

**HARWINTON ZONING COMMISSION**  
**MONDAY, APRIL 22, 2019**  
**TOWN HALL 7:00 P.M.**

Present: Chairwoman Michelle Rewenko, Matthew Szydlo, Deborah Kovall, Alternate Member Don Truskauskas, Alternate Member Theodore Root, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer Troy LaMere.

Also Present: Michael D. Rybak

Absent: Cynthia Kasey and Daniel Thurston

**PLEDGE OF ALLEGIANCE**

**PUBLIC HEARING - continued**

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

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

**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.**

For the record, Chairwoman Rewenko states that she has listened to the recording of the last public hearing for this application on 4/8/19 which she was absent from.

Chairwoman Rewenko reads a letter into the record from David Bousquet, Highway Supervisor and Deputy Chief, Harwinton Volunteer Fire Department (**Exhibit A13**) that states the revisions made to the plans for parking and turning radius at the entranceway off Twenty-four Bumper Road have satisfied his and the fire department's concerns although he states he would still like to see additional parking available for residents and overflow (visitors) but realizes there is compliance in what is being presented. Chairwoman Rewenko also reads into the record a letter from Atty. William J. Tracy, Jr. (**Exhibit A14**) that states the applicant agrees to a continuance of the public hearing to the May 13, 2019.

Atty. Tracy states that his client, Scott Bayne, S&W Custom Home Builders, also present tonight, is requesting an extension to continue the public hearing noting that they are still waiting for W.M.C. Consulting Engineers' final comments on the 4/8/19 revised plans. They are also waiting to appear before the Harwinton Water Pollution Control Authority who cancelled their April 16, 2019 Special Meeting and will not meet until May 7, 2019 now.

The Commission is looking for compliance with Zoning Regulation 9.9.8 that states, "Proposed public sewer systems shall require approval by the Harwinton Water Pollution Control Authority." This requires that the applicant get approval of the WPCA for both sewer and water connections before the Zoning Commission can make their decision on this application.

Commissioner D. Truskauskas notes the change in the landscaping plans shown to be in the buffer area and questions whether this change would require going back before the IWWC. Atty. Tracy states that after a Zoning approval is received he will go back before the Wetlands Commission for a modification of their approval.

In regards to the question at the last public hearing on whether ADA Compliance is being met, LUC Redmond states that Jeff Neumann, Building Inspector, reviewed the plans for parking compliance and noted to her that the parking is in compliance but that is all he could comment on. Once the status of the apartments is determined, then the decision on code compliance can be made by him. LUC Redmond also reached out to W.M.C. Consulting Engineers to ask whether they had any comments on ADA Compliance to which they had none other than agreeing with the building inspector that parking is in compliance. In an email dated April 10, 2019 to LUC Redmond (**Exhibit A15**), Atty. Tracy wrote that he “researched the ADA question raised at the last session of the public hearing; that being the question of whether the site plan shows sufficient ADA access from the parking area to the sidewalks serving individual residential units. In newly constructed residential facilities that are not publicly owned, publicly funded or publicly financed, “at least 5 percent, but no fewer than one unit, of the total number of residential dwelling units shall provide mobility features complying with 809.2 through 809.4 and shall be on an accessible route as required by 206.” AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES; ARCHITECTURAL BARRIERS ACT (ABA) ACCESSIBILITY GUIDELINES, 36 C.F.R. Chapter XI Part 1191, Appendix B to Part 1191, Section 233.3.1.1

The proposed facility will be privately owned and financed. Since 36 units are proposed, the guidelines require 5% (1.8) or 2 units with mobility features along an accessible route. The accessible route is that which leads from the parking to the sidewalk to the unit. The accessible route is provided along Buildings D, F and H where the 2 required units can be located. The remaining units are not required to be along an accessible route.”

Commissioner D. Truskauskas refers to Sheet U noting that there is now only one (1) lateral coming out of each building whereas the previous plans showed four (4) laterals for each unit. He questions why this change has been made with Atty. Tracy replying that there will be one separate exterior drain for each building. Commissioner D. Truskauskas questions whether this has been presented to the Harwinton Water Pollution Control Authority with Atty. Tracy answering that the plan is available to them though not presented. LUC Redmond asks for clarification in that these units will be considered apartments with Atty. Tracy agreeing that they will be.

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

With no further comments from Atty. Tracy and no comments from Atty. Rybak or the public, M. Szydlo **motioned** to continue the public hearing to Monday, May 13, 2019 at 7:00 p.m., seconded by D. Truskauskas. Motion passed unanimously.

## **REGULAR MEETING**

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

Chairwoman Rewenko called the regular meeting to order at 7:12 p.m. All regular members present are seated with Alternate Member D. Truskauskas seated for C. Kasey and Alternate Member T. Root seated for D. Thurston.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 4/8/19**

D. Truskauskas **motioned** to approve the minutes of the previous meeting with amendments to page 3, paragraph following the numbering of 12., line 2 to read: "...Building A has been revised. **"No parking"** signs were added **to the plans** and shown to be located..." Page 3, paragraph 2, line 7 to read: "...trees to be planted (omit "are expected to grow") **will be** six to eight feet high and will provide a buffer from the lights." M. Szydlo seconded the motion and it passed unanimously with Chairwoman Rewenko not voting due to her absence at the 4/8/19 meeting.

**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.**

No discussion.

**5. CITY OF TORRINGTON – APPLICATION FOR ANIMAL CONTROL FACILITY UPGRADE, 252 BOGUE ROAD.**

Richard Lynn, Director, Northwest Hills Council of Governments, is present along with David Dickson, Associate, Senior Project Manager, Milone & MacBroom, Cheshire, CT. Mr. Lynn explains that the current dog pound has code violations that need to be corrected and is the reason for the new construction. The site for the facility is owned by the City of Torrington and the land is owned by the Town of Harwinton. Three towns will join in the use of the Torrington animal shelter facility, those being Torrington, Litchfield and Goshen with other towns that may be interested in future participation. David Dickson addresses the Commission stating that they are near completion of the final design and that the Harwinton IWWC approved plans at their April 1, 2019 meeting. Plans by Milone & MacBroom dated March 4, 2019, titled Torrington Dog Pound Litchfield Hills Animal Shelter is provided along with plans that include a Title Sheet, Existing Conditions (Sheet EX), dated 12/22/17, Site Plan – Layout and Landscaping (Sheet LA), 12/22/17, Site Plan – Grading and Utilities (Sheet GU), dated 12/22/17, Sediment and Erosion Control Plan & Detail (Sheets SE and SED), dated 12/22/17, and Site Details (Sheets SD1 & 2), dated 12/22/17 are reviewed. Mr. Dickson states the site contains 23 acres with 1.8 acres of disturbance area. The old facility will remain open throughout the construction of the new facility though he is unsure of the future use of the old facility. The parking lot provides for sixteen (16) cars and will not be curbed in order for runoff to flow toward the direction of a stormwater basin. ZEO LaMere questions what the plans are for the City of Torrington Department of Public Works where stockpiling areas are located behind the current dog pound. He has concern of discharge water from the new animal shelter facility that will flow in this direction toward the stockpiling area. Mr. Dickson states that the DPW will have to move the stockpiles if they are in the direct path of discharged water. D. Truskauskas questions the site lighting with Mr. Dickson stating that the lights will be full cut-off LED within the vicinity of the new facility and also on the building and this can be a condition of approval if the Commission so chooses. ZEO LaMere questions the timeline of the project to be done with Mr. Rick Lynn stating that hopefully it will be during this construction season. ZEO LaMere points out that it will be at the same time the Water Pollution Facility is making their upgrades. Mr. Dickson states that the new animal shelter facility will tie in to water and sewer from the WPC Facility located to the north of the animal control facility. The existing facility currently is on septic and well. D. Truskauskas states that this application should be before the Harwinton WPCA to get their approval before the Zoning Commission can make a decision. LUC Redmond reviewed the sewer map and notes that Lower Bogue Road is not in the Sanitary Sewer Service Area. Mr. Dickson states that Ray Drew, Torrington WPCA, offered to them the ability to tie in the sewer and water with the

Water Pollution Facility. D. Truskauskas states that the application to tie in will still need to go before the Harwinton WPCA for a decision and he requests that a letter from the Torrington Water Company be provided that states there is water service for the new facility.

The Commission makes no decision at this time. The matter will be taken up again at the next Zoning meeting scheduled for May 13, 2019. State Statute 8-7d(b) states that when approval of a site plan is the only requirement to be met, a decision on the application shall be rendered not later than sixty-five days after receipt of such application. The applicant may consent to one or more extensions of such period provided the total period of such extension shall not exceed sixty-five days or may withdraw such plan or application.

**6. SUPREME INDUSTRIES – APPLICATION FOR CONSTRUCTION OF EQUIPMENT WASH BAY, 216 BOGUE ROAD.**

The land use office was notified that this application will be presented at the next Zoning meeting scheduled for May 13, 2019.

**7. JOSHUA DUMOCH & ABIGAIL BREWERTON – APPLICATION FOR SINGLE FAMILY DWELLING AND 20' X 27' INGROUND POOL, MANSFIELD ROAD, ASSESSORS MAP A5-01-10.**

Mr. Dumoch and Ms. Brewerton are present. Plans by Berkshire Engineering titled Septic System Design, 3/27/18, are reviewed. The location of the property is to be known as **87 Gale Road** with an approximate 200 foot long driveway. The applicants are informed that the driveway requires pull-offs due to the length of the driveway, and in accordance with Zoning Regulation 6.4.3. D. Truskauskas **motioned** to approve the application with the condition that TAHD approval is received, that a driveway opening permit is granted and that pull-offs on the driveway be shown on an as built to be provided to the land use office. T. Root seconded the motion and it passed unanimously.

**8. JOHN DUCCI – APPLICATION FOR SINGLE FAMILY DWELLING, 60 MANSFIELD ROAD.**

Mr. Ducci is present along with Jason Dismukes, P.E. Plans by Jason Dismukes, LLC titled Site Plan, dated 3/2/18 are reviewed. D. Truskauskas and M. Szydlo state for the record that they have a working relationship with Mr. Dismukes but in no way will it have an effect on their decision of this application. IWWC approval has been received. Erosion Control permit and driveway opening permit is on file. TAHD approval is pending. Mr. Dismukes states that the property contains 213 acres and the location of the home is over 1000 feet from any property lines. The length of the driveway is 1100 feet in from Mansfield Road and pull-offs will be provided and shown on an as built to be provided to the land use office. D. Truskauskas **motioned** to approve the application pending TAHD approval, seconded by D. Kovall. Motion passed unanimously.

**9. COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Troy LaMere informs the Commission that a complaint came in from Debra Talbot, 123 High View Drive, against Benjamin Fritz, 124 High View Drive, that campers are being parked in the yard and being lived in. A site visit to the property resulted in finding no violation. There is a camper in front that is being aired out and no one is living in them. Another camper is parked in the back of the property and there are no violations against that either. Ms. Talbot informed ZEO LaMere that the property is in the Lake Harwinton Association zone and that the Association should be notified. The property is not located in the Lake Harwinton Association zone but is in the Town Residential zone as shown on the Harwinton Assessors Street Card.

ZEO LaMere informs the Commission that he has signed off on two Certificates of Compliance for:

- 1) David Sawoska, 37 Pine Ridge Drive.
- 2) Catherine Woolford, 33 Silano Drive. A future deck will be applied for when the time for construction is near at 33 Silano Drive and property owners were informed to come in to the land use office for approval.

ZEO LaMere informs the Commission that he contacted Ralph Johnson regarding the complaint at 588 Hill Road, parking of commercial trucks. He is still following up with the complaint, has spoken to Mr. Johnson, and will reach out to him again to discuss action. The complaint also involved the placement of a shed that appeared to be in noncompliance with the setbacks. It is unknown when the shed was placed there. It is noted that if it has been there for three years it becomes legal non-conforming. Commissioners instruct ZEO LaMere not to pursue the shed issue but to continue to update them on the parking of commercial vehicles in a residential zone.

**10. CORRESPONDENCE.**

None.

**11. INVOICES.**

None.

**12. ADJOURN.**

D. Truskauskas **motioned** to adjourn the meeting at 8:10 p.m., seconded by D. Kovall. The motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 4-24-19 AT 12:50pm

ATTEST TOWN CLERK

