working properly, there shouldn't be any issues. Dennis Busse, 15 Hannah Way, states that water comes down the slope and sits right next to the Canady's home. Len Lopardo never graded anything properly and that is why most residents have water problems. Lillian Busse provides a map of the development with yellow outline showing the areas that have water issues.

Lillian Busse refers to the detention basin stating that Len Lopardo was put in charge of inspecting it. She provides photos showing what it looked like in 2021, noting that outlet 2 in the pond was not inspected in 2021. She states that Len Lopardo cut the trees in the detention basin and now there are stumps left that make it hard to maintain. She states that in 2021 there was silt in the forebay and now there are trees in the forebay. ZEO Truskauskas questions whether the pond was inspected in 2023 with Lillian Busse stating, no, Len Lopardo hasn't done anything in the pond since 2006.

Noreen Dostaler, 2 Hannah Way (Unit 7), comes forward to say that when there are heavy rains, her patio gets flooded with approximately three inches of water and that there is a crack in her house foundation causing water to drip into the basement.

Lillian Busse proceeds with review of the remaining photos she submitted.

William Foster, 6 Hannah Way, questions that if Len Lopardo says that everything has been done according to plan prepared by the engineer, could the engineer be responsible for poor design? ZEO Truskauskas states that they can only go with what is on the plan. He suggests that the residents could get a civil attorney against Len Lopardo and perhaps should consult with one. He will consult with town counsel Michael Rybak to assure that the Commission can hold back on issuing a Certificate of Compliance on the last house and whether the town can use the bond being held to fix the erosion problems.

Cindy Lucian, 31 Hannah Way, states that the hay bales Len Lopardo put up on the failed slope in her backyard were not placed up far enough and not enough were put down. Photos she provided in an email to the Land Use office dated 1/11/2024 show water going against the foundation of her home and pooling under her deck. She stated in her email that neighbors once again had to take measures to divert water away from the foundation.

In a 1/21/2024 email from Lillian Busse, 15 Hannah Way, she provides a bullet point list of items still needing to be done. This email was forwarded to the Zoning Commission and Enforcement Officer and remains on file.

Discussion will continue at the next Zoning meeting on February 12, 2024 when Len Lopardo is in attendance.

8. ANY OTHER BUSINESS.

None.

9. INFORMAL DISCUSSION – PROPOSED ZONING REGULATION AMENDMENTS.

Tabled.

10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

D. Foster **motioned** to adjourn the meeting at 8:35 p.m., seconded by D. Kovall. Motion passed **unanimously**.

Respectfully submitted,

Polly Redmond
Land Use Coordinator