

Present: Chairman Daniel Thurston, Cynthia Kasey, Secretary, Theodore Root, William Ponte, Deborah Kovall, Alternate Member Michelle Whitford, Alternate Member Dave Foster and Land Use Coordinator Polly Redmond
Absent: ZEO 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: 4/10/2023

T. Root **motioned** to approve the minutes of the previous meeting, seconded by W. Ponte. Motion passed unanimously with C. Kasey refraining from vote due to her absence at the previous meeting.

3. PUBLIC COMMENT. None.

4. CRAIG & TAMRA WALLACE – APPLICATION FOR 28' X 48' DETACHED GARAGE, 103 SHINGLE MILL ROAD. REQUEST FOR WAIVER OF ENGINEERED PLAN.

Mr. & Mrs. Wallace are present. Plans from 1999 for proposed sanitary disposal system are provided with the location of the garage drawn in by the applicant and showing that it meets the setbacks. A written waiver request is on file along with approval from TAHD and IWWC. D. Kovall **motioned** to grant the waiver of an engineered plan, seconded by T. Root. Motion passed unanimously. T. Root **motioned** to approve the application, seconded by C. Kasey. Motion passed unanimously.

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

No one is present to represent.

6. INFORMAL DISCUSSION – MAX LEVINE - USE OF HOME FOR COMMERCIAL KITCHEN, 119 HILL ROAD.

Mr. Levine is present explaining that he and his wife would like to have a bakery in their basement or garage with a projection of making 100 loaves of bread a week that he would deliver to area farmer's markets. He states he can't obtain a cottage license from the state but can have a commercial kitchen, which he is hoping to convert his basement into. Public Act No. 12-95 *An Act Concerning the Licensure of Food Manufacturing Establishments* calls for Zoning Commission approval prior to obtaining a license from the state. T. Root points out Zoning Regulation 4.9.1e, found under Light Industrial Zone B Special Permit Uses, that allows for a creamery, bakery, bottling or distributing station. The fact that it is specifically allowed in this zone means it is not allowed in any other zone and Mr. Levine's proposal doesn't really identify as a home occupation. Commissioners agree that this would not be a permitted use.

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

LUC Redmond wrote to the Board of Selectmen, at the request of the Zoning Commission, asking to place on the Annual Budget Town Meeting's agenda *Amendment to Land Use Fee Schedule* to delete the renewal fees for home occupations/professional office and bed and breakfasts because Zoning Commissioners believe that these are permitted uses by Special Permit that are filed in the land records and renewals of these permits should not be required and therefore, renewal fees should not be required. Town Counsel Michael D. Rybak wrote to LUC Redmond in an email that the Commission should consider adopting other regulations pertaining to Special Permits and short-term rentals if they are considering deleting the renewal fees. D. Kovall states that if this request, to delete the requirement for collecting a renewal fee for home occupations and bed and breakfasts, becomes so complicated with suggested requirements for other regulations to take shape, as suggested by Atty. Rybak, then she would prefer to leave the renewal fee in the regulations. Commissioners agree and direct LUC Redmond to inform Atty. Rybak and First Selectman Michael Criss that they are rescinding their request to place this item on the Warning for the Annual Budget Meeting.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

Teresa Foley, 13 Hannah Way, has sent in a complaint to the Land Use office on May 4, 2023 accompanied by pictures of mud and water coming down the slope behind her house regardless of the use of erosion control fencing and hay bales. Photos also show mud and silt that flowed under their sun room during the winter. This email and photos were forwarded to the Zoning Enforcement Officer and to Zoning Commissioners. Mrs. Foley is present tonight and submits a letter asking that “the Commissioners hold fast with the decision from February 13, 2023 in not issuing Certificates of Compliance for the remaining three houses that are being built within Sunset Ridge until the erosion problems are resolved and top soil and landscaping is completed on the houses at 5 Ross Road and 21 Hannah Way.” Commissioners ask LUC Redmond to relay to ZEO Don Truskauskas that he should go out to Sunset Ridge and in particular, 13 Hannah Way, to inspect and report back to the Zoning Commission at their next meeting on May 22, 2023.

D. Kovall reports on the complaint made by her husband, William Kovall, 789 Hill Road, received in the Land Use office on 4/17/23. This complaint refers to Zoning Regulation 6.5 Keeping of Animals and the activities taking place at 797 Hill Road. Per Zoning Regulation 6.5, Structures used for housing animals connected with any business or commercial agricultural operation must be no closer than 150 feet from any side lot line and 300 feet from any side lot line for poultry. The keeping of animals at 797 Hill Road do not meet these regulations. This complaint is in addition to Mr. Kovall’s complaint made on 2/27/23 in regards to the commercial operation taking place at 797 Hill Road that includes animals being butchered (pigs, poultry, sheep, guinea pigs) and other consumable items that are being offered to the public in a commercial fashion. Additionally, there is a lack of manure management on this property. Various government departments have been contacted by Mr. Kovall and have visited the site including Thomas Stansfield, Torrington Area Health District, and the Harwinton Animal Control Officer. Willow Lake, Department of Agriculture, wrote to Mr. Stansfield in an email stating the matter is still being looked into but it is the town’s rules that take precedence and that if she were to write a report, she would need an official report from someone in the town to be sent to Nathan Wilson, Acting Director, Department of Agriculture. T. Root states that the USDA Inspector should be on site and questions how they can get away with not having them there when slaughtering of animals is taking place, to which D. Kovall answers, the cows go to Plymouth Meats to be butchered and packaged but the pigs kept at 797 Hill Road are picked out by customers and slaughtered on site.

9. ANY OTHER BUSINESS.

Everett Lyons, Member of the Harwinton Historical Society, reached out to the Land Use office for information on updating the existing Historical Society sign in front of the One Room School House on Region 10 property at Harwinton Consolidated School, Route 118. He sent photos of the old sign and the new sign, which will be 4 inches larger. Zoning Commissioners agree that no application is needed for the new sign as it is a replacement/upgrade.

10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

W. Ponte **motioned** to adjourn the meeting at 8:10 p.m., seconded by T. Root. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

