

**HARWINTON ZONING COMMISSION**  
**MONDAY, MARCH 27, 2023**  
**TOWN HALL 7:00 P.M.**

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

**PLEDGE OF ALLEGIANCE**

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

Acting Chair Cynthia Kasey called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member Dave Foster seated for William Ponte.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 2/13/2023**

D. Kovall **motioned** to approve the minutes of the previous meeting, seconded by D. Foster. Motion passed unanimously.

**3. PUBLIC COMMENT.**

None.

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

Commissioners review suggested amendments made by LUC Redmond mainly for housekeeping purposes but also includes amendments to Section 9.6 Rear Lots (moving it out of the Special Permit requirements of Section 9 and placing it under Section 6 Supplementary Regulations), Section 11 Signs and Section 14 Excavation, Grading, Filling or Removal of Earth, increasing the amounts of fill from 50 yards to 200 yards.

ZEO Truskauskas states that the Zoning Regulations should call out for a required foundation as-built prior to receiving a full building permit. The Building Inspector can issue a “foundation only” permit until the ZEO inspects the foundation location and signing off on it. Other inspections by the ZEO will still be required.

Amendments will be reviewed once again at the next Zoning Commission meeting on April 10, 2023.

The Governor’s Executive Order on Outdoor Dining during the Covid 19 emergency is set to expire April 1, 2023 and will then become a use of right if found in municipal Zoning Regulations. Zoning Commissioners choose not to create regulations on Outdoor Dining at this time but if an applicant wishes to propose a text amendment for it, it will be up to them to create wording and make application.

**5. COMPLAINTS/ENFORCEMENT ACTIONS.**

A written complaint has been received from William Kovall, 789 Hill Road, for activities happening at 789 Hill Road that appears to be a commercial enterprise in a Country Residential zone. Activities include butchering of pigs, poultry, sheep and guinea pigs with other consumable items being offered to the public. The person operating this business is Delicias da Fazenda who maintains a Facebook page advertising the animals available and to come shop at the property. This and the amount of car traffic entering and exiting the property serves as evidence that a business is being operated from the property.

Commissioner D. Kovall informs the Commission that she has contacted numerous departments including Agriculture, EPA, FDA and the Health Department who will have to get involved regarding not only the commercial activity but the slaughtering of animals on the property.

ZEO D. Truskauskas refers to activities taking place at 242 Birge Park Road (Litchfield Fence). No written complaint has been received but LUC Redmond has pointed out in the past that there is a tree service company, JSC Tree Service, Torrington, CT, who is keeping his commercial truck and equipment on the upper north side of the property and is storing woodchips and tree stumps along the edge of the property where there is a steep drop off to Lead Mine Brook. The property is located in a Retail Service zone where Zoning Regulations require storage of all materials and equipment to be kept in a fully enclosed building. LUC Redmond has concern over the proximity of the woodchip piles that appear to be sliding down hill to Lead Mine Brook and the lack of silt fence/erosion control measures. Tires are also now being stored on the property along the drop off edge.

ZEO Truskauskas states that the activity may be a grandfathered one since material at this address has always been stored outside by the property owner even if not in this location but that he did speak with the property owner, Joe LaGanga, who said the woodchips are not going over the bank and when the matter of Zoning was mentioned, he disconnected the call. ZEO Truskauskas said that the Wetlands Commission will be involved due to the proximity of Lead Mine Brook but asks Zoning Commissioners on how to proceed since there is not a written complaint. Zoning Commissioners would want to receive a written complaint in order to direct Mr. Truskauskas.

**6. ANY OTHER BUSINESS.**

None.

**7. CORRESPONDENCE.**

None

**8. INVOICES.**

None.

**9. ADJOURN.**

T. Root **motioned** to adjourn the meeting at 9:00 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

