

HARWINTON ZONING COMMISSION

MONDAY, SEPTEMBER 28, 2020

7:00 p.m.

TOWN HALL & VIRTUAL MEETING VIA WEBEX.COM

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Matthew Szydlo, Deborah Kovall, Alternate Member Dave Foster

Also Present: William Kovall and Bruce Czaplicki (both complainants and neighbors of Peter Hock)

Absent: Daniel Thurston and Alternate Members Don Truskauskas and Theodore Root

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

Chairwoman M. Rewenko called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member D. Foster seated for D. Thurston.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 9/14/20**

M. Szydlo **motioned** to approve the minutes of the previous meeting, seconded by C. Kasey. Motion passed unanimously.

**3. PUBLIC COMMENT.**

None.

Commissioner D. 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.**

LUC Redmond researched old files on Peter Hock's past applications for farm pond construction and earth excavation from the years 1988 through 1992 when the last permit was renewed for a one year extension. All Commissioners and Peter Hock have been given copies of the documents that remain in the file. Mr. Hock is not present at tonight's meeting. The meeting is also being held virtually with no members from the public joining the WebEx meeting.

Chairwoman M. Rewenko states that in accordance with Section 14 of the Zoning Regulations, *Excavation, Grading, Filling or Removal of Earth*, Mr. Hock is conducting activities without a permit and that all previous permits issued to him have expired as evidenced by the history supplied.

D. Kovall states her belief that what Mr. Hock is doing is "mission creep" and, referring to the history information presented, the activity started with a farm pond and taking out material but there was never an application or permit for a gravel pit operation and she believes this is what it is now, a gravel operation. She states that Mr. Hock said at the last Zoning meeting on 9/14/2020 that millings were brought in and then removed off site but she knows that this is not an instantaneous operation because the trucks come in to take the material out only as they are needed for jobs offsite and millings remain on the property until then. She mentions that there was a Phase I, II and III in the permit for Mr. Hock's 1989 excavation permit but now there is a full scale operation going on. D. Kovall states that today she heard trucks entering and leaving the Hock property and felt vibration from the activities taking place there and she is fearful of what happens next?

A stone crusher?

M. Szydlo states that if the permit has expired, isn't that the end of it? That no further work should be going on? C. Kasey states that the permit was for phasing with Phase III ending the project. She notes that Section 14 of the Zoning Regulations states that there shall be no crushing of material permitted except in a Light Industrial zone and that Zoning Regulations from the 1980s and 1990s state the same.

Chairwoman M. Rewenko states that the Commission has no details of what is going on at the Hock property but that there is activity requiring a permit in accordance with Section 14 of the Zoning Regulations, "Excavation, Grading, Filling or Removal of Earth". C. Kasey notes that Mr. Hock admitted at the last Zoning meeting that he took in millings and that they were being processed on his property.

LUC Redmond asks D. Kovall if she knows if Mr. Hock did in fact create a farm pond with D. Kovall stating yes, approximately 50 feet from the Naugatuck River. M. Szydlo states that with the conclusion that the old application expired, does D. Kovall know if there's stabilization with plantings? D. Kovall states that she can't see the area of the farm pond because it is down further by the Naugatuck River. M. Szydlo questions why there wasn't a problem with having this activity back in the 1980s with D. Kovall stating there was a problem, with neighbors attending the public hearing and speaking their opposition, but the application passed through Zoning anyway. She states that in today's world, much as changed in the way of having more oversight on environmental matters.

Chairwoman M. Rewenko states that it seems to be the consensus of the Commissioners that there is no valid permit on any activity being conducted on the Hock property at this time. D. Foster points out that a \$10,000 bond was posted by Mr. Hock on 4/10/1989 and if that bond has been returned to him then that is proof that the project is closed out.

C. Kasey states that she believes a Cease and Desist Order should be issued to Mr. Hock by Troy LaMere, Zoning Enforcement Officer. The Order should state that all activities must cease and that a permit for any activities presently taking place on the property should be applied for. William Kovall states that if Mr. Hock does come in for a permit, the Commissioners should conduct a pre-inspection before making any decision. LUC Redmond questions whether there have been trucks coming in and out of the property on a regular basis since 1992/1993 when the permit expired as there have been no complaints made during these years. D. Kovall states that if something was heard at some point in time, you want to be a good neighbor and not complain. William Kovall states that three years ago a piece of equipment was brought on to the Hock property and placed out front. A year later, it wasn't seen, it was gone. D. Kovall states that with the leaves coming off the trees now, she can see piles of millings on the Hock property and she has seen DM Hock trucks coming in and out since April of this year. She notes that these trucks belong to Peter Hock's grandson who is a home improvement contractor registered in Torrington. D. Foster notes that the DEEP may be interested in inspecting the property if millings are being stockpiled and perhaps the ZEO should reach out to them.

It is noted that Mr. & Mrs. Kovall has supplied the Land Use office with two thumb drives containing pictures and videos they took of trucks in the vicinity of 797 Hill Road, entering and exiting the highway from a driveway, and also of trucks traveling in Torrington where Route 183 was being milled, and that they believe where product was taken from the Route 183 site and brought to 797 Hill Road.

Chairwoman Rewenko refers to the Zoning minutes of 9/14/2020 when Mr. Hock was present and it was said by him 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 also stated his belief that he “has the right to continue to conduct this activity and feels he’s done nothing wrong and that he had a gravel operation permit granted to him in the 1980s to gravel the 40+ acre parcel that he’s working on.” At that meeting, he admitted 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.

C. Kasey **motioned** to have ZEO Troy LaMere issue a Cease and Desist Order to Mr. Hock for violation of Section 14 of the Harwinton Zoning Regulations, *Excavation, Grading, Filling or Removal of Earth* without a permit.

Commissioner D. Kovall is reseated.

**5. ANY OTHER BUSINESS.**

None.

**6. INVOICES.**

None.

**7. ADJOURN.**

D. Kovall **motioned** to adjourn the meeting at 7:55 p.m., seconded by C. Kasey. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 10-1-20 AT 9:20 AM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK