

**ZONING COMMISSION MEETING  
MONDAY, OCTOBER 25, 2021  
TOWN HALL 7:00 P.M.**

Present: Chairwoman Michelle Rewenko, Secretary Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Theodore Root, Alternate Member Dave Foster, Alternate Member William Ponte  
Absent: ZEO Don Truskauskas

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

Chairwoman Rewenko called the meeting to order at 7:00 p.m. All regular members present are seated.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 10/12/2021**

D. Thurston **motioned** to approve the minutes of 10/12/21, seconded by C. Kasey. Motion passed unanimously.

**3. PUBLIC COMMENT.**

None.

**4. ROBERT KILLEEN – APPLICATION FOR 20' X 30' BARN, 112 MANSFIELD ROAD.**

Mr. Killeen is present. Plans by Robert Green Associates titled Zoning Location Survey Leaching Area Layout & Plot Plan for Barn, 9/9/2021 are reviewed. The property is located in a Country Residential zone requiring 35-foot side yard setbacks. The barn shows to be 37 feet to the property line on the plans. Mr. Killeen states that he can have a surveyor stake the location or provide an as-built. The barn will be a pole barn with concrete footing and concrete floor and will not be used for keeping of animals. E&S permit is on file, TAHD approval has been received. Inland Wetlands permit received a sign-off from the Land Use office. M. Szydlo **motioned** to approve the application contingent on either having a surveyor stake out the side property line or provide an as-built at the end of construction and that the Zoning Enforcement Officer inspect the foundation early on to verify the distance to the side yard property line. C. Kasey seconded the motion and it passed unanimously.

**5. ROBERT RICCIO – APPLICATION FOR SINGLE FAMILY DWELLING, 34' X 35' BARN AND 20' X 20' CABANA, LOT 18, #9 STEEPLE CHASE ROAD, A ROAD WITHIN EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD. ROAD IS NOT A TOWN APPROVED ROAD. ORDINANCE 70 ALLOWS FOR CONSTRUCTION ON UNAPPROVED ROADS IF THERE IS A GUARANTEE OF ROAD COMPLETION BY A BOND, WHICH THERE IS.**

Joseph Green, P.E. Robert Green Associates, Timothy Furey, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT, and Robert & Catherine Riccio are present. Joseph Green provides for discussion purposes only, not submitted, a revised plan showing drainage improvements and noting the cross-slope's purpose being shown on the plan so as to direct the flow of water to a swale onto the neighboring lot owned by Pickett Brook Property. Mr. Green states that revisions, including contours, were made on this one sheet according to Zoning Commission comments from the previous meeting. Joseph Green states that he spoke with ZEO Don Truskauskas as well as Highway Supervisor Dave Bousquet regarding drainage. LUC Redmond questions whether this application should go before the Wetlands Commission concerning the drainage into wetlands/woods with Atty. Furey stating he'll take it into consideration but is not promising that he will bring the application before the Wetlands Commission. Matthew Szydlo questions if there are any provisions to slow velocity of runoff with Mr. Green stating it can be put into the cross-slope. Mr. Green adds that the driveway is at 8%, not 14% which he noted on Sheet 2 of his 9/14/2021 plans presented at the last Zoning meeting and adds that the driveway will be paved. (Highway Supervisor Dave Bousquet, in discussion with LUC Redmond measured the driveway grade at 13%.) Full sets of plans are not being submitted tonight as Mr. Green wishes to have comments and then make revisions. Atty. Furey points out that paving of the road (Steeple Chase Road) will be done this week.

TAHD approval has been received for the house and barn with the accessory apartment that was being proposed for the second floor of the barn, which is now proposed as a gym, and also the 20' x 20' cabana. A separate TAHD pool approval has been received for the 18' x 36' inground pool. M. Szydlo questions if TAHD approved the septic system design as a multi-family and he wants to make sure there will not be a multi-family use on the property with what was proposed for an accessory apartment on the second floor of the barn. Mr. Green states that the cabana has a bathroom in it so TAHD coded it as a multi-family; that it's a health code issue with their definition. He confirms that there will not be a multi-family use of this property.

Chairwoman Rewenko states that she would like to see a complete set of plans, all 5 sheets, before making a decision on this application. Atty. Furey asks if the Commission could make a conditional approval with the full plans being submitted to the Land Use office at a later date. D. Kovall states that the applicant should be aware that Zoning Regulations do not allow for an accessory structure without a principal use so the house must be built before the barn or the barn built at the same time. Mr. Riccio states that the house and barn would be built at the same time. Mrs. Riccio states that she is anxious to get her animals, consisting of two pigs, two goats and a duck, into the barn. The barn meets the 50-foot setback for keeping of animals.

With Zoning Commissioners not agreeing to a conditional approval, they ask that outstanding items to complete the plans be prepared by Joseph Green, who will also contact Dave Bousquet, Highway Supervisor, to go over concerns of the driveway drainage and also obtain a driveway opening permit from him.

M. Szydlo **motioned to not accept the application** as the site plan is incomplete, seconded by D. Kovall. Motion passed unanimously. The applicant will present a complete application at the next Zoning meeting on Monday, November 8, 2021 at 7:00 p.m.

## **6. COMPLAINTS/ENFORCEMENT ACTIONS.**

### **TARGA I, LLC – SUNSET RIDGE – UPDATE FROM ZEO**

A report from ZEO Don Truskauskas has been emailed to the Land Use Office in his absence dated 10/26/21. He reports that the changes the Commission asked for are working. No visible erosion, clean water on the street. He reports that Len Lopardo was meeting with Todd from Tidy to do the hydroseeding and that would hopefully be done on Thursday. Lenard Lopardo, who is not in attendance tonight as he was told it was not necessary, called the Land Use office and sent an email with pictures attached of the detention pond and informing LUC Redmond that the detention pond has been cleaned out and the dead/diseased trees would be removed in the coming week. Lillian Busse, 15 Hannah Way and Marguerite Fusco, 9 Hannah Way are present tonight. T. Root questioned whether anything has been done in regards to lighting with Ms. Fusco stating CBYD markings have been staked out and poles will probably be delivered soon. Hydroseeding has not been done yet and the Commission had asked that to be done within a week of their last meeting on 10/12/21. There is still no top soil or seeding in the northern end of the property and also at Units 29 and 31, where there is no top soil, only fill and stone. They report that the Sunset Ridge sign has not been installed yet either. An email was received on October 19, 2021 from Cindy Lucian, 31 Hannah Way, with pictures showing the steep hill in back of her house. She questioned why the lot next door, 33 Hannah Way, has a retaining wall in their backyard but one was not installed on her lot since the slope is the same. Question was posed as to whether the retaining wall was shown on the original site plans. Another email was received today in the Land Use Office from Cindy Lucian with pictures attached showing lots of water pooling under her deck from recent rain, an issue discussed at the last Zoning meeting. M. Szydlo notes that at the last Zoning meeting the Commission asked for an independent engineer report because the drainage system seemed overwhelmed. The Commission is still waiting for that with Chairwoman Rewenko also noting other items that were to be done within a week of

the last meeting or within a months' time of the last meeting. It hasn't been a month since the last Zoning meeting held on October 11<sup>th</sup> so Mr. Lopardo still has time to complete some of those items. Mr. Lopardo has been asked to attend the next meeting on Monday, November 8, 2021 at 7:00 p.m.

**7. INFORMAL DISCUSSIONS: ACCESSORY APARTMENTS  
OUTDOOR DINING REGULATIONS**

**Accessory Apartments:** Chairwoman Rewenko states that after reading Public Act 21-29, she would prefer to opt out of the provisions at this time. D. Kovall states that the legal language can be confusing and Commissioners should review thoroughly. Atty. Timothy Furey addresses the Commissioners stating that they should look at Public Act 21-29 carefully and that the Riccio's will be in to look at proposing a regulation change to Zoning Regulation 9.3 *Accessory Apartments* and suggests that Zoning consult with the town attorney on this matter of opting out. He warns that if enough towns opt out, it may come to be a mandatory regulation. He suggests that Zoning look at what other towns are doing as well. D. Kovall states that if the Commission chooses to opt out now, there can be discussion to strengthen the Zoning Regulations and that a regulation on Accessory Apartments can be formulated as well. The date to opt out is by January 1, 2023 after a public hearing is held by the Zoning Commission. The Public Act reads: *Failure to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of Public Act 21-29 subsections (a) to (d), or opt out, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartment in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d).*

Commissioners will ask Town Counsel Michael D. Rybak to attend a near future Zoning meeting to discuss this with them and offer guidance.

**Outdoor Dining:** The Commissioners will not take this up for discussion at this time. Special Act 21-3 governing outdoor dining as an accessory use expires March 31, 2022. As of April 1, 2022 Outdoor Dining will become a use of right but the language provides for more structure and oversight to the process than municipalities currently have operating under the Special Act.

**8. ANY OTHER BUSINESS.**

LUC Redmond has written a letter to Pickett Brook Property, LLC regarding the number of horses on the property at 485 Plymouth Road that does not meet the acreage requirements of Zoning Regulation 6.5. Commissioners ask that the following be added to the letter:

*That Pickett Brook Property, LLC needs to take immediate action to bring 485 Plymouth Road into legal compliance by either removing horse stalls in the barn, removing horses on the property, or join abutting land to 485 Plymouth Road by deed and map. Because the Zoning Commission understands there is a violation, this matter will be closely monitored by our Enforcement Officer at your cost.*

**9. INVOICES.**

None.

**10. ADJOURN.**

M. Szydlo motioned to adjourn the meeting at 9:30 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

