

HARWINTON ZONING COMMISSION
MONDAY, MAY 22, 2023
TOWN HALL 7:00 P.M.

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

PLEDGE OF ALLEGIANCE

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/8/2023

W. Ponte **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously.

3. PUBLIC COMMENT. None.

4. ANTHONY WILSON – APPLICATION FOR 16' X 32' INGROUND POOL, 51 NORTH ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

The applicant has requested to be removed from the agenda as he is no longer going to install a pool.

5. JORDAN & MARISSA ROMANIELLO – APPLICATION FOR 18' X 36' INGROUND POOL, 11 NORTH GATE DRIVE. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Peter Ledda is present to represent. Plans dated April 2021, prepared by Berkshire Engineering when the Romaniello's built their house, are provided and the pool location is sketched in by Mr. Ledda. A written request for waiver of an engineered plan has been submitted. The proposed pool will be 100 feet to the left side property line, 90 feet to the right-side property line and 120 feet to the rear property line, meeting all setback requirements. IWWC approval has been received. Torrington Area Health approval is outstanding. T. Root **motioned** to grant the waiver of an engineered plan, seconded by W. Ponte. Motion passed unanimously. T. Root **motioned** to approve the application with the condition that Torrington Area Health approval is received. D. Kovall seconded the motion and it passed unanimously.

6. ROCKY ROAD PROPERTIES, LLC – APPLICATION FOR SINGLE FAMILY DWELLING, 40 FOX HUNT WAY, EQUESTRIAN ESTATES SUBDIVISION.

Jared Braddock, Supreme Industries, is present to represent. Plans prepared by Robert Green Associates, Terryville, CT titled Zoning Location Survey, April 10 2023, are reviewed. DPW driveway permit has been received. IWWC and Torrington Area Health approval has been received. T. Root **motioned** to approve the application, seconded by W. Ponte. Motion passed unanimously.

7. JESSICA STASZEWSKI – APPLICATION FOR SINGLE FAMILY DWELLING, 589 HILL ROAD.

Steve Lepore, Lepore & Sons, LLC is present to represent. Plans prepared by Colby Engineering and Consulting titled Site Development Plan, 5-18-23 are reviewed. IWWC and Torrington Area Health approval has been received. An existing paved apron is in place but CTDOT will determine permitting as Hill Road is a state road. The driveway will be approximately 200 feet long and a pull-off by an existing barn is being shown on the plans. The existing barn is legal non-conforming and is the only structure presently on the property as the property was used as a farm by the previous owner. The driveway is at 10% grade and pitches away from the road. T. Root **motioned** to approve the application, seconded by D. Kovall. Motion passed unanimously.

8. INFORMAL DISCUSSION – REVIEW OF ZONING REGULATIONS DATED 8/26/2022.

LUC Redmond informs the Commission of one other amendment concerning Section 9.1, paragraph 2, that calls for applicants of special permits to notify property owners within 200 feet of their property lines. Zoning Model Regulations provided by the Northwestern CT Regional Planning Agency (2009) states “The Commission cannot require notification by certified mail.” and that “State Statutes clearly state that if a Town requires notification by applicants to abutting property owners, “Certificates of Mailing” are the method by which this is to be accomplished.”

*This should be corrected in the Subdivision/Wetlands/ZBA guidelines and regulations as well.

9. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO D. Truskauskas addresses the Kovall complaint received against Peter Hock, 797 Hill Road, concerning keeping of animals for commercial use. The address is being used by Delicias da Fazenda LLC, and has been registered with the State of CT as a business on January 3, 2023. The structures which house the various animals on site (swine, poultry, cattle) does not meet the required 150 feet setback distance from the property line and is in violation of Zoning Regulation 6.5. LUC Redmond has written a letter for ZEO D. Truskauskas to sign giving notice of this “possible violation” and requesting that Mr. Hock bring his property into compliance. LUC Redmond will mail this letter out certified on May 23, 2023.

ZEO D. Truskauskas informs Commissioners that Len Lopardo, Targa I, Sunset Ridge, (present tonight) has provided him with a preliminary as built that he is still reviewing. Mr. Lopardo has submitted a copy of a quote dated April 30, 2023 from Oak Hills Landscaping, LLC for landscaping within Sunset Ridge. It is noted that this quote is valid for 30 days from date submitted after which values may be subject to change. The quote totals the project at \$10,367.53. Mr. Lopardo has also submitted a copy of an invoice from Superior Sweeping Service dated May 5, 2023 for catch basin cleanout. Mr. Lopardo informs the Commission that a signoff has been done by his engineer, Lenard Engineering, after they reviewed Phase I and Phase II verifying that the project has been built to specifications. The final coat of pavement on the roads will be done by Fragale Paving by late June and the two remaining light poles will be installed in June as well with Mr. Lopardo stating he contacted Eversource today regarding them. Gas lines have all been located and are shown on the as built per Mr. Lopardo. ZEO D. Truskauskas notes that roof drains at Units #10, #11 and #14 don’t show where they go and that the as built should show where they drain to in the backyard. Mr. Lopardo states that three units remain that do not have C.O.’s and that these remaining units will be complete by late summer. An as built mylar has been submitted to the Land Use Office for Unit 27, #19 Hannah Way, in which LUC Redmond informed Mr. Lopardo that it cannot be filed in the land records at this time since no Certificate of Compliance or Certificate of Occupancy has been issued. These three remaining units, Unit #25, #27 and #28, have been designated by the Zoning Commission to not receive Certificates of Compliance until all resident’s complaints and issues have been addressed and taken care of. Mr. Lopardo states that WPCA came out to Sunset Ridge and inspected the sewers a week and a half ago and that all sewers are good. *LUC Redmond checked with Jeff Neumann, Building Inspector, who inspects the laterals for sewer connections, who said that he was out to the site a week and a half ago only to inspect the lateral for 17 Hannah Drive (Unit 28).

ZEO D. Truskauskas notes that the as built also doesn’t show roof drains for Units 28 & 29 with Mr. Lopardo stating he will amend the plans to add this as well. D. Kovall states that as this project is coming to an end, a new list from the residents should be submitted to the Zoning Commission noting what is outstanding but that the list must be Zoning related. She notes that at the last Zoning meeting, Teresa Foley, 13 Hannah Way, had sent the Commission pictures showing erosion and drainage problems she was experiencing and that Mr. Lopardo told Mrs. Foley that he would take care of it. Mrs. Foley is present tonight and approaches the Commission stating there has been no mention tonight from Mr. Lopardo of when the slopes would be taken care of as promised by him. There is silt coming down the slope in back of her house and ending up under her sunroom. Mr. Lopardo states that he was there on April 24, 2023 and

did secure some of the silt fencing and haybales but with 2-3 inches of rain, pooling is expected. He states he would be willing to visit again tomorrow and that he could put stone down between the two houses to stabilize and control the downflow of water. A resident who is present tonight came forward and reviewed the as built plans provided, pointing out that Unit 1 and Unit 30 have catch basins installed but they are not shown on the as built. Also, at Unit 27 a catch basin and gas line are not installed and is not noted on the as built plans. The as built is to be amended to add the items noted in these minutes.

It is determined that a punch list of outstanding issues needs to be drawn up by the residents and submitted to Zoning. ZEO Truskauskas states that he is willing to meet with some of the residents and go over the punch list prior to submitting to Zoning.

Mr. Lopardo is required to submit a final as built with noted items and the letter from Lenard Engineering.

10. ANY OTHER BUSINESS.

None.

11. CORRESPONDENCE.

Chairman D. Thurston informs Commissioners that he is in receipt of a letter from town resident Leisa Zadrick, 51 Hayden Road, who is requesting that Hayden Road's scenic road designation be rescinded. Chairman Thurston, after discussing with First Selectman Michael Criss, has written a response letter to Ms. Zadrick explaining the process of changing the designation. The letter will be sent to Town Counsel Michael D. Rybak for review before mailing. C. Kasey **motioned** to move forward with this letter, seconded by T. Root. Motion passed unanimously.

12. INVOICES.

None.

13. ADJOURN.

W. Ponte **motioned** to adjourn the meeting at 8:20 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

