

HARWINTON ZONING COMMISSION MONDAY, SEPTEMBER 12, 2022
TOWN HALL 7:00 P.M.

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

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman D. Thurston called the hearing to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/22/2022

T. Root **motioned** to approve the minutes with amendment to Item 4 to include a condition that Torrington Area Health District approval be received. Motion seconded by C. Kasey and passed unanimously with W. Ponte refraining from vote due to his absence at the 8/22/2022 meeting.

3. PUBLIC COMMENT. None.

4. GARRY THIBODEAU – APPLICATION FOR SPECIAL PERMIT AND SITE PLAN APPROVAL FOR SINGLE FAMILY DWELLING WITH ACCESSORY APARTMENT, WHETSTONE ROAD, ASSESSORS MAP NO. C6-05-290B.

Garry & Sarah Thibodeau are present. Plans prepared by William Colby, P.E., Colby Engineering and Consulting, LLC, Goshen, CT titled Septic System/Site Development Plan, revised 9/9/2022, are reviewed. Plans for the new home include an accessory apartment behind the garage with access via a shared internal mud room and an outside door to the back of the property. IWWC approval and TAHD approval have been received. T. Root points out that two parking spaces are required to be shown on the plans for the accessory apartment and can be shown on an as built. T. Root **motioned** to accept the application and set a public hearing date or Monday, September 26, 2022 at 7:00 p.m. in the town hall. D. Kovall seconded the motion and it passed unanimously.

5. WESLEY CYR – APPLICATION FOR 18' X 36' INGROUND POOL, 96 WHITE OAK DRIVE. REQUEST FOR WAIVER OF ENGINEERED SITE PLAN. APPLICANT CAN PROVIDE A SITE PLAN FROM A MARCH 2022 APPROVAL FOR CONSTRUCTION OF SINGLE FAMILY DWELLING.

Wesley Cyr is present. Plans prepared by Joseph Green, P.E., Robert Green Associates, Terryville, CT titled Zoning Location Survey Site Plan for house with pool location drawn in by Mr. Cyr are reviewed. The proposed pool will be 80 feet to the rear property line. IWWC approval and TAHD approval have been received. ZEO D. Truskauskas asks that silt fence be installed between the pool location and the septic with Mr. Cyr agreeing to stating the septic is not in yet and the house is just framed. The pool will be installed prior to the septic system. T. Root **motioned** to grant the waiver request to have an engineer plot the pool on the plan at this time but that the pool must be shown on an as built, seconded by C. Kasey. Motion passed unanimously. T. Root **motioned** to approve the application for an 18' x 36' inground pool, seconded by W. Ponte. Motion passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS. None.

7. ANY OTHER BUSINESS.

Len Lopardo is present as well as approximately ten residents of Sunset Ridge. An email from Lillian Busse, resident of Sunset Ridge at 15 Hannah Way, was received in the Land Use office on 9/8/2022 asking if the Zoning Commission still required Mr. Lopardo to obtain an independent engineer to review the drainage design and calculations at Sunset Ridge. Mr. Lopardo spoke to her and others at an unofficial Sunset Ridge Association meeting telling them that the town cannot require him to contract with an independent engineer and that his engineer, Todd Parsons from Lenard Engineering, previously analyzed a drain behind 6 Hannah Way and submitted a letter that stated everything was constructed as presented in the site plan and that there were no problems with drainage. Lillian Busse's email goes on to outline concerns that have been addressed and a listing of "Progress made in 2021". All Commissioners and ZEO Truskauskas received a copy and it will remain on file in the Land Use office.

Marguerite Fusco, 9 Hannah Way, is present and submits a write-up regarding the need for an independent engineer and what is the Commission's position to receive such report to "confirm that the installation of the drainage was installed correctly and is sufficient for the water flow" and that Mr. Lopardo needs to address the issue of sink holes behind 2 Hannah Way that is a safety concern. She also notes that a bus is stopping at the end of Lauren Lane and Mountain Road [Mountain View Drive] for a resident that lives on Torcon Drive in Torrington whose property sits half in Harwinton and half in Torrington. She believes there should not be a bus stop within Sunset Ridge on a private road with cars parking on both sides of the narrow road of Lauren Lane for safety reasons. She mentions that trees are not installed and that the erosion control on the outside perimeter on the Fairlawn Drive (Torrington) side is not installed properly and questions what precautions should be in place for the construction areas.

ZEO D. Truskauskas states that he stopped at the site on September 5th and did not see any sink holes and no evidence of any recent repairs of such. In regards to requiring a report from an independent engineer, he notes that Mr. Lopardo can find an engineer who would report that everything is okay in regards to drainage. Another option is to inquire as to whether the town's engineer, W.M.C. Consulting Engineering, can inspect at the expense of Mr. Lopardo and give a report. Mr. Lopardo states that he takes umbrage to hear that his engineer's expertise is being questioned by the Commission and the Association.

New resident at 6 Hannah Way, Bill Foster, speaks of a wall on his property where some seepage can be seen that requires some fill. There is also a yard drain that gets clogged with leaves which he may have to alter. As for the catch basin, he suggests that one can follow the line to the end to see what's coming out of it. If there's discoloration, there is a problem. ZEO D. Truskauskas states that this is something the Association can hire an engineer to do as it is out of the jurisdiction of what the Zoning Commission can do. If the Commission still wants to follow up with a report from an independent engineer, he will confer with the town attorney and ask if this is something the Commission can require of Mr. Lopardo. Anthony Mercuriano, 29 Hannah Way, states that the Association will not take over the development until either the Commission requires an independent review from an independent engineer contracted by Mr. Lopardo or the Association will contract with one. T. Root states that Mr. Lopardo is responsible to complete the work proposed in the site plan, including what the engineer proposed, and if the engineer made changes along the way during the construction phase and Mr. Lopardo agreed to them, then the engineer and Mr. Lopardo are responsible for any miscalculations.

Regarding the bus stop mentioned in Marguerite Fusco's write-up, the Commission informs her that they do not have jurisdiction with Mr. Lopardo stating that he contacted Region 10 about it. M. Fusco mentions that the trees are not yet planted with Mr. Lopardo stating that Lillian Busse is still altering the Landscaping Plan.

Mr. Lopardo points out that Lillian Busse's list of "Progress" did not mention that the road is 55-60% finished.

D. Kovall **motioned** to request ZEO D. Truskauskas contact Town Atty. Michael Rybak to find out whether the Commission can ask Mr. Lopardo to provide a report from an independent engineer, seconded by T. Root. Motion passed unanimously.

8. **INVOICES.** None.

9. **ADJOURN.**

W. Ponte **motioned** to adjourn the meeting at 8:26 p.m., seconded by T. Root. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

