

**HARWINTON ZONING COMMISSION**

**MONDAY, APRIL 8, 2019**

**TOWN HALL 7:00 P.M.**

Present: Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Don Truskauskas, Alternate Member Theodore Root, Land Use Coordinator Polly Redmond and ZEO Troy LaMere

Also Present: Town Counsel Michael D. Rybak

Absent: Chairwoman Michelle Rewenko

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING - continued**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Acting Chairwoman C. Kasey called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for M. Rewenko.

**2. BUMPER BROOK ESTATES – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD. PUBLIC HEARING OPENED 3/11/19.**

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT and Scott Bayne, S&W Custom Home Builders are present. Revised plans prepared by R.R. Hiltbrand Engineers & Surveyors, includes a Cover Sheet, revised 3/11/19, Property/Topographic Survey (prepared by Dufour Surveying, dated 10/26/16), Property Survey dated 1/30/19, Site Layout Plan (Sheet L), revised 4/8/19, Site Grading & Drainage Plan (Sheet G), revised 4/8/19, Site Utilities Plan (Sheet U), revised 4/8/19, Sediment & Erosion Control Plan (Sheet S&E), revised 4/8/19, Profiles (Sheet P), revised 4/8/19, Details (1 of 3) (Sheet D1, D2 & D3), Revised 4/8/19 and Sediment & Erosion Control Details (Sheet S&E Details), Revised 4/8/19 are reviewed.

Acting Chairwoman C. Kasey acknowledges W.M.C. Consulting Engineers' Zoning review report (**Exhibit A9**) dated March 3, 2019 (\*should be dated April 3, 2019) received in the Land Use office on April 4, 2019. W.M.C.'s report includes amendments to the bond estimate (Exhibit A4) adjusting the amount from \$21,994.00 to \$43,208.00. Zoning Commissioners, Town Counsel, Michael D. Rybak, and Atty. William Tracy have received copies of the report. Atty. Tracy states that he received the report on April 3, 2019 and his client's engineer, R.R. Hiltbrand Engineers & Surveyors, have responded to the comments and making revisions to the plans (revised to 4/8/19). R. R. Hiltbrand Engineers sent their comments to W.M.C. today according to Atty. Tracy. Atty. Tracy states that the Harwinton Highway Supervisor and the Fire Departments must also review the plan revisions made.

W.M.C. Consulting Engineer comments are as follows:



We offer the following comments for consideration and incorporation into the final design plan:

**Plans**

- 1) Project conforms to the Proposed Zone E requirements indicated on the plans. The parking requirement of 1.5 spaces per dwelling unit has been met and the building separation requirements meet Section 9.9.4.
- 2) Handicap parking may not be required for each individual building however, we suggest consideration be given to providing an accessible ramp at each location. Parking striping can be easily reconfigured if necessary in the future.
- 3) Stormwater management facilities are adequately designed and reviewed during the IWWC approval.
- 4) Suggest consideration be given to linking all building units by way of extending the sidewalks without having to walk on the access road.
- 5) Full scale architectural plans should be provided for review.
- 6) It is unclear what lighting is proposed onsite and on the individual buildings.
- 7) Landscaping plans were not provided for review.
- 8) There is no indication of any site signage at the entrance. Any proposed sign should be located and detailed on the plans with lighting requirements.
- 9) Demonstrate how open space or recreational facilities for active and passive use are provided. Suggest consideration be given to a stone dust walking loop around the facility.
- 10) Ensure fire protection and emergency access adequately accommodates the Fire Department's requirements.
- 11) Dumpster areas should be indicated and appropriately detailed on the plans that are appropriately screened.
- 12) The erosion control bond estimate appears to be low when compared to the unit pricing provided within the latest CTDOT Bid Item List and utilizing CTDOT Estimator. Please find the attached recommendation with respective unit pricing used totaling \$43,208.00.

Should you have any questions concerning this review, please contact us at your earliest convenience.

Sincerely,

**Wengell, McDonnell & Costello**

A handwritten signature in black ink, appearing to read 'Stephen R. McDonnell', is written over a horizontal line.

Stephen R. McDonnell, P.E.

Atty. Tracy submits into the record as **Exhibit A10**, R.R. Hiltbrand Engineers & Surveyors April 8, 2019 response to W.M.C.'s comments in correlation with W.M.C.'s 1-12 comments above. Their responses are:

1. 4 spaces have been added to the plans bringing the total from 58 to 62 spaces.
2. Since each building is designed for handicap access (no steps) the current layout does not allow for additional ramps in the parking areas. This development is similar to one in Bristol and the number of units utilized by handicap persons is less than what is provided.
3. O.K.
4. No additional sidewalks are proposed. A walking path around the detention basin has been provided for active recreation.
5. The client has provided complete architectural plans to the town.
6. Please see Lighting Plan.
7. Please see Landscaping Plan.
8. A stop sign and painted stop bar have been provided at the entrance. The lighting plans also indicates location of lights to illuminate the entrance for safety.
9. A walking path around the detention basis has been provided for active recreation.
10. We have met with fire department personnel and have incorporated their recommendations into the revised plans.
11. Dumpster location has been added to the plans.
12. We will be in contact to discuss the bond estimate.

Atty. Tracy states that the turning radius coming down Twenty-four Bumper Road into the facility and to Building A has been revised. No parking signs were added and shown to be located along the side of the interior driveway. Where the existing tree line is at its narrowest, four (4) white spruce will be added (in the upland review area in the northwest corner) and also three (3) white spruce to be planted in the area of the proposed dumpster location. A lighting plan and landscaping plan are included with the revised plans. Atty. Tracy wishes to add to the record a Drainage Report (**Exhibit A11**) dated 9/19/18 prepared by R.R. Hiltbrand Engineers & Surveyors, LLC noting that this report was reviewed by IWWC at the time of the Wetlands application. Atty. Tracy states that W.M.C. Consulting Engineers made comment on it in their Zoning review report and therefore Atty. Tracy believes it should be made part of the Zoning record.

Atty. Tracy refers to the lighting plan and that the lights shall be a shielded style fixture along the driveway to the end of the driveway and that no light will spill onto adjacent properties but there will be light spilling out onto Twenty-four Bumper Road but that is something the town probably wants. Commissioner D. Truskauskas questions whether there is lighting of the sidewalks within the complex with Atty. Tracy stating there will only be lighting on the units. In response to Commissioner M. Szydlo stating that neighbors may still be able to see the lights from the complex and complain, Atty. Tracy states that the trees to be planted are expected to grow six to eight feet high and will provide a buffer from the lights. Commissioner T. Root questions how high the light poles are to be and how long they will stay on with Scott Bayne stating they will be eight to ten feet high and that the lights are photo-sensor and will stay on all night.

LUC Redmond refers to R.R. Hiltbrand's response in Item 5 (above) that states architectural plans have been submitted to the town. She questions whether those are the floor plans and elevation plans submitted as Exhibit A1 to the Zoning Commission as no plans, construction or architectural, have been submitted to the Building Inspector. Atty. Tracy states that Item 5 refers to what was submitted as Exhibit A1, floor plans and elevations.

Commissioner T. Root asks for a cut (spec) of the light fixture with Atty. Tracy agreeing to provide. Commissioner D. Truskauskas requests that plans, and all revised plans, be sent electronically to the Land Use office. LUC Redmond questions Atty. Rybak on whether all the revised plans will need to be sent electronically with Atty. Rybak stating, yes, all plans and revised plans should be sent electronically. Commissioner M. Szydlo states that the floor plans and elevations should also be sent electronically with Atty. Tracy stating he will have all of these things sent electronically but that the floor plans won't be in color.

Atty. Rybak questions whether curbing is proposed with Atty. Tracy stating, yes. Atty. Rybak questions whether curbing will be installed around the parking areas also and asks whether ADA Compliance is being met. Commissioner D. Truskauskas questions whether all the units are handicapped with Scott Bayne answering, no, only a percentage of the units have to be ADA Compliant. Atty. Rybak states that the Building Inspector should look at the plans to check for ADA Compliance. Commissioner D. Truskauskas notes that the apartments on the west side are step-ups. Scott Bayne states that W.M.C. Consulting Engineers looked at the plans and should have commented on the ADA Compliance.

It is noted that the Bond Estimate shall be further reviewed and discussed between R.R. Hiltbrand Engineers and W.M.C. Consulting Engineers.

Commissioner D. Truskauskas questions where the applicant stands on the Inland Wetlands Commission's condition of approval that all W.M.C. Consulting Engineer invoices for their wetlands review be paid by the applicant. Atty. Tracy responds stating that he and Mr. Bayne had discussions on this at the April 1, 2019 IWWC meeting but the matter has not been resolved.

Commissioner D. Truskauskas questions when the WPCA will be hearing the application of Bumper Brook Estates for sewer hookups and it is noted that the WPCA will not meet on their regular meeting night of April 9, 2019 but will hold a special meeting on Tuesday, April 16, 2019 at 7:00 p.m. LUC Redmond questions Atty. Rybak on whether the Zoning Commission must hold off on making a decision until the WPCA decision is made with Atty. Rybak stating, yes that is the case.

Atty. Tracy submits a letter dated April 8, 2019 (**Exhibit A12**) that states the applicant agrees to a continuance of the public hearing to the April 22, 2019 Zoning meeting and also consents to the extension of the time permitted by statute for closure of the public hearing.

### **3. CONTINUE OR CLOSE HEARING.**

With no public present to speak and no further comments by Atty. Rybak or Atty. Tracy, M. Szydlo **motioned** to continue the public hearing to Monday, April 22, 2019 at 7:00 p.m., seconded by D. Kovall. Motion passed unanimously.

## **REGULAR MEETING**

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

Acting Chair C. Kasey called the meeting to order at 7:30 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for M. Rewenko.



**2. APPROVE MINUTES OF PREVIOUS MEETING: 3/25/19**

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

**3. PUBLIC COMMENT.** None.

**4. DISCUSSION/POSSIBLE DECISION - BUMPER BROOK ESTATES – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR CONSTRUCTION OF 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.**

None.

D. Truskauskas **motioned** to add to the agenda:

**Scott Bachand for Robert Schneider, 280 South Road – application for 36' x 24' garage – request for waiver of engineered plan.**

D. Kovall seconded the motion and it passed unanimously.

Mr. Bachand is present and provides a sketch of the property and the location of the garage that will be 125 feet from the front yard property line, 600 feet from the back property line, 250 feet from the left side property line and 250 feet from the right side property line. The property contains 30 acres located in a Country Residential zone. TAHD approved with condition of no water supply. IWWC approval has been received. D. Truskauskas **motioned** to grant the waiver request for an engineered plan, seconded by D. Kovall. D. Truskauskas **motioned** to approve the application as presented, seconded by M. Szydlo. Both motions passed unanimously.

D. Truskauskas **motioned** to add to the agenda:

**Informal discussion with Ron Visini, proposed driveway and question on grade of driveway for lot off Scoville Hill Road.**

M. Szydlo seconded the motion and it passed unanimously.

Mr. Visini provides a proposed site plan for his lot, part of Melnic Subdivision, with a question on the location and grade of the driveway. He doesn't think he can meet Zoning Regulation 6.4.6 that states driveways shall not exceed 4% gradient for the first 30 feet in length. He also states that his driveway will proceed with a 14% grade. D. Truskauskas states that there is concern for steep driveways with accessibility for emergency vehicles to get in. Zoning Regulation 6.4.6 can't be waived by this Commission but suggests that perhaps the driveway location being shown on the site plan can be switched to the other side of the proposed house location alleviating the grade issue. Mr. Visini will explore this option.

**5. COMPLAINTS/ENFORCEMENT ACTIONS.**

Commissioner Deborah recuses herself at this time. She is the author of a complaint against her neighbor **Peter Hock, 797 Hill Road**, that informs ZEO Troy LaMere of many trucks bringing in fill to Mr. Hock's property.

ZEO Troy LaMere has provided for the Commission a draft notice of violation that may need to be sent to Peter Hock, 797 Hill Road, concerning bringing in fill in excess of 50 cubic yards. ZEO LaMere states that he visited the property on April 6, 2019 and spoke to Mr. Hock regarding this matter and invited him to attend tonight's meeting. ZEO LaMere is awaiting direction from the Commission on how to proceed.

Mr. Hock is in the audience and informs the Commission that he is bringing in fill for landscaping purposes. His cows have made the property a "mud hole" and the fact that his land, which is down gradient to the south and west, catches a lot of runoff also leaving his property full of mud that prevents him from getting his equipment in there. He was provided an opportunity to receive free fill, taken off the Torrington Water Pollution Facility on Bogue Road, and upon questioning by D. Truskauskas on how much fill,

Mr. Hock states 500-600 yards is being brought in and placed in the southwest corner of his property. Mr. Hock also states that upon request of the ZEO to stop bringing in fill, he has stopped any further delivery of material. ZEO LaMere states that he observed a stream on the property but didn't see any wetland issues or violations. Mr. Hock states that there is a pond on the property that is overflow from a well that is within 100 feet of the area being filled that his cows drink from. He also notes that the Naugatuck River is approximately 1000 feet from his property. LUC Redmond will check the Websoil Survey website to see if there are wetlands in the southwest corner of Mr. Hock's property. D. Truskauskas states that if there is no activity within 100 feet of wetlands, he sees no issue with this activity. ZEO LaMere asks that silt fence be installed with Mr. Hock stating that he will be installing silt fence the next day. Mr. Hock invites ZEO LaMere back to his property at any time to show him around.

ZEO LaMere states that he was made aware of an old complaint made by past Zoning Commissioner Nancy Schnyer against activity taking place at **508 Hill Road** that include parking of commercial trucks and a shed on the property that may not meet setbacks. When he visited the property no one was home so he left a note for the occupants to contact him. He saw no trucks on the property and the shed appeared as if it has been there a long time. D. Kovall states that she went by the property on her way to tonight's meeting and she saw two dump trucks there. ZEO LaMere states that property owner Ralph Johnson contacted him and they are to be meeting at 508 Hill Road in the near future. He will report back to this Commission after that meeting.

ZEO LaMere reports that no call came in for an inspection at **614 Hill Road** (Lot 4, Country View Estates Subdivision) but saw that construction had begun so he stopped at the site and reports that all seems okay.

**6. ANY OTHER BUSINESS.**

None.

**7. CORRESPONDENCE.**

None.

**8. INVOICES.**

D. Truskauskas **motioned** to approve the invoice of the ZEO for 3.5 hours, seconded by D. Thurston. Motion passed unanimously.

**9. ADJOURN.**

D. Truskauskas **motioned** to adjourn the meeting at 8:25 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 4-11-19 AT 11:30am  
ATTEST TOWN CLERK  
*James Bryan*