

**ZONING COMMISSION MEETING
MONDAY, SEPTEMBER 13, 2021
TOWN HALL 7:00 P.M.**

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

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair Matthew Szydlo called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member T. Root seated for M. Rewenko and Alternate Member D. Foster seated for C. Kasey.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/23/2021

T. Root **motioned** to approve the minutes of 8/23/2021, seconded by D. Kovall. Motion passed unanimously with T. Root, D. Kovall and M. Szydlo voting. All others refrain from vote due to their absence at the 8/23/2021 meeting.

D. Thurston **motioned** to amend the agenda to add **HARWINTON INVESTMENTS, LLC (BRETT STONE)** – application for driveway only, **Whetstone Road, Assessors Map No. C1-01-0006**. D. Kovall seconded the motion and it passed unanimously. Brett Stone is present. Plans by Robert Green Associates titled Driveway Plan, 7/26/2021 are reviewed. The driveway is approximately 250-300 feet long and two pull-offs are shown on the plans. The house will be constructed sometime next year according to Mr. Stone. The driveway opening permit has been applied for but is outstanding at this time. D. Thurston **motioned** to approve the application with the condition that the driveway opening permit be obtained through the Public Works Department, seconded by D. Kovall. Motion passed unanimously.

T. Root **motioned** to amend the agenda to take up Item 5 Complaints at this time, seconded by D. Thurston. Motion passed unanimously.

Complaints/Enforcement Actions.

TARGA I, LLC – Sunset Ridge – Update

LEONARD LOPARDO, developer, Sunset Ridge, is present along with residents of the multi-family development. ZEO D. Truskauskas refers to the 9/2/2021 letter he sent to Mr. Lopardo outlining requirements the Zoning Commission required before any further Certificates of Compliance were issued. He informs Commissioners that he met with Mr. Lopardo and his contractor on site during the past two weeks since the letter was received and Mr. Lopardo agreed to attend tonight's meeting and furnish the required documents in answer to the following:

1. Install Site lighting in all paved areas as shown on the approved plan.

Mr. Lopardo states that he contacted Eversource and received Job No. 6600378 and all lighting will be installed except one on an unfinished road. Eversource could not give him an install date. Mr. Lopardo notes that maintenance of the lighting will be the full responsibility of Eversource.

2. Fill in the small detention basin and divert runoff water to the temporary sediment basin shown on the approved plan (at unit 27) and add silt fence as necessary to protect downhill installed landscaping.

D. Truskauskas states that he has discussed with Mr. Lopardo the large detention basin on the plan located off a gravel road and behind a smaller basin. ZEO Truskauskas believes it to be better to install a berm in the back of the smaller basin and divert water to the back temporary detention basin adjacent to Lot 30. The catch basin in front has been hay baled and has a woodchip berm with silt fence included. As long as this is maintained, ZEO Truskauskas believes it should be okay. Acting Chair M. Szydlo states that Mr. Lopardo should make sure the system is working and that it be checked before and after significant rain events. ZEO Truskauskas should also monitor.

3. Provide documentation of Street Sweeping 2 times per year as required in the approved “Stormwater System Maintenance Plan” Revised April 24, 2006 that was submitted with your original application. *Mr. Lopardo states that he has used Johnny's Sweeping Service in the past but that the owner passed away and now the son took over the business. He has contacted him to do the work but he is not sure when they will be able to sweep. Mr. Lopardo states that right now he is manually picking up debris off the road. ZEO Truskauskas notes that the road is not perfectly clean but it is a new road and the lower section is very clean. Acting Chair M. Szydlo asks if Mr. Lopardo has any documentation of past cleanings with Mr. Lopardo stating he is not sure. Mr. Lopardo claims that it is very difficult to get a street sweeper because no one is available. He does note that each unit built has a tracking pad and that works well in keeping debris off the streets. T. Root asks that the ZEO be contacted once the street cleaning is scheduled. ZEO Truskauskas asks that documentation of the street cleaning also be sent to the Land Use Office.*
4. Provide documentation of Annual Cleaning of Catch Basins as required in the approved “Stormwater System Maintenance Plan” Revised April 24, 2006. *Mr. Lopardo states that it is set for Berkshire Construction and Saw Cutting from Torrington to do the work in a week. ZEO Truskauskas asks that documentation be sent to the Land Use Office.*
5. Provide documentation of semi-annual inspection of the Water Quality Basin as required in the approved “Stormwater System Maintenance Plan” Revised April 24, 2006. *Mr. Lopardo states that he does the inspections laid out by Lenard Engineering. He states he has to report on vegetation, sedimentation, debris, etc. in the catch basins. D. Kovall questions that this may be a conflict of interest with Mr. Lopardo inspecting his own property for compliance. Mr. Lopardo submits from MGS Engineering, LLC a report dated 9/12/2021 on their Water Quality Basin Inspection. The report remains on file in the Land Use Office. Mr. Lopardo also submits a letter from Lenard Engineering dated 3/5/2009 that includes the record drawing of the detention basin and the sanitary sewer as-built. The letter is from Todd Parsons, P.E., Lenard Engineering and states that he certifies that the existing detention facility for the project known as Sunset Ridge has been constructed in conformance with the permitted plans and specifications, that the actual stage-storage relationships will not produce discharge rates greater than those stated in the accepted hydrology report, for the respective storm events, and that the pond functions as designed. He further certifies that downstream, off-site properties are not receiving discharges at erosive velocities or at velocities greater than the pre-developed rates, whichever is less, or receiving concentrated flow in other than defined drainage ditches or creeks. The letter also includes a copy of the Detention Basin Performance calculations dated March 3, 2009. Mr. Lopardo states that the silt coming in to the detention basin is minimal and it was recommended to him that he remove invasive plants along the edge of the pond. There is water in it all of the time but does flow out at a steady rate. He was told to keep the v-notch weir clean. The letter remains on file in the Land Use Office.*

Harry Buck, 6 Hannah Way, is in the audience and claims that there are holes in the fence of the detention basin where animals are getting through. Mr. Lopardo states that he is aware of it and that it will be fixed.

Mr. Lopardo states that trees within the detention basin will be removed in the spring. He has been in discussions with representatives of Sunset Ridge, Lillian Busse, 15 Hannah Way, and Marguerite Fusco, 9 Hannah Way, who are in the audience and both state they would like it done this fall. Acting Chair M. Szydlo notes that fall would be the best time and that since this should have been done already, it needs to be done ASAP. Mr. Lopardo states that he will get started quickly on it and will let ZEO Truskauskas know when and agrees that it will be done by winter.

6. Install Maple Trees and other vegetation as shown on the approved Landscaping Plan for each of the existing homes.

Mr. Lopardo states that he wasn't sure about planting Maples trees and believes it was to be Pine and Spruce trees. Landscaping is being discussed with him and representatives of Sunset Ridge, Lillian Busse, 15 Hannah Way, and Marguerite Fusco, 9 Hannah Way on what to plant. Sheet C3, Landscaping Plan, is reviewed and it is noted that Maple, Oak, Fir, Spruce, Dogwood and other types of trees were to be planted. D. Kovall questions whether any trees have been planted by Mr. Lopardo with Lillian Busse stating that property owners planted their own trees. D. Kovall states that she finds it disturbing that after fifteen (15) years that this development has been in progress, no trees have been planted by the developer.

Lillian Busse states that homeowners have been putting in their own landscaping.

Harry Buck states that they don't want trees that are shown on the plan if a homeowner has already planted a tree that may be in conflict with the plan.

Acting Chair M. Szydlo states that in the next two weeks, the residents and Mr. Lopardo should collaborate on what each resident wants for trees and bring that plan back to the Zoning Commission at their next meeting on September 27th. Mr. Lopardo states that many yards have been landscaped in a "classy way that shines" and if the Commission can give some flexibility, it shouldn't be a problem to approve a revised Landscaping Plan. ZEO Truskauskas states that he would like to see any revised plan prepared so he is aware of what he should be looking for.

Discussion takes place on phasing of the project with Mr. Lopardo stating that the residents don't want to take over the Association until the road is completed. He states there are five houses left to build and then the road will be finished. Marguerite Fusco states that the catch basins are raised up in the road and are non-functional. She questions why the road hasn't been finished in phases. Mr. Lopardo answers saying that he has seen curbing and pavement destroyed with heavy equipment being brought in so the road will be put in last to avoid these problems. ZEO Truskauskas notes that the road will need to be prepped and repaired before the final coat goes in. ZEO Truskauskas states that he just now sees on Sheets ESC 4 & 5 under Phase III, number 5 that states "Install pavement base course only for Road A, Road B, and Road C." so he believes Mr. Lopardo is within the approved schedule.

Harry Buck states that he sees no reason why the road can't be finished now if curbing is the only thing that gets damaged, the curbing is already there. The road will be built to withstand truck traffic and he is adamant that the roads must be completed now.

Acting Chair M. Szydlo reiterates that the final coat wasn't to be done until Phase III with ZEO Truskauskas stating that the phasing was for erosion control with mention of the road completion on Sheet EC6, Phase V schedule that notes Item 9 as "Install final course of pavement and curbing throughout the project."

7. Submit stamped engineered plans and calculations of all drainage and other changes to the approved plan and sequencing documents.

Mr. Lopardo refers to the 3/5/2009 letter from Lenard Engineering. Chair M. Szydlo asks if the calculations in this letter represent what is on the site now with Mr. Lopardo replying, yes, it's the as-built conditions within the 2009 report. He refers to the last page of this report which is dated (issued) August 19, 2013 a letter signed by Todd Parsons, P.E., Lenard Engineering, that states he has reviewed the installation of the new yard drain behind Unit 9 in the Sunset Ridge development and that the yard drain will collect runoff from the areas upstream and discharge it to existing catch basin number 19, which in turn discharges to the pond. Since this watershed area currently leads to the pond, this catch basin does not result in additional runoff to the pond, nor will it change the characteristics of the runoff reaching the pond. The basin should be effective at reducing the potential for ponding behind until numbers 8 and 9.

Mr. Lopardo states that with this letter, no change has been experienced for piping being underground. Acting Chair M. Szydlo states *how* the water is transported is a concern. He would like to see an as-built stamped that this meets the design and intent. Something is not working if there are sinkholes happening as noted by Harry Buck. Mr. Lopardo states that there are no sinkholes and that the catch basins are working the way they should. Acting Chair M. Szydlo requests that Todd Parsons, P.E., Lenard Engineering, review it and state things are working in a letter. Mr. Lopardo that the 8/19/2013 letter noted above from Lenard Engineering states this. D. Kovall states that she is for independent evaluations. Mr. Lopardo states that Hemlock Construction built the system and Todd Parsons designed it. ZEO Truskauskas agrees with Chair Szydlo in that an engineer should submit a report with an as-built of the piping. D. Kovall again states that she would like to have it done by someone independent of Mr. Lopardo. Acting Chair M. Szydlo wants to make sure that all concerns expressed tonight by the residents are addressed.

T. Root states that the engineer who will be reporting should receive a copy of these Zoning minutes. Mr. Lopardo will let ZEO Truskauskas know who that engineer is who will in turn advise LUC Redmond.

8. Submit documentation by a licensed engineer that the roadways are installed to Town Specifications as required in the Notice of Decision from the Harwinton Zoning Commission dated February 13, 2007, Item #2. Please be advised that Town of Harwinton Road specifications require the top course of asphalt be completed.

Mr. Lopardo states that the entire project should be complete by the middle of next year.

Harry Buck, 6 Hannah Way, states that he is afraid that once the last house is built, Mr. Lopardo will walk away from completing the road. Commissioners briefly discuss the possibility of holding off on issuing Certificates of Occupancy for the last four houses until the road is completed.

Teresa Foley, 13 Hannah Way, asks the Commission to please acknowledge that the catch basins are not functioning because they aren't level with the pavement of the road and that the catch basin in Torrington is receiving all the silt.

Discussion will continue at the next Zoning meeting scheduled for Monday, September 27, 2021, 7:00 p.m.

COMPLAINTS -- continued

ZEO Truskauskas notes that a complaint has been received by Thomas Rotondo, 15 Meadow Lane, concerning the noise that came from the Monster Truck show held at the Fairgrounds on Locust Road back in August. The complaint is signed by a number of neighbors as well. ZEO Truskauskas finds the complaint unfounded stating that this is a typical event for a Fairgrounds.

ZEO Truskauskas states that Todd Werner, 38 Lake Shore Drive, complained that the house being built on the corner of Davis Road and Catlin Road never had the silt fence installation inspected after previous ZEO Troy LaMere inspected it finding it improperly installed. Upon his inspection, ZEO Truskauskas found that some wetlands on the property were stripped out by the construction of the retaining wall.

3. PUBLIC COMMENT.

None.

4. INFORMAL DISCUSSIONS: Recreational Marijuana Law

Outdoor Dining Regulations

Special Events Permits

Uses in Retail Service Zone -- storage to be fully enclosed

Special Events Permits: D. Kovall notes that back in 2019 this discussion came up with the Zoning Commission and a proposed ordinance was written by Atty. Michael Rybak for an ordinance to be put in place. The Zoning Commission asked LUC Redmond to send notice to the Board of Selectmen requesting them to act further on it but it was not. Commissioners believes that a Special Events Permit would have addressed the Monster Truck show at the Fairgrounds. D. Kovall notes that when John Bigos came before the Zoning Commission on August 9, 2021 to oppose the requirement for an events permit, he informed the Commission that he always goes over Fairground events with First Selectman Michael Criss and the Fire Marshal, so she believes since they are involved anyway, the Selectman's office should create and be responsible for issuing Special Events Permits. Commissioners request that LUC Redmond resend a letter to the Board of Selectmen regarding this matter. T. Root states that he believes this is not a Zoning issue. It is the Board of Selectmen who police the events and makes sure requirements such as traffic control are met.

Recreational Marijuana Law: Atty. Michael Rybak sent an email to LUC Redmond giving two options on wording for a Temporary Moratorium on Cannabis Establishments. One draft is similar to what the Town of Burlington adopted and the other one is from various towns that is a more simplified version. D. Kovall states that she would like to go with the stronger Moratorium as Burlington did. T. Root **motioned** to set a public hearing for Monday, November 22, 2021 at 7:00 p.m. in the town hall to present a Moratorium on Cannabis Establishments, seconded by D. Kovall. Motion passed unanimously. Atty. Michael Rybak will be asked to attend the public hearing.

5. **COMPLAINTS/ENFORCEMENT ACTIONS.**

TARGA I, LLC – Sunset Ridge – Update

See above.

6. **ANY OTHER BUSINESS.**

None.

7. **INVOICES.**

D. Kovall **motioned** to approve the invoice of ZEO D. Truskauskas for 16 hours and 81 miles, seconded by T. Root. Motion passed unanimously.

8. **ADJOURN.**

T. Root **motioned** to adjourn the meeting at 9:15 p.m., seconded by D. Foster. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 9-15-21 AT 3:00pm

ATTEST TOWN CLERK

James Bryan