

**ZONING COMMISSION  
MONDAY, MAY 23, 2022  
TOWN HALL 7:00 P.M.**

Present: Chairman Daniel Thurston, Cynthia Kasey, Deborah Kovall, William Ponte, Alternate Member Michelle Whitford, Alternate Member Theodore Root, Alternate Member Dave Foster and Land Use Coordinator Polly Redmond

ZEO Don Truskauskas arriving approximately 7:30 p.m.

Also Present: Michael D. Rybak and Michael D. Rybak, Jr.

**PUBLIC HEARING #1**

**1. OPEN HEARING – ESTABLISH QUORUM.**

Chairman Dan Thurston called the hearing to order at 7:05 p.m. All regular members present are seated with Alternate Member T. Root seated for the vacant regular member position that still remains until he is sworn in as a regular member.

Chairman Thurston reads the call to hearing as published in the Republican American on 5/13/22 and 5/20/22. He also reads the contents of the Exhibit List which remains on file. Notification has been made to the Northwest Hills Council of Governments, with no response, and to the Naugatuck Valley Council of Governments with their reply and Staff Recommendation finding “the proposed zoning amendments to be regionally insignificant and have minimal to no impact on any NVCOG member municipality.”

The Planning Commission has been properly noticed and will review this proposal at their meeting scheduled for May 25, 2022.

The Harwinton Town Clerk and the Board of Selectmen have been properly noticed. The Agricultural Committee has been noticed as a courtesy.

**2. ROBERT GAGNE, 295 HARMONY HILL ROAD – APPLICATION TO AMEND ZONING REGULATIONS DATED 12-3-2021 TO ADD REGULATIONS ON FARM BREWERIES AND ADD TO SECTION 2.3 DEFINITIONS “FARM BREWERY” AND “FARM”.**

Robert Gagne is present. It is noted that he sent to the Land Use office, received on this date, an updated proposal for Farm Brewery Definition and wording for the Special Regulation on Farm Brewery. Atty. Michael Rybak addresses the Commission stating that this new version submitted by Mr. Gagne is not what he proposed in his application back in March to the Zoning Commission and what was submitted to the Council of Governments, the Planning Commission, all other required notifications, and what was not on file in the Land Use office for public review. If the applicant wishes to proceed with the new wording, he will have to withdraw this application with the original version of Farm Brewery, reapply, and a new public hearing will be held. If that is the case, the Zoning Commission will close this public hearing and wait for a new application. At this time, Mr. Gagne states that he wishes to withdraw the application and submits a written and signed statement of this.

Atty. Rybak suggests that any comments the members of the public who are in attendance tonight (approximately 75) wish to make regarding farm breweries can be made under the Public Comment section of tonight’s agenda.

**3. CONTINUE OR CLOSE PUBLIC HEARING.**

T. Root **motioned** to close the public hearing at 7:26 p.m., seconded by C. Kasey. Motion passed unanimously.

**REGULAR MEETING**

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

Chairman Thurston called the meeting to order at 7:26 p.m. All regular members present are seated with Alternate Member T. Root seated for the vacant position that still remains until he is sworn in as a regular member.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 4/25/2022**

D. Kovall **motioned** to approve the minutes of the previous meeting, seconded by D. Foster. Motion passed unanimously with W. Ponte refraining from vote due to his absence at the 4/25/22 meeting.

**3. PUBLIC COMMENT.**

Comments made by the following:

Michael Keefer, 40 Lead Mine Brook Road, spoke of an unrelated matter and not farm breweries.

Ruth Munez, no address given, spoke of safety concerns involving farm breweries.

Henry Martin, 404 Harmony Hill Road, spoke of farm breweries affecting the town as a whole.

Pierre Racloz, 50 Silo Drive, spoke of the need for a clear regulation to consume alcohol on premises and questioned how many gallons of water is used for the manufacturing of beer and questioned waste disposal/sanitation practices for farm breweries.

Joe Marzano, 194 Harmony Hill, spoke of traffic and garbage issues that may accompany farm breweries.

Marcus Rogers, no address given, spoke of drinking in a barn and the enjoyment of doing so.

Kevin Boucher, Farmington, questions if it was safe to assume that if this proposal (a farm brewery proposal) was made for a commercial property, it wouldn't be approved either? LUC Redmond replies that the Zoning Regulations state, "what is not expressly permitted, is prohibited."

Greg Martinotti, 71 Harmony Hill Road, questioned if the proposal was for wineries as well. (It is not.)

Tracy Martinotti, 21 Lead Mine Brook Road, reminds everyone that social media postings are not facts.

Rachel Kirchner, 280 Harmony Hill Road, states that she believes a farm brewery would be like a bar in a residential zone.

Joan Kirchner, Harmony Hill Road, states that Zoning has a purpose with different zones within town and with this type of proposal, spot zoning would occur, taking away the residential aspect.

Nicole Defelice, 29 Campville Hill Road, questions if it is necessary to define farm and farm brewery.

Town Counsel Michael D. Rybak states that if there were to be manufacturing, sale and dispensing of alcohol, it has to fall within the Liquor Control Act. If Harwinton were to allow Farm Breweries, there needs to be a definition parameter and must be consistent with the Plan of Conservation and Development, the Zoning Regulations, and must follow the Special Permit process including Site Plan approval, parking and lighting plans and include sanitation plans. The current Zoning Regulations don't define what a farm is, only keeping of animals. If the town is going to consider Farm Breweries, there needs to be very specific regulations in what the town is permitting.

No further comments are made.

**4. DISCUSSION/POSSIBLE DECISION - ROBERT GAGNE, 295 HARMONY HILL ROAD – APPLICATION TO AMEND ZONING REGULATIONS DATED 12-3-2021 TO ADD REGULATIONS ON FARM BREWERIES AND ADD TO SECTION 2.3 DEFINITIONS “FARM BREWERY” AND “FARM”.**

The application has been withdrawn.

**5. RYAN & TIA WILLIAMS – APPLICATION FOR SINGLE FAMILY DWELLING AND 30' X 40' BARN, 251 WHETSTONE ROAD.**

Ryan and Tia Williams are present. Plans titled Proposed Site Plan, Site Plan ~ Notes & Details, and Overall Site Plan prepared by R.R. Hiltbrand Engineers & Surveyors, LLC dated 1-20-2022 are reviewed. IWWC approval has been received for the house and barn. The pool shown on the site plan is not being applied for at this time. TAHD approval for the house only has been received and notes that a separate application is required for the future barn and future pool. Driveway permit is outstanding but is in the application phase. Two driveway pull-offs for the 400'+ driveway will be required on the as built plan. D. Kovall **motioned** to approve the application for single family dwelling only, pending driveway opening permit being obtained, and that the two driveway pull-offs be shown on an as built plan, seconded by T. Root. Motion passed unanimously. Separate application for the barn and pool should be made at a later time.

**6. DAVID & NATALE BARRETT – APPLICATION FOR SINGLE FAMILY DWELLING, 16 STEEPLE CHASE ROAD, LOT 15, EQUESTRIAN ESTATES SUBDIVISION.**

David and Natale Barrett are present. Plans by Robert Green Associates, LLC titled Zoning Location Survey, Site Plan for House, prepared for David & Natale Barrett, dated 3/29/2022 are reviewed. Plans and application include approval for a 14' x 18' shed and a 16' x 32' pool. IWWC approval has been received for house, shed and pool. Driveway permit is outstanding but is in the application phase. TAHD approval has been received but is noted that a separate application is required for swimming pool and shed. Commissioners question why the shed was not approved by TAHD at the same time as the house since it is not marked as a "future" shed. LUC Redmond will reach out to TAHD to inquire. Once TAHD approval is received for the shed, LUC Redmond can sign off on it. W. Ponte **motioned** to approve the application for single family dwelling and shed, contingent on receiving the driveway opening permit and the TAHD approval for the shed, seconded by T. Root. Motion passed unanimously.

**7. RICHARD & KAREN ZALESKI/ROCK INDUSTRIES, LLC – APPLICATION FOR SINGLE FAMILY DWELLING, 365 LITCHFIELD ROAD.**

No one is present to represent. The application will be placed on the June 13, 2022 Zoning agenda.

**8. HARWINTON INVESTMENTS – APPLICATION FOR SINGLE FAMILY DWELLING, 33 WHETSTONE ROAD.**

No one is present to represent. The application will be placed on the June 13, 2022 Zoning agenda.

**9. COMPLAINTS/ENFORCEMENT ACTIONS.**

ZEO Don Truskauskas informs Commissioners that Len Lopardo, Sunset Ridge, has an engineer looking at drainage and yard drains within Sunset Ridge. Once he receives the report he will review and report back to the Commission.

A Cease and Correct Order was being prepared for Wesley Cyr, 9 White Oak Drive, for lack of erosion control. Silt fence was installed so the Order was not issued.

**10. ANY OTHER BUSINESS.**

The Land Use office has received the 3<sup>rd</sup> Quarterly Report on Bumper Brook Estates and sent out to all Commissioners.

**11. INVOICES.**

None.

**12. ADJOURN.**

C. Kasey **motioned** to adjourn the meeting at 8:25 p.m., seconded by D. Kovall. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator