

## **ZONING BOARD OF APPEALS**

**WEDNESDAY, SEPTEMBER 15, 2021**

**TOWN HALL 7:00 P.M.**

Present: Chairman Thomas Rotondo, Michael Durstin, Peter Brazaitis IV, Tamara Barry, Theodore Root, Jr., Alternate Member Lynne Steincamp, Alternate Member Pamela Root, Land Use Coordinator Polly Redmond, Zoning Enforcement Office Don Truskauskas

Also Present: Town Legal Council Kent Mancini, Cramer & Anderson LLP

Absent: Alternate Member John Dicostanzo

### **PUBLIC HEARING**

#### **1. OPEN HEARING – ESTABLISH QUORUM.**

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

#### **2. DAKOTA HOCK, MEMBER, D.M. HOCK ENTERPRISES, LLC – APPEAL FROM CEASE AND DESIST ORDER ISSUED BY DON TRUSKAUSKAS, ZONING ENFORCEMENT OFFICER, DATED JULY 1, 2021, FOR POTENTIAL VIOLATION OF SECTION 14 OF THE 1-29-2018 HARWINTON ZONING REGULATIONS FOR, AMONG OTHER THINGS, THE DELIVERY, PROCESSING AND REMOVAL OF DIRT, SAND, GRAVEL AND ASPHALT MILLINGS, 797 HILL ROAD. INSPECTION OF THE PROPERTY INVOLVES THE GRADING OF LAND, REMOVAL OR EARTH OR SOIL EROSION AND SEDIMENT CONTROL, OR IS DETERMINED TO BE AN EMERGENCY, EGREGIOUS IN NATURE, OR INCREASINGLY DIFFICULT TO CORRECT OR UNDO IF ALLOWED TO CONTINUE.**

LUC Redmond reads the call to hearing as published in the Republican-American on 9/4/2021 and 9/11/2021. Certified Mailings have been sent out to property owners within 200 feet of 797 Hill Road giving notice of this hearing as well as to the complainants and to those who received the Cease and Desist Order. Two mailings came back as not being signed for and received. One was addressed to Conrad Hock, Peter Hock, Joyce Leifert and Patricia Pecco and the second one was addressed to Peter Hock both listed as 797 Hill Road.

Dakota Hock, 391 Upper Valley Road, Torrington, CT approaches the Commission and reads a statement that he is not removing gravel from 797 Hill Road, nor is he mining. His business is listed as being in Torrington and he states he is only working in the area, the same as if he were working at someone's house to pave a driveway. There is no material being taken out of the property at 797 Hill Road. He states that he is working on a state road where trucks travel up and down all day.

Peter Hock, 797 Hill Road, approaches the Commission stating that the Cease and Desist Order is for the wrong property, that it should be for 833 Hill Road, property owned by Gail Hock. He states that he has been running a landscaping business out of the 833 Hill Road property for fifty years and that he only screens material (top soil and millings). He states that the gravel pit was opened in 1947 and that it's a lifetime permit that goes with that. He speaks of previous owner, Bert Weeks, who sold the property to Lloyd Shanley, who were conducting the same type of activity on the property. He believes that the Cease and Desist Order issued to him at his 797 Hill Road property is a personal vendetta against him brought on by his neighbors and that by giving such order on the wrong property should be an embarrassment to the town.

ZEO Don Truskauskas provides photos he would like to enter into the record (Exhibit 14) that were taken from Hill Road showing machines and piles of millings on the 833 Hill Road property. If this is truly activity taking place on 833 Hill Road, perhaps the Commission should withdraw the current Cease and Desist Order and issue a new Cease and Desist and refile with the correct property. Chairman T. Rotondo asks Don Truskauskas if this is the ZEO's position to which D. Truskauskas replies, it is. Based on testimony tonight, he will re-issue a Cease and Desist Order with the correct address of 833 Hill Road. He notes that this matter started with the previous Enforcement Officer, not with him, and it was always noted to be a violation at 797 Hill Road by that Enforcement Officer. Commissioner L. Steincamp asks whether the Commission can confirm that the violation is not taking place at 797 Hill Road. She believes that it hasn't been established tonight which property the action is actually taking place on. ZEO D. Truskauskas states that the violation is taking place at a property on Hill Road and Peter Hock just confirmed the address of where the activity is taking place as 833 Hill Road. Dakota Hock is asked to look at the photos ZEO Truskauskas has taken to confirm that the property where equipment is shown in the photos is in fact 833 Hill Road with Dakota Hock confirming that it is 833 Hill Road. L. Steincamp questions whether the Commission should establish the correct property with the use of a surveyor with ZEO Truskauskas stating he has looked at the town maps and he is now certain the violation is taking place at 833 Hill Road. Chairman Rotondo questions whether the owner of 833 Hill Road is present at tonight's meeting, which she is not. ZEO Truskauskas states that he will confer with Atty. Mancini and begin the process to withdraw and reissue a correct Cease and Desist Order.

William Kovall, 789 Hill Road, questions whether Atty. Mancini wrote the Cease and Desist Order and notes that in his original complaint of the activities going on, he used the 797 Hill Road address but stated exactly where the activity was taking place. He questions if there is nothing to be done tonight with Chairman Rotondo replying that there will be nothing done tonight with the actual address being incorrect. ZEO D. Truskauskas states that he is withdrawing the Cease and Desist Order at this time and that the public will have another opportunity to attend a hearing once the correct Cease and Desist Order is issued.

**3. CONTINUE OR CLOSE HEARING.**

T. Barry **motioned** to accept the decision of the ZEO to withdraw the Cease and Desist Order that incorrectly identified the address of the violation as 797 Hill Road, and to close the hearing at 7:20 p.m. T. Root, Jr. seconded the motion and it passed unanimously.

**REGULAR MEETING**

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

Chairman T. Rotondo called the meeting to order at 7:25 p.m. All regular members present are seated.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 4/21/2021**

T. Barry **motioned** to approve the minutes of the previous meeting, seconded by P. Brazaitis IV. Motion passed unanimously.

3. **DISCUSSION/POSSIBLE DECISION - DAKOTA HOCK, MEMBER, D.M. HOCK ENTERPRISES, LLC – APPEAL FROM CEASE AND DESIST ORDER ISSUED BY DON TRUSKAUSKAS, ZONING ENFORCEMENT OFFICER, DATED JULY 1, 2021, FOR POTENTIAL VIOLATION OF SECTION 14 OF THE 1-29-2018 HARWINTON ZONING REGULATIONS FOR, AMONG OTHER THINGS, THE DELIVERY, PROCESSING AND REMOVAL OF DIRT, SAND, GRAVEL AND ASPHALT MILLINGS, 797 HILL ROAD. INSPECTION OF THE PROPERTY INVOLVES THE GRADING OF LAND, REMOVAL OR EARTH OR SOIL EROSION AND SEDIMENT CONTROL, OR IS DETERMINED TO BE AN EMERGENCY, EGREGIOUS IN NATURE, OR INCREASINGLY DIFFICULT TO CORRECT OR UNDO IF ALLOWED TO CONTINUE.**

No action.

4. **CORRESPONDENCE.**

None.

5. **ANY OTHER BUSINESS.**

None.

6. **INVOICES.**

None.

7. **ADJOURN.**

T. Root, Jr. **motioned** to adjourn the meeting at 7:30 p.m., seconded by M. Durstin. Motion passed unanimously.

Respectfully submitted,

Polly Redmond

Land Use Coordinator/ZBA Clerk

