

HARWINTON ZONING COMMISSION
MONDAY, SEPTEMBER 14, 2020
7:00 P.M.

TOWN HALL & VIRTUAL MEETING VIA WEBEX.COM

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Matthew Szydlo, Deborah Kovall, Alternate Member Dave Foster, Zoning Enforcement Officer Troy LaMere and Land Use Coordinator Polly Redmond
Also Present: Peter Hock. William Kovall and Bruce Czaplicki (both complainants and neighbors of Peter Hock)

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman M. Rewenko called the meeting to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/26/20

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

3. PUBLIC COMMENT.

None.

Commissioner Deborah Kovall recuses herself at this time.

4. COMPLAINTS/ENFORCEMENT ACTIONS.

COMPLAINTS AGAINST ACTIVITIES CONDUCTED BY PETER HOCK, 797 HILL ROAD. EXCESSIVE COMMERCIAL TRUCK ACTIVITY. BRINGING IN EARTH MATERIAL, POSSIBLE PROCESSING OF EARTH MATERIAL, AND REMOVAL OF EARTH MATERIAL WITHOUT A PERMIT.

ZEO Troy LaMere updates the Commissioners on the four complaints he has received regarding the dump truck activity in and out of the Hock property at 797 Hill Road. Only two of the complaints were in writing; one from William & Deborah Kovall and the other from Bruce Czaplicki, neighbors of Mr. Hock. ZEO LaMere has taken video of the actions taking place and has asked the Zoning Commissioners to meet for direction on how to proceed.

Mr. Hock states that he has been mining and landscaping this land for fifty years and that previous owners of the property, Burt Weeks and then Lloyd Shanley, were mining the land before him although he is not sure if they received permits. He states his belief that he has the right to continue to conduct this activity and feels he's done nothing wrong. He states that he had a gravel operation permit granted to him in the 1980s to gravel the 40+ acre parcel that he's working on. He admits that he recently had the opportunity to take millings in from DOT who is doing a project on Route 183 in Torrington but that it was only a few days of bringing the material in, processing it, and then having it taken off the property.

William Kovall, 789 Hill Road, states that he has lived in his house since the 1980s and believes the gravel operation should not be taking place there because it is a residential zone. Trucks should not be going in and out of the property, making noise and emptying material. He states that Peter Hock is not the person conducting the activity but is his grandson, Dakota Hock.

Deborah Kovall, 789 Hill Road, states that the noise begins at 7:30 a.m. and goes on until 7:30 p.m. and involves trucks Jake braking and truck grinding noises going up and down the hill of Hill Road. She states that when she hears the processing taking place on the property she knows that the next day the trucks will be taking material

out. She claims this is not a small operation, that it is a business of selling material and constitutes a commercial operation without a permit in a Country Residential zone.

Chairwoman M. Rewenko summarizes stating that she is hearing that an illegal use is taking place in a residential zone and Mr. Hock has admitted that he has taken millings from a road project in Torrington, processed them on site at 797 Hill Road, and then removed. She questions if this is something that might be grandfathered in from the 1980s? Mr. Kovall states that if there was a permit, it was to remove gravel on the property, not to bring in material and then take off the property. Chairwoman M. Rewenko believes that the Commissioners should review applications, approvals, and Zoning minutes from back in the 1980s and follow up on whether the Zoning Regulations of the 1980s required renewal and whether a Special Permit was ever filed in the land records in the office of the town clerk by the applicant. LUC Redmond will conduct a history search of past applications, maps and Zoning minutes and forward the information on to the Commission and to Mr. Hock.

Bruce Czaplicki, 850 Hill Road, states his belief that what is going on at the Hock property is a screening operation. Over the years it's been happening sporadically but now it's excessive. He adds that there's a blind corner where the trucks are coming in and out creating a dangerous situation.

Chairwoman M. Rewenko states that the Commission should get guidance on how to proceed and whether this may be something that just needs to be renewed if in fact there was a permit from the 1980s. C. Kasey notes that the Zoning Regulations for Excavation and Grading, Section 14, states that if there is any deviation from the plan presented to the Zoning Commission and those conditions noted in Section 14 without the consent of the Zoning Commission shall be cause for the Commission to revoke the permit. M. Szydlo states that information from the original application should be gathered and reviewed. ZEO T. LaMere states that he shouldn't issue a Cease and Desist Order until the Commission gets legal advice. Chairwoman M. Rewenko will consult with First Selectman Michael Criss on which attorney should be consulted with as the town's counsel recused himself from this matter.

Any future meetings regarding this must be held in person as Peter Hock does not have use of a computer to join in on a Zoning WebEx meeting. If he is not in attendance, there is no due process. LUC Redmond will consult with the First Selectman on possibly meeting in the town hall.

Commissioner Deborah Kovall is reseated.

5. ANY OTHER BUSINESS.

None.

6. INVOICES.

None.

7. ADJOURN.

C. Kasey **motioned** to adjourn the meeting at 8:00 p.m., seconded by D. Thurston. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON
ON 9-21-20 AT 2:40 PM
ATTEST TOWN CLERK *Janet B. Ryan*