

**ZONING COMMISSION  
MONDAY, JANUARY 10, 2022  
TOWN HALL 7:00 P.M.**

Present: Chairwoman Michelle Rewenko, Cynthia Kasey, Daniel Thurston, Deborah Kovall, William Ponte,  
Alternate Member Theodore Root, Alternate Member Dave Foster and Land Use Coordinator Polly Redmond  
Absent: Alternate Member Michelle Whitford and ZEO Don Truskauskas

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

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

**2. APPROVE MINUTES OF PREVIOUS MEETING: 11/22/2021**

D. Thurston **motioned** to approve the minutes of 11/22/2021, seconded by C. Kasey. Motion passed unanimously.

**3. PUBLIC COMMENT.**

Bill Kovall, 789 Hill Road, complainant against activities taking place at 833 Hill Road, property owned by Gail Hock, questions where the situation with the Cease-and-Desist Order issued to Gail Hock and Dakota Hock stands. The Cease and Desist Order was issued on September 21, 2021 with no appeal taken. He asks what the Zoning Commission can do to institute fines against the property owner because there is still equipment on site including a conveyor belt to process millings. Mr. Kovall explains that he has been in contact with ZEO Don Truskauskas who said that the property was being cleaned up of the equipment and material but Mr. Kovall believes that there should be a time set for complete removal and if not, fines should be imposed. Along with the cleanup of the property there should be limits on hours that cleanup could be conducted, being Monday through Friday only, and no weekends. He asks that he and the one other complainant, Bruce Czaplicki, be kept informed of the enforcement process. Commissioners will review Ordinance 118 Citations and Fines, discuss the matter with ZEO Truskauskas at the next Zoning meeting, and find out what conversations he's had with Atty. Kent Mancini. The Commission would like to see something in writing from Atty. Mancini informing them on what the next steps are.

**4. COMPLAINTS/ENFORCEMENT ACTIONS.** See above.

**5. INFORMAL DISCUSSIONS: Accessory Apartments – Review Draft Regulation**

Affordable Housing

Cannabis Establishments -- Temporary Moratorium 12/3/2021 to 12/3/2022

Commissioners take up discussion on **Accessory Apartments** and reviews the Draft Regulations that LUC Redmond has written by taking other various municipality draft proposals. Discussion takes place on what section of the Zoning Regulations *Accessory Apartments* should be placed with consensus being in Section 4 as opposed to Section 6 Supplemental Regulations.

In reviewing the new wording for Section 2.3 Definitions, Commissioners believe the word “full bathroom” should be used as new ( C ) and existing ( C ) to become ( D ) with the existing wording “complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations.”

Section 4.1 Permitted Uses in Residential Zones will have Single Family Dwellings listed as 4.1.a. and 4.1.b. will be Accessory Apartments with the existing proposed wording to follow: “Accessory apartments are permitted in all zones that allow a single family detached dwelling provided all of the following conditions are met...”

T. Root notes that all Building Codes will be met in creating accessory apartments, attached or detached, and adds that the intent of amending the regulation on Accessory Apartments should be for a relative of the occupants of the principal building but questions how this could be regulated.

D. Kovall points out the Thomaston proposal for Accessory Apartments titled “*Permit Revocation & Termination of Accessory Apartment Use*” states if a property owner wishes to voluntarily discontinue the accessory dwelling use and/or the special permit has been revoked, the unit’s kitchen facilities must be removed by the property owner, and such removal shall be confirmed by the Zoning Enforcement Officer. Kitchen facilities consist of individual units of refrigerator, stove and sink and associated cabinetry, counters, and the related electrical and plumbing hookups. Perhaps the Commission wants to add a section pertaining to Revocation and Termination.

Chairwoman M. Rewenko states that the Commission will further review the Draft proposal on Accessory Apartments and gather questions for Town Counsel Michael D. Rybak. One question being, can the definition provided by the state for Accessory *Apartments* be changed to Accessory *Dwellings* since some may be stand-alone structures and not necessarily an apartment. Another question is the wording within the state’s definition of Accessory Apartment that reads: “complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations”. This is confusing because, as T. Root said, all apartments must comply with building codes and fire codes.

Discussion on **Affordable Housing** – tabled as the Commission has no direction on how to proceed.

Discussion on **Cannabis Establishments** – tabled until further review of perhaps what other towns are proposing.

#### 6. ANY OTHER BUSINESS.

Commissioners question the status of 485 Plymouth Road and the matter of bringing the property into compliance for the number of horses being kept at the property. Leasing of land is being proposed by Jared Braddock, Supreme Industries, but papers have not been finalized. Chairwoman Rewenko asked if a new map has been presented showing the true property lines of the lands being leased to 485 Plymouth Road with LUC Redmond replying, no new maps have been brought in. Chairwoman Rewenko reads the letter of LUC Redmond to Jared Braddock dated 11/23/2021 which states, in part, the following:

After discussing this with Harwinton Town Counsel, Michael D. Rybak, he agreed with the filing of a Long-Term Lease and Map in the land records but also informed me that this agreement should be in the form of a Modified Permit and that the Permit should be placed in the land records also in addition to the Lease Modification Agreement and Map, indexed with all the addresses and lot numbers being used to bring compliance to 485 Plymouth Road, and which shall be filed under the name of Pickett Brook Property, LLC.  
[\*Those lots are Lot 21, Lot 6 and 493 Plymouth Road]

Property at 493 Plymouth Road, owned by Jesse and Alison McCallum, is also to be included as a leased property and should be included in the Lease Modification Agreement. The permit is to also outline that Lot 21 shall remain with areas designated for parking in the original 2016 application. Atty. Rybak explained that if these Lots are devoted to horses and parking, they cannot have residential homes built on them, with the exception of 493 Plymouth Road that already has a house located on the property, and any further modifications to leased land must have a legal relationship to Oakendale Farm, LLC [\*Operated by Alison McCallum] and must be adjacent, in some manner, to the facility.

LUC Redmond informs the Commission that the Zoning Permit for Modification has not yet been signed by Jared Braddock and she will contact him informing him of timeframes and deadlines to file the required documents. Chairwoman Rewenko questions whether the Commission can start imposing fines for non-compliance in this matter and if so, perhaps counsel should be sought with the town attorney.

7. **INVOICES.**

None.

8. **ADJOURN.**

C. Kasey **motioned** to adjourn the meeting at 8:45 p.m., seconded by W. Ponte. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

