

HARWINTON ZONING COMMISSION
MONDAY, SEPTEMBER 25, 2023
TOWN HALL 7:00 P.M.

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

1. OPEN HEARING 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: 9/11/2023 AND SPECIAL MEETING MINUTES 9/16/2023

W. Ponte **motioned** to approve the minutes of 9/11/2023, seconded by C. Kasey. Motion passed unanimously.

M. Whitford **motioned** to approve the minutes of the Special Meeting 9/16/2023, seconded by W. Ponte. Motion passed unanimously with Chairman D. Thurston and D. Kovall refraining from voting.

3. PUBLIC COMMENT. None.

4. ANN MARTEL – APPLICATION FOR ADDITION TO HOUSE, 311 BURLINGTON ROAD.

Ann Martel is present. Plans titled Limited Property/Boundary Zoning Location Survey, July 2023, prepared by Roy V. Cheney, LLS, Bethlehem, CT, are reviewed. Ms. Martel was originally applying for an accessory apartment at the last Zoning meeting but the floor plans now have been amended to show a bedroom, a bathroom and a living room only and no kitchen. IWWC and TAHD approval have been received. T. Root **motioned** to approve the application, seconded by W. Ponte. Motion passed unanimously.

5. PETER HOCK – DISCUSS COMPLAINT AGAINST HIM REGARDING KEEPING OF ANIMALS, 797 HILL ROAD.

No one is present to represent. No discussion held. Matter is tabled until the October 23, 2023 Zoning meeting when all parties involved can be present.

6. LEONARD LOPARDO – APPLICATION FOR MODIFICATION OF PREVIOUS APPROVAL, SUNSET RIDGE OFF MOUNTAIN VIEW DRIVE, HANNAH WAY, LAUREN LANE.

Mr. Lopardo is present and provides a revised copy of Sheet C2 dated 9/22/2023 to Restore CB #18 and Remove Portion of Foot Path, prepared by Lenard Engineering, Inc. Plans are accompanied by an application for Modification of a previous Zoning approval and a letter from Todd Parsons, P.E., Haley Ward, that states *“The modification is to delete the proposed footpath primarily on the east and north sides of the site. This includes the path beginning at Lauren Lane and continuing in a counterclockwise direction to Ross Drive. The portion of the footpath from Lauren Lane to the area of the detention pond will remain. Catch Basin #18 and the grass swale on the north side of the site will be installed. That portion of the plan has been restored to what was shown on the original approval. A swale detail has been included on the plans, including the addition of a turf reinforcement mat on a 200-foot length of the swale upstream of Catch Basin #18.”*

ZEO Truskauskas states that the revised plan should be reviewed by the town engineer and points out to Mr. Lopardo that trees at the top of the berm will need to be cut. Mr. Lopardo replies that he understands this but will try to save as many trees as possible. LUC Redmond questions the condition of the existing walking trail with Mr. Lopardo answering that it is not in good condition but that it is up to the Association to maintain it because if he were to have kept it maintained, he would have had to increase maintenance fees.

Chairman Thurston asks if the berm/swale will be effective for water control with ZEO Truskauskas stating that is what WMC Consulting Engineers should review. Mr. Lopardo points out the 12-inch pipe on the

revised plans that were proposed on the original site plans and notes that the revised plans show all connection points to catch basins along the north edge of the property. He provides photos of a catch basin on Fairlawn Drive in Torrington that catches water coming from Highfield Drive in Torrington. The pictures show how much water is being brought down from a culvert the City of Torrington created. Mr. Lopardo states that Torrington is aware of this problem and that this water problem is the City of Torrington's.

Mr. Lopardo states that he will have his engineer email the modified plan to WMC Consulting Engineers for their review. Commissioners agree that the elimination of the walking trail, rerouting the swale, and putting in a berm is an insignificant change and one that does not require a public hearing.

W. Ponte **motioned** that once WMC Consulting Engineers reviews the modified plan, and states they are in agreement of it, LUC Redmond will be permitted to sign off on the application for modification. T. Root seconded the motion and it passed unanimously.

Mr. Lopardo gives an update on Eversource lighting stating that the last two remaining lights will go in this week. The second to last house within the development is ready for a Certificate of Occupancy and the last house will be ready by April.

Lillian Busse, 15 Hannah Way, addresses the Commission stating there are things which should be done but remain outstanding such as landscaping, weeds in the swale, curbing, the matter of the detention pond where only one outlet was inspected when there are two. Mr. Lopardo states that the curbs will go in after one more slab is poured. ZEO Truskauskas states that it is hopeful the catch basins will go in and the curbing will be done at the same time. L. Busse states that since 2007 the residents of Sunset Ridge have been asking Mr. Lopardo to maintain the walking trail and now that there's only 1/3 of the original trail proposed, she questions why he can't fix that portion. Mr. Lopardo refers to the increased maintenance fee that would come with maintaining the walking path.

William Foster, 6 Hannah Way, states that when he was purchasing his house, he was told there was a walking trail, which he has since been maintaining the section behind his house himself. He states there are others within the development who can't physically maintain their portion, others can, but there are also residents who would be willing to help those that can't. Something needs to be done to maintain the weeds and poison ivy growing on the trail. He states that in the past, Mr. Lopardo said he would address this and now he is saying he will not. Chairman Thurston asks Mr. Foster what the condition the existing trail is in with Mr. Foster replying, it is in poor condition with a mix of dirt and stone dust, vines, roots, poison ivy and ticks. Chairman Thurston questions if the trail has been built to specifications with Mr. Lopardo replying, yes, but he would have to increase the maintenance fees if he were to maintain it. W. Ponte questions members of the audience who live in Sunset Ridge if they have taken over the Association yet with the answer being no.

Anthony Mercuriano, 29 Hannah Way, agrees with William Foster in that rather than raising the maintenance fee, it would only take a few volunteers who could work on clearing the walking trail.

Teresa Foley, 13 Hannah Way, in answer to W. Ponte's question, states the residents have not taken over the Association yet until the water/drainage problem is solved.

An email from George Perlotto, 33 Hannah Way, dated 9/16/2023 has been received in the Land Use office and forwarded to the Zoning Enforcement Officer and Commissioners. Mr. Perlotto has sent photos of the "glacier of soil" that has been slowly encroaching behind his retaining wall with photos dated July, August and September of this year. Tall weeds are shown as falling over as the upper portion of the back bank keeps moving. He fears that if the entire bank slides over the retaining wall it will be a very high repair cost for their future Association to pay.

7. COMPLAINTS/ENFORCEMENT ACTIONS.

The following complaints have been submitted to the Land Use office:

- 1) Doug Cartona, 12 Rocky Road West, made a complaint against neighbor at 615 Plymouth Road for possible contamination of stream flowing across their property from 615 Plymouth Road accompanied by smell of sewage. Mr. Cartona submitted photos of the discolored water flowing under his driveway and along the front of his yard and test results of this water done by Analytical Consulting Technology, Inc., Waterbury, CT, that showed 230 cfu/100ml (colony forming units) of coliform bacteria, fecal. ZEO Truskauskas states that he visited the Cartona property and the water was running clean with no odor or leaching. The owners at 615 Plymouth Road may have had a failed septic and may have had it pumped out recently.
- 2) Jeff Abraham, Jeff's Home and Lawn Maintenance, made a complaint against 133 Clearview Avenue, Clearview Storage Park, where he is a tenant. His complaint is that there is oil on the ground from an unregistered repair shop operating out of one of the bays. Mr. Abraham has contacted DEEP regarding this and has received a case number. ZEO Truskauskas states he tried to enter the property to inspect but the gate was locked. Auto repair/service is a permitted use in this LI-A zone and if the complainant has contacted the DEEP already, they will determine if the repair shop is a licensed one.
- 3) Gil Roberts, 775 Hill Road, made a complaint against his neighbor at 800 Hill Road for processing firewood for sale. The operation involves large sections of trees from various tree removal services that are delivered in bulk sizes to the front of 800 Hill Road. They are cut into firewood pieces, split and piled on the property where periodically they are loaded into the back of the owner's pickup truck/trailer and taken off site as a probable result of a sale. Mr. Roberts states that the noise of the chainsaw and the splitter are very disturbing and occurs as late as sunset and at times in the dark with truck lights on. ZEO Truskauskas states that this type of operation is considered an agricultural use as was determined in the past by the Zoning Board of Appeals for the same operations taking place on Shingle Mill Road. Any excessive noise complaints should be directed to the Torrington Area Health District.

8. ANY OTHER BUSINESS. None.

9. INFORMAL DISCUSSION – PROPOSED ZONING REGULATION AMENDMENTS.
No discussion.

10. CORRESPONDENCE. None.

11. INVOICES.

T. Root **motioned** to approve the invoice of ZEO Don Truskauskas for 21 hours and 103 miles, seconded by W. Ponte. Motion passed unanimously.

12. ADJOURN.

W. Ponte **motioned** to adjourn the meeting at 8:00 p.m., seconded by T. Root. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

