

\MORRIS PLANNING & ZONING COMMISSION
COMMUNITY HALL ◦ 3 EAST STREET ◦ MORRIS, CONNECTICUT 06763

Regular Meeting Morris Town Hall and Live on Zoom

August 6th, 2026 at 7:00 pm

Call in # 1-929-205-6099

<https://us02web.zoom.us/j/87178806693?pwd=2d1WbgbeW12DvJFZVUhjabLFUih8bj.1>

Meeting ID: 871 7880 6693

Passcode: 330602

Noah Butler

Helen White

Erika Leone

Douglas Barnes (Secretary)

David Wiig Chairman

Dylan Hovey

William Ayles Jr. (Vice-Chairman)

Veronica Florio

Kim Dore

Staff: ZEO Tony Adili

Planner: Janell Mullen

Alternates:

David Owen

Michael Delaney

Agenda

- 1. Call to Order**
- 2. Agenda Review**
- 3. New Business**
 - a. Gravel Mines Discussions/complaints**
 - i. 261 Stoddard Road: Deacon**
 - ii. 120 Burgess Road: Green formerly Mosimann**
 - iii. 492 West Morris Road: Town and Aurell**
- 4. Old Business**
- 5. Other Business**
- 6. Complaints**
 - a. 376, 378, 380, and 382 Bantam Lake Road**
 - b. 30 Burgess Road**
 - c. 194 Todd Hill Road**
 - d. 198 East Street**
 - e. 153 East Shore Road**
 - f. 314 Bantam Lake Road**
- 7. Communication and Bills**
 - a. ZEO Report**
 - i. Janell Mullen Planner Contract**
- 8. Adjourn**

History of Gravel Mines Morris CT

Vol 1 Page 851: February 26, 1969

First discussion of a Sand and Gravel Ordinance by the Town Planning Commission. This was pushed by Gordon Loery who was part of the conservation commission. They were tasked to look at Woodbury's town ordinance and Mr Aurell offered to work with the conservation commission.

Vol 1 Page 910: October 25th, 1972

Walter Mosimann Subdivision: Potential Violation of Subdivision Regulations.

Vol 1 Page 945: February 27, 1974

Mrs. Mosimann: They want to split their Burgess Road and West Morris Road to their two sons. Each son would then split those two properties into 3 separate lots.

Vol 1 Page 1022-1023: September 9th, 1975

Ives/Knox Gravel Operation on West Morris Road. At that time no one lived in the area.

Commission member Mr. Towne said he would investigate if the Town had any local ordinance on gravel operations. Only second mention of Gravel Mines/Operations in the Minutes from 1957. This ended up being the Gravel Mine that Deacons operate to this day.

Vol 1 Page 1035: September 24th, 1975

Second mention of Town Ordinance about Gravel Operations.

Vol 1 Page 1087: June 23rd, 1976

The Commission was discussing to incorporate the Gravel Ordinance into the Zoning Regulations that they are working on.

Vol 2 Page 18: March 2, 1977

The Bethmor Sand and Gravel company was looking to apply for a Wetlands Permit to put new ponds on the property.

Vol 2 Page 21 March 16th, 1977

Chairman of Commission says only regulations in reference to gravel and sand was a wetland one discussed at the previous meeting.

Vol 2 Page 25 April 6th 1977

Neighbors concerned about Bethmor Sand and Gravel. Commission acknowledges any rules they make will not affect the Gravel and Sand operations as they are.

Vol 2 Page 32 May 4th 1977

Continued to discussion on Bethmor. Commission concedes they cannot be involved because Zoning Regulations not implemented yet in the Town of Morris.

Vol 2 Page 97 January 4th 1978

Thomas Byrne the Towns Planning and Zoning Commission Attorney advises commission not to get involved in the regulation of the Bethmor Sand and Gravel.

Vol 2 page 124 October 4th, 1978

Two Subdivisions were approved for the Mr and Mrs Mosimann. One of two lots on West Morris Road. Total acreage of 4 acres. The other on Burgess Road consisting of 15.83 acres.

Vol 2 Page 136 December 13th 1978

The Commission on a motion made by Ed Dorsett and seconded by Cliff Wheeler unanimously approved the motion to adopt Zoning in the Town of Morris. **The effective date was January 15th, 1979.**

Vol. 2 Page 138 January 3rd, 1979 (Should Print out this Page)

The commission approved minutes from the December 6th 1978 meeting and this advised Towne and Aurell, Coe and Anderson inc, Robert Mosimann, and Bethmor Gravel Bank operators should renew their permits. Zoning was implemented a month later. I am not sure what renewed permits they were referring to.

Vol 2 Page 143 February 14th 1979

Commission discussed allow the operations to remain as is for 5 years and then after that they should comply with Zoning Regs and get new permits. This was table to the March 7th 1979 Meeting.

Vol 2 Page 150-186 March 19th, 1979

150: Bethmor sent a letter of violation and they should cease operations until silt runoff is dealt with.

157: Stop work order sent to Bethmor.

168: More discussion about Bethmor.

176: Attorney Tom Byrne states that Beth Mor was in before Zoning Regulations were effective.

186: referred to Wetlands Agency

Vol 2 Page 186: February 1980

Sub-Committee set up to meet with Towne and Aurel to speak about phasing out a part of the gravel bank.

193: Some discussion about Town and Aurel Stone Crushing Operation on West Morris Road. The ZEO at the time suggested no more than 14 days and they should be temporary.

Vol 2 Page 278 December 1st, 1982

The Commission discussed that the Town Ordinance on Sand and Gravel was repealed.

Vol 2 Page 301 November 2nd, 1983

Frank Rinaldi commission member was contacted by Alan Towne to information on steps to continue gravel mining. A subcommittee was set up to review regulations and make recommendations.

Vol 2 Page 305 January 4th, 1984

Gravel Subcommittee held a meeting on December 14th, 1983 and they decided then to send letters to Towne and Aurell, Coe and Anderson, and Robert Mosiman.

306: Motion was made to send letters to all gravel miners.

Vol Page 310 April 4th 1984

Discussion of Gravel mines: They thought it should be a Special Exception and not regulated by the Town. Discussion was tabled to next meeting.

Vol 2 Page 323 September 5th, 1984

A map of Walter Mosimann Gravel bank was presented and the ZEO Paul Woike at the time issued a Certificate of Zoning Compliance with date and expiration.

Vol 2 Page 339 February 20th, 1985

First mention of William Deacon and Son Gravel Permit. Public Hearing set for March 6th 1985.

Vol 2 Page 341- 343 March 6th 1985

Public Hearing was held. Total area disturbed 4.2 acres and Gravel Size 1.5 acres. Gravel Pit began at Mosimann Property line and he was aware of what was going on.

Operation to be used for his company. Hours for this permit were stated 8:00 am to 4:30 pm.

From the minutes looks like was the old Robert Ives Gravel Mine mentioned above on Vol 1 Page 1022-1023: September 9th, 1975. (Ives/Knox Gravel Operation on West Morris Road)

345: Site Visit set for March 9th, 1985.

347: Discussion about communications from Lawyers Byrne and Stevens. Letter to Mosiman due to proximity to property line. Cannot find in the files letters that are mentioned in the minutes.

350-351: Minor discussion about Gravel Mines in Town of Morris. A motion was made to deny the Deacon and Sons application for gravel mine. Motion was defeated. A second motion was made to approve the Permit. Was a 3-3 tie, Chairman at the time Alan Schoenbach votes in favor breaking the tie.

Vol 2 Page 393 July 8th 1985

Motion was made to accept the permit for the gravel, the owner wanted to expand operations.

This was granted. ZEP was directed to inspect gravel pits periodically.

Vol 2 Page 441 October 8th, 1987

Letter from Deacon and Sons. (letter not in minutes) Site visit was set up for October 10th 1987 at 10:00 am.

Vol 2 Page 519 March 1st 1989

Public Hearing Held for Gravel mining permit. Wants to expand 1.3 acres and it will take 2 years.

Site visit set for March 4th, 1989

520: April 5th, 1989. Gravel Mining Permit was approved.

555: Gravel Operation permit issued September 1989

Vol 2 Page 584: April 1990

Towne and Aurell Gravel Permit approved 4/7/1990

Vol 2 Page 593: May 2nd 1990.

All the owners of gravel operations have stored materials such as soil, gravel and etc. These have been brought in from different sources. This is understood as standard and active

procedure for Gravel Mining. The commission's consensus is that storing of outside materials is acceptable.

594: Towne and Aurell got approved for permit from September 29 89 for one year to 1990. No fees charged because these are "grand-fathered permits.

Vol 2 Page 611 July 13th 1990

David Wiig makes his first appearance on the P and Z Commission

Vol 2 Page 661 December 5th 1990

Alan Towne sent letter to commission that state that he has purchased 11.6 acres to existing gravel site operation that adjoins his property.

662: Alan Towne request to extend existing mining operation. Treated as new applications.

663: Complaint of dumping of illegal material at Deacon Gravel Mine. David Wiig made a motion that no more outside material brought in. Motion did not pass.

Vol 2 Page 675 January 2nd, 1991

Public Hearing set for February 6th, 1991 to discuss operations at Deacon Gravel Mine

675: Towne and Aurell had an application for Gravel mine under section 63 of Zoning Regulations effective at that time. This public hearing also would be held on February 6th, 1991. The minutes book does not have minutes or mention of Gravel Mines on February 6th, 1991.

Vol 2 Page 683 March 6th 1991

Towne and Aurell: Application for gravel mining extending to the adjoining property that was purchased was approved.

Deacon: Motion made to discuss uses and procedures for Deacon Gravel Mine and set up later meeting with all the attorneys.

Vol 2 Page 703 August 7th 1991

Motion was made to accept an agreement between Deacon and Commission. (I have not been able to find such an agreement. The files seem to be incomplete).

Vol 2 Page 707 September 4th 1991

Towne and Aurell: Gravel Mining Permit was approved and renewed.

Robert Mosimann: Gravel permit was approved and renewed.

Vol 2 Page 714 October 1991

Deacon: ZEO report discussed site visits on 10/16/91 and on 10/30/91 about disposal stumps.

DEP said they could burn the stumps

Vol 2 Page 715 November 6th 1991

Deacon: There is a contract or agreement that I cannot find that says they cant bring stumps in and dispose of them, even though DEP said it was fine. This does not reference gravel mining.

Vol 2 Page 721 January 2nd, 1992

Deacon: Approved unanimously by the commission to operate crushing equipment at the gravel mine.

Vol 2 Page 724 February 5th, 1992

Towne and Aurell: They discussed bringing in 250 years of stumps and to chip them all. The commission were happy that Towne and Aurell let them know about their intentions.

Deacon: Discussion about stumps. Public Hearing was set for February 19th, 1992.

726-727: Letter from complainant about stumps being brought in.

732: Deacon: If more than 6 loads of gravel/material are removed per day ZEO should be notified within 24 hours. If 10 or more loads than 48 hours in advance.

Vol 2 Page 738 May 6th 1992

Deacon: The complainant upset that commission is not taking action. Motion was made to take no action on the complaint. William Deacon states that according to attorneys outline he can dig anywhere he wants on the property as long as he doesn't pay for it.

Vol 2 Page 765: September 2nd, 1992

Towne and Aurell: Gravel operation was renewed. ZEO made a site visit.

Mosimann: Gravel operation was renewed. ZEO made a site visit.

Vol 2 Page 788: December 2nd, 1992

Deacon: They want to bring more rock crushing equipment and this was approved by a unanimous vote of the commission. Letter from William Deacon discussing the bringing in of concrete material to be processed and sent to landfill for recycling.

Vol 2 Page 794 January 6th, 1993

Deacon: ZEO inspected the property and crushing should be completed before January 8th, 1993.

Vol 2 Page 801 January 1993

Bonnie Grinvalsky complaint of noise on Sunday January 3rd at Deacon Gravel Bed. Bulldozer was moving logs out of the woods.

Vol 2 Page 805 February 3rd, 1993

Deacon, Towne and Aurell and Mosimann: Attorney Rybak recommends that all 3 gravel beds should have consistent performance. There should be plans for restoration, bonding, and mapping. These plans should be submitted.

Vol 2 Page 816 April 7th, 1993

Deacon: Request to haul Rock and Material into the Gravel Bank. This request was rejected by the commission.

Vol 2 Page 839 June 2nd, 1993

Deacon: Discussion about a survey for areas mined. ZEO Recommends to inspect all 3 mines again.

Vol 2 Page 846 July 1, 1993

Deacon: Renewal of Gravel Mine Permit.

Towne and Aurell: Renewal of Gravel Mine Permit.

Mosimann: Site visit set for all 3 Gravel beds on Tuesday July 13th at 6:00 pm until 7:30.

Vol 2 Page 856 October 6th, 1993

Mosimann: Renewal of Gravel Mining Permit for Pre-existing Mine. Motion was approved for Gravel Mining plan including the creation of a pond on the property.

Vol 2 Page 864-865 September 1st 1993

Towne and Aurell and Mosiman received renewals and extensions of Gravel Mine Permits for their pre-existing use.

868: Mention of all 3 operations. The ZEO report discussed that there was storage of topsoil, gravel, and broken stones on all sites.

Vol 2 Page 877: January 5th, 1994

Deacon: Permit for Gravel Mining

Vol 2 Page 880: February 2nd, 1994

Deacon: Discussion of conditions for that year's permit. Those were approved on March 2nd 1994. This attached. This was given for two years.

Towne and Aurell: Gravel Mining Permit extended.

Vol 2 Page 912: July 6th, 1994

Deacon: Site walk was conducted by the commission and the commission was satisfied.

Towne and Aurell: Site inspection set up for August 3, 1994

Mosimann: Inspection set for July 19th, 1994

Vol 2 Page 919: September 7th 1994

Mosimann: Permit for pre-existing gravel mine renewed for a year.

Towne and Aurell: Permit renewed for 1 year at pre-existing gravel mine

Vol 2 Page 951: February 1st, 1995

Mosimann: Inspection done by Agricultural center and report was prepared for the commission.

Vol 2 Page 956: March 1st 1995

Towne and Aurell: Request to extend gravel permit, this was approved.

Vol 2 Page 987: August 2, 1995

Deacon: There was a site inspection done here, but due to rain the other two at Mosimann and Towne and Aurell were postponed a month.

Vol 2 Page 993: September 6th, 1995

Mosimann: Gravel Mine Permit was renewed for one year.

998 Towne and Aurell: Gravel Mine permit was extended for a year.

Vol 2 Page 1002: November 1st 1995

Deacon: Approved for Rock Crushing at the Gravel Mine. Operation should only be from 8:00 am to 4:00 between 11/6/1995 and 11/22/95.

Vol 2 Page 1006: December 6th

Deacon: ZEO reported that rock crushing was completed on 11/21/95 and everything was complied with. Richard Grinvalsky stated the operation was loud.

Vol 2 Page 1055: August 7th 1996

All 3 Gravel mines were toured by the ZEO and everything looked good. All 3 mines had their operations extended for another year by a unanimous vote.

Towne and Aurell: Requested to do rock crushing. Hours would be 7:00 am to 6:00pm, they would start October 1st, 1996 and finish by the end of the month. This was approved unanimously.

Vol 2 Page 1059: September 4th, 1996

All 3 Gravel Mines permits were approved.

Vol 2 Page 1151: August 6th, 1997

Site visits at all 3 Gravel Mines were discussed.

Gravel Mining permits were all approve.

Vol 3 Page 26: April 1st, 1998

Deacon: Approved to commence with stone crushing. Should be limited to 9 am to 4pm.

Vol 3 Page 51: September 1998

Inspection of all 3 gravel mines by the commission. Sites were in acceptable condition.

All 3 Permits were renewed for 1 year.

Vol 3 Page 93: August 4th, 1999

Inspections of all 3 Gavel Mines.

Vol 3 Page 103: September 8, 1999

Deacon: Inspection of Gravel Mine

Voi 3 Page 131: April 5, 2000

Deacon: Request to do stone crushing between April 10th through April 28th. Approved.

Vol 3 Page 147 August 2, 2000

All 3 Gravel Mines were inspected and in good shape.

Vol 3 Page 197 August 14th, 2001

All 3 Gravel Mines were inspected and in good shape.

Vol 3 Page 262 July 10th 2002

Deacon: Permission to do rock crushing. Approved for 15 days and work to be done between 9:00 am and 4: pm. Hammering to be done between noon and 2:00 pm.

Vol 3 Page 273 August 27, 2002

All 3 Gravel Mines were inspected.

Vol 3 Page 300 October 2nd, 2002

Mosimann: Discussion about extending mining permit. This was approved.

Vol 3 Page 344 February 3, 2003

Town Planner Consultant states that you cannot require renewal of Special Exceptions/Permits and this should be removed. Claims that for Sand Gravel you could because it discusses removing materials at different areas.

Vol 3 Page 703: February 2, 2005

Deacon: Was given permission to use gravel crusher for 10 days from 10 am to 4 pm.
No mention of the gravel mines since February 3, 2003.

Vol 3 Page 737: May 4th 2005

Deacon: Sends letter to commission. There was a complaint about rock crushing done. Deacon in the letter states that they were already finished with their rock crushing and that their workers could hear a Hydraulic Hammer coming from another area. Deacon says they do not own one of those. Also, another complaint was made on April 13th, but Deacon had finished their operation on March 25th 2005 which started on March 10th 2005.

Vol 4 Page 211: December 3 2008

Deacon: Gravel Mining to take place from 9 am to 4 pm on weekdays and will be done within 10 to 20 days. Approved. Notice will be sent to ZEO.

Mosimann and Towne and Aurell. No mention of either Gravel Operation since 2002.

This was the last mention of Gravel Mines or operations at either of the 3 places until the Greens bought 120 Burgess Road in 2021 and complaints were made.

January 3, 1979 (Vol. 2, p. 138): The Commission approved minutes from the December 6, 1978 meeting directing Towne & Aurell, Coe & Anderson, Robert Mosimann, and Bethmor Gravel Bank operators to renew their permits. Since the Morris Zoning Regulations did not become effective until January 15, 1979, this indicates the Commission recognized these as existing gravel operations before zoning took effect.

February 14, 1979 (Vol. 2, p. 143): The Commission discussed allowing the existing gravel operations to continue for five years before requiring compliance with the new Zoning Regulations and obtaining new permits. This matter was tabled until the March 7, 1979 meeting. The discussion further suggests that the Commission considered these to be existing operations rather than new uses established after zoning.

Vol 2 Page 593: May 2nd 1990.

All the owners of gravel operations have stored materials such as soil, gravel and etc. These have been brought in from different sources. This is understood as standard and active procedure for Gravel Mining. The commission's consensus is that storing of outside materials is acceptable.

The first two are particularly important because they demonstrate that the Commission recognized these gravel operations as existing prior to the adoption of zoning regulations and subsequently required the operators to obtain annual permit renewals. Whether the Commission had the legal authority to require annual renewals for lawful pre-existing nonconforming gravel operations is a question we may need to ask our Attorney.

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SPECIAL EXCEPTION

On March 2, 1994 the Morris Planning & Zoning Commission granted Deacon Sand and Gravel, P.O. Box 66, Litchfield, CT. a Special Exception under Sections 51, 52 and 63 of the Zoning Regulations of the Town of Morris for a Gravel Mining Permit at Assessors Map #21, Code 690, Lot 261, Stoddard Road, Lakeside subject to the following conditions:

1. Hours of Operation - 7:30 a.m. - 4:00 p.m. Monday through Friday, excluding New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving Day and Christmas Day. One load may be removed between 9 a.m. and 12 noon on Saturdays in emergency situations. Equipment maintenance, farming activities and firewood are excluded from these limitations.
2. One load of clean, usable material to be recycled for future use may be brought in to the gravel bed property per day. More than one load must have permission in advance from the Commission Chairman. Clean material includes sand, gravel, topsoil, clean fill, clay, asphalt chunks, concrete chunks not containing metal and brick.
Materials brought in will be handled in the following manner:
1. ZEO will be notified in advance, 2. the material will be stockpiled in a designated area for inspection, and 3. the material will not be buried but stored above ground for future use.
3. No more than a total of 10 truck loads of material will be taken out on any one day unless permission has been obtained in advance from the ZEO or the Commission Chairman before 9 p.m. of the evening prior to the operating day involved.
4. There shall be no retail sales to individuals conducted from the premises. Bulk sales to contractors in their own trucks are allowed subject to the daily limitations of truck loads of materials which may be removed, as set forth in Paragraph 3 above and any said bulk sales are not in addition to said limitations.
5. There shall be no permanently mounted screening or crushing equipment on site. No crushing operations shall be undertaken without prior notice to and approval by the Commission of the conditions of the proposed crushing operation, including the proposed duration of the operation, proposed hours of operation, etc.
6. The permittee shall maintain the driveway to control dust.
7. The driveway approved for the sand and gravel mine (Permit No. 18) is not an approved road for future subdivision of the land.

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8. The permittee will develop a sedimentation and erosion control plan jointly with the ZEO and Chairman of the Inland Wetlands Commission to be presented to the Commission for review, approval or modification at its May, 1994 meeting and implemented by June 1, 1994. The ZEO may also request a site visit and input from the Soil Conservation Commission and/or a professional engineer if he feels it is necessary. The permittee may obtain advice and/or review from a professional engineer if he feels it necessary. The permittee agrees to maintain any plan developed. The plan shall be in writing with the areas involved, which includes any area on the property where more than 1/2 acre of land is disturbed, also designated on a property map drawn to scale.
9. Land Contours will be maintained as required in Section 63.5.1.1.
10. Inspections to the property are at the discretion of ZEO and in accordance with regulations. All Commission Members will make an annual inspection as a group with advance notice to the Deacons by the ZEO. Either party may have legal representation on site at the time of inspection, if desired.
11. Stumps will be handled as follows:
 - a. No stumps to be brought in;
 - b. Stumps from the site will be handled as agreed upon at the meeting of February 25, 1991 with Peter Carpenter from the Solid Waste Division of DEP, Mr. Burcroff, Zoning Enforcement Officer and Deacon representatives as discussed in the letter from Peter Carpenter dated 3/8/91. Specially, stumps generated on site will be piled above ground and disposed of either by chipping and spreading above ground and/or selling or by trucking (stumps or chips) to a landfill approved for their storage with copies of the receipts sent to the ZEO once a year by Jan. 31 of the following year. Stumps will not be left on site for more than 12 months without Commission approval in cases where amounts generated are too small, in the opinion of the Commission, to make disposal within the period specified practical and/or necessary. Stumps generated on site may be burned on site with the prior approval of the Town of Morris Fire Marshal and under such supervision as he may require.
12. The permittee agrees to submit yearly reports to the ZEO of the quantity and types of materials removed from the site.

The foregoing conditions may be reviewed at the time of permit renewal or upon a finding of any violation of these conditions of operations.


 Richard Grinvalsky, Secretary
 Morris Planning & Zoning Commission

Received for record 3-14-94 at 9:00AM
 Recorded by Ch. Egan Town Clerk

MORRIS PLANNING & ZONING COMMISSION

Phone: 860-567-6097

P.O. Box 66 Morris, CT 06763

Fax: 860-567-7432

September 19, 2012

Certified mail 7004289000447581012

ACB Properties LLC/Harvest Moon Timber Frame LLC
Mr. James Davenport
51 Dark Entry Road
Washington, CT 06794

Re: App# kn 921- ACB Properties, LLC applicant/owner – Special Exception use permit to operate Harvest Moon Timber Frame as allowed by special exception (Section 52) in Section 54 – Planned Development District (PDD) – 198 East Street.

Dear Mr. Davenport,

The Morris Planning and Zoning Commission, at its regularly scheduled meeting in Morris Town Hall on September 5, 2012, made the following decision:

Whereas App #kn941 – ACB Properties, LLC – Harvest Moon Timber Frame, LLC – Application for permit, Special Exception Use Permit originally issued to ACB Properties, LLC – 198 East Street, was received at the June 11, 2012 workshop meeting, and set for public hearing on July 9, 2012.

Whereas said public hearing was advertised in the Register Citizen on Friday, June 29, 2012, and Friday, July 6, 2012 and whereas the public hearing as advertised was opened on July 9, 2012, continued to August 1, 2012, and continued to and closed on August 13, 2012.

Whereas the application is limited to an 8.97 acre parcel of property located at 198 East Street, identified on the Assessor's records as Map 17, Block 380, Lot 198, pursuant to Section 54 of the Morris Zoning Regulations, established by the approval of an amendment to the Morris Zoning Regulations, known as the "American Country Barns Planned Development District: herein after referred to as the "PDD-ACB," effective date _____ as duly recorded in the Land Records on pages _____

Whereas the Commission has found that the special application, as submitted and revised, including all the written documentation listed in the record, the oral testimony of the applicant and his representatives, the site plan submitted and revised, is consistent with the overall purpose and criteria of the American Country Barns Planned Development District – "PDD-ACB" amendment to the Morris Zoning Regulations.

Whereas as stated in the August 10, 2012 correspondence from the Morris Inland Wetlands Agency to the Morris Planning & Zoning Commission, Permit 10-338 granted to ACB Properties, based on review and approval of the "Site Development Project - 198 East Street, Route 109 and Higbie Road, prepared by CCA, LLC, dated July 9, 2012, and revised to July 19, 2012.

The Commission, by majority vote, voted to approve Application KN941 as per the Special Exception Application and site plan submitted and revised as listed "Site Development Project - 198 East Street, Route 109 and Higbie Road, prepared by CCA, LLC, dated July 9, 2012, and revised to July 19, 2012" - including pages entitled "Property and Topographic Plan prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012, Site Plan prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012," "Landscape Plan prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012," Construction notes and Details prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012 to show fence and gate details, and sedimentation & erosion plan prepared for ACB Properties, LLC, dated 7/09/2012.

With the following conditions:

1. Truck traffic shall be limited to the hours between 8:00 am and 6:00 pm, Monday through Friday. Absolutely no trucks shall arrive after 5:00 pm. This includes all deliveries and pick-ups for shipments and materials.
2. Operating hours for all power saws and property maintenance equipment, including lawn mowers, weed-whackers, tractors, chain saws, etc. shall only occur between the hours of 8:00 am and 6:00 pm, Monday through Friday.
3. All cutting of material shall be done indoors with either doors closed or plastic industrial curtains closed to reduce noise and contain particulate matter.
4. Sawdust and other particulate matter shall be disposed off site.
5. Pressure treated lumber shall not be cut on the property.
6. Outdoor lighting shall not stay on later than 15 minutes after the hour the sales aspect of the business ends, as defined in Condition 7. After such time, lighting for office access shall be limited to motion sensors to detect intruders. Outdoor lighting shall obey the dark sky initiative and shall be downcast and will only shine within the property boundaries.
7. Sales activities shall be permitted from 8:00 am until 8:00 pm, Monday through Friday, and from 8:00 am until 5:00 pm Saturday. Sunday sales may take place between 11:00 am and 4:00 pm. Additionally, no equipment shall be used on Sundays, and no public events may be scheduled on Sundays.
8. ACB owned/operated vehicles are the only vehicles which may be kept on the site overnight, and such vehicles shall be located behind the fabrication barn and screened from view. There shall be no additional overnight parking.
9. The maximum number of employees permitted, performing on-site operations, including any subcontract workers, shall not exceed ten.
10. Wood may be offered to the public, provided it is kept behind the fenced area and only accessible from 8:00 am to 6:00 pm Monday through Friday, during the defined operating hours.
11. Gates shall be shut after the hours stipulated in Conditions 2 and 7.

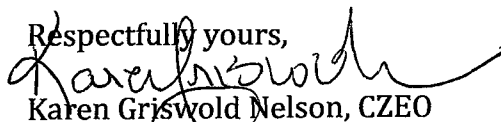
12. All outdoor wood piles shall be in the designated wood storage area, and such piles shall not exceed eight feet in height.
13. The Harvest Moon Timber Frame sign shall not exceed fifty (50) square feet. All light for this sign shall face downward and shall be turned off by 11 pm.
14. Any use of the buildings other than for the ACB business shall be forbidden. Per Section 54 of the Morris Planning and Zoning regulations, a Special Exception application shall be required for the sub-leasing of any space on the property.
15. Harvest Moon Timber Frame shall not be open for either sales or operating hours on the following major holidays: New Year's Day, Easter, Thanksgiving, and Christmas Day. On the following Federal Holidays, Harvest Moon Timber Frame may be open for designated sales hours only, from 8:00 am until 6:00 pm: Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, and Veterans' Day.
16. All plants installed as part of the landscape plan shall be maintained and replaced, if needed to maintain adequate screening, within thirty days of said plant dying.

As part of the approval, the "Special Exception" and the "Site Plan" as approved and modified to incorporate any changes made by nature of the conditions listed shall be filed on the Land Records within 90 days. The Special Exception shall be incorporated in the Site Plan to be filed either by reference or in its entirety.

The motion was approved based on the finding that the application meets the general standards of Section 52, Special Exceptions, pertaining to the 1. Character and 3. Traffic as well as Section 54, Planned Development District, including uses, accessory uses, and specific standards

Attached please find the legal notice as published in the Torrington Register Citizen on September 13, 2012.

Please note that the "Special Exception" form to be filed on the Land Records will be forwarded under separate cover or made available in an electronic form so as to comply with the filing requirements as listed.

Respectfully yours,

Karen Griswold Nelson, CZEO
Town of Morris, CT

MORRIS PLANNING & ZONING COMMISSION

Phone: 860-567-6097

P.O. Box 66 Morris, CT 06763

Fax: 860-567-7432

Register Citizen

Account Number: 7240693

ATTN: Legals

Dear Ladies and Gentlemen;

Please print the following Legal Ad on Thursday, September 13, 2012 or earliest date.

MORRIS PLANNING & ZONING COMMISSION

NOTICE OF DECISION

A Notice of Decision is hereby given that the MORRIS PLANNING AND ZONING COMMISSION, at its regularly scheduled meeting, September 5, 2012 made the following decision:

By majority vote, to APPROVE application kn941 submitted by **ACB Properties, LLC** applicant/owner – **Special Exception use permit to operate Harvest Moon Timber Frame as allowed by special exception (Section 52) in Section 54 – Planned Development District (PDD) – 198 East Street** as per the Special Exception Application and site plan submitted and revised with 16 conditions as listed. All information pertinent to the application is on file and available for review in the Planning and Zoning Office, 3 South Street, Morris, CT.

Dated this 12th day of September, 2012

Robert J McIntosh Jr, Chairman

Morris PZC

Changes to 9/5/12 Conditions of Approval for Harvest Moon Timber Frame

September 19, 2012

Certified mail 7004289000447581012

ACB Properties LLC/Harvest Moon Timber Frame LLC

Mr. James Davenport

51 Dark Entry Road

Washington, CT 06793

Re: Appt# kn 921 – ACB Properties, LLC applicant/owner – Special Exception use permit to operate Harvest Moon Timber Frame as allowed by special exception (Section 52) in Section 54 – Planned Development District (PPD) – 198 East Street.

Dear Mr. Davenport,

The Morris Planning and Zoning Commission, at its regularly scheduled meeting in Morris Town Hall on September 5, 2012, made the following decision:

Whereas App #kn941 – ACB Properties, LLC – Harvest Moon Timber Frame, LLC – Application for permit, Special Exception Use Permit originally issued to ACB Properties, LLC – 108 East Street, was received at the June 11, 2012 workshop meeting, and set for public hearing on July 9, 2012.

Whereas said public hearing was advertised in the Register Citizen on Friday, June 29, 2012, and Friday, July 6, 2012 and whereas the public hearing as advertised was opened on July 9, 2012, continued to August 1, 2012, and continued to and closed on August 13, 2012.

Whereas the application is limited to an 8.97 acre parcel of property located at 198 East Street, identified on the Assessor's records as Map 17, Block 380, Lot 198, pursuant to Section 54 of the Morris Zoning Regulations, established by the approval of an amendment to the Morris Zoning Regulations, known as the "American Country Barns Planned Development District: herein after referred to as the "PDD-ACB," effective date _____ as duly recorded in the Land Records on pages _____.

Whereas the Commission has found that the special application, as submitted and revised, including all the written documentation listed in the record, the oral testimony of the applicant and his representatives, the site plan submitted and revised, is consistent with the overall purpose and criteria of the American Country Barns Planned Development District – "PDD-ACB" amendment to the Morris Zoning Regulations.

Whereas as stated in the August 10, 2012 correspondence from the Morris Inland Wetlands Agency to the Morris Planning and Zoning Commission, Permit 10-338 granted to ACB Properties, based on review

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and approval of the "Site Development Project – 198 East Street, Route 109 and Higbie Road, prepared by CCA, LLC, dated July 9, 2012 and revised to July 19, 2012.

The Commission, by majority vote, voted to approve Application KN941 as per the Special Exception Application and site plan submitted and revised as listed "Site Development Project – 198 East Street, Route 109 and Higbie Road, prepared by CCA, LLC, dated July 9, 2012, and revised to July 19, 2012" – including pages entitled "Property and Topographic Plan prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012, Site Plan prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012," "Landscape Plan prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012," Construction notes and Details prepared for ACB Properties, LLC, dated 7/09/2012 revised to 7/18/2012 to show fence and gate details, and sedimentation & erosion plan prepared for ACB Properties, LLC, dated 7/09/2012.

With the following conditions:

1. Truck traffic will be limited to the hours between 8:00am and 6:00 pm, Monday through Friday absolutely no trucks shall arrive after 5:00 pm. This includes all deliveries and pick-ups for shipments and materials.
2. Operating hours for all power saws and property maintenance equipment, including lawn mowers, weed-whackers, tractors, chain saws, etc. shall only occur between the hours of 8:00 am and 6:00 pm, Monday through Friday.
3. All cutting of material shall be done indoors with either doors closed or plastic industrial curtains closed to reduce noise and contain particulate matter.
4. Sawdust and all other particulate matter shall be disposed of off site.
5. Pressure treated lumber shall not be cut on the property.
6. Outdoor lighting shall not stay on later than 15 minutes after the hour the sales aspect of the business ends, as defined by Condition 7. After such time, lighting for office access shall be limited to motion sensors to detect intruders. Outdoor lighting shall obey the dark sky initiative and shall be downcast and will only shine within the property boundaries.
7. Sales activities shall be permitted from 8:00 am until 8:00 pm, Monday through Friday, and from 8:00 am until 5:00 pm Saturday. Sunday sales may take place between 11:00am and 4:00pm. Additionally, no equipment shall be used on Sundays, and no public events may be scheduled on Sundays.
8. ACB owned/operated vehicles are the only vehicles that can be kept on the site overnight, and such vehicles shall be located behind the fabrication barn and screened from view. There shall be no additional overnight parking.
9. The maximum number of employees permitted, performing on-site operations, including any subcontract workers, shall not exceed ten.
10. Wood may be offered to the public, provided it is kept behind the fenced area and only accessible from 8:00 am to 6:00 pm Monday through Friday, during the defined operating hours.

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11. Gates shall be shut after the hours stipulated in Conditions 2 and 7.
12. All outdoor wood piles shall be in the designated wood storage area, and such piles shall not exceed eight feet in height.
13. The Harvest Moon Timber Frame sign shall not exceed (50) square feet. All light for this sign shall face downward and shall be turned off by 11 pm.
14. Any use of the buildings other than for ACB business shall be forbidden. Per section 54 of the Morris Planning and Zoning Regulations, a special exception application shall be required for sub-leasing any space on the property.
15. Harvest Moon Timber frame shall not be open for either sales or operating hours on the following major holidays: New Year's Day, Easter, Thanksgiving, and Christmas Day. On the following federal holidays, Harvest Moon Timber Frame may be open for designated sales hours only; from 8:00 am to 6:00 pm: Martin Luther King, Jr. Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, and Veterans' Day
16. All plants installed as part of the landscape plan shall be maintained and replaced, if needed to maintain adequate screening, within thirty days of said plant dying.

As part of the approval, the "Special Exception" and the "Site Plan" as approved and modified to incorporate any changes made by nature of the conditions listed shall be filed on the Land Records within 90 days. The Special Exception shall be incorporated in the Site Plan to be filed either by reference or in its entirety.

The motion was approved based on the finding that the application meets the general standards of Section 52, Special Exceptions, pertaining to the 1. Character and 3. Traffic as well as Section 54, Planned Development District, including uses, accessory uses, and specific standards.

Attached please find the legal notice as published in the Torrington Register Citizen on September 13, 2012.

Please note that the "Special Exception" form to be filed on the Land Records will be forwarded under the separate cover or made available in electronic form so as to comply with the filing requirements as listed.

Tony:

As I said I will be in Maine during the next scheduled meeting but I will attempt to join remotely. I have reviewed the video of the last P&Z meeting and perhaps can shed some light. I will answer the Commissions concerns below.

2. Truck Traffic will be limited to the hours between 8 am and 6 pm . Monday Through Friday.

Harvest Moon goes to great lengths to adhere to this condition; we have made sure with all the shippers we use to have our receiving hours from 8:30 > 4:30 M-F, and forced each supplier to hard-code these hours in our customer profile in thier computer systems. As you can see we created a 1/2 hour buffer in the morning and a 1.5 hour buffer in the evening to accommodate any stragglers. We have posted signs on our property indicating our receiving hours. I see no other way to deal with this occasional breach than to install a physical barrier across the driveway to disallow any entry altogether. I am reluctant to do that due to concerns about fire trucks being able to access our buildings in the event of a fire etc. I need to discuss this with the Morris Fire Marshal for guidance.

3. Operating hours for all equipment that is not in an enclosed building must only occur between the hours of 8 am and 6 pm. Monday through Friday. *Our shop hours are 8:30-5:00 M-F. We have worked on Saturday in the enclosed shop, measuring ("layout") timbers that were brought into the building the day before so the forklifts do not need to be started.*

4. All cutting is done indoor with a system installed to capture the sawdust and other particulate matter produced. *We cut 100% of our timbers inside and have a very expensive "Blur Ox" system in place to capture and turn over the air in our shop several times an hour.*

13. All overnight parking is limited to vehicles which can be located behind the fabrication barn screen from view from East Street. *Unfortunately we do have a Harvest Moon pick-up truck parked on the western side of our driveway. This vehicle is not visible. It is our plow truck, primarily used to plow the driveway in the winter. I will move it if need be.*

Regarding the noise Mr. Lillis is concerned about I am willing to investigate adding some trees if he feels it would be beneficial.

Let's discuss this more at the meeting this week.

Jim

From: [LORI](#)
To: [Planning & Zoning](#); planningandzoning@morrisct.gov; [David R. Wiig](#); lindenmuthlori@gmail.com
Subject: FW: 198 East St
Date: Thursday, July 2, 2026 11:35:12 AM

Dear Commissioners,

Today I am riding to you after a conversation with Tony the Morris Zeo concerning 198 East Street, Harvest Moon, in Morris.

I noticed repeat complaints on the agendas and so I reached out to Tony and then Ed but 1st Jim Davenport and discovered that my neighbor Ed has been filing complaints for several years about violations of the PDD.

When I texted Jim Davenport the night before last, to find out if there is something that I needed to know, since Our properties are connected. Jim explained that he didn't know he was even on the agenda. I did reach out to Jim again today after talking to Ed to understand the problem. I haven't heard back, yet.

So I have a couple of questions for the commission, please.

If violations have been disturbing the neighbor by waking them up in the middle of the night, have you implemented violations? If yes, please explain. If no, please explain.

Have alternative options been discussed to prevent the violations? If yes, please explain. If no, please explain.

Tony explained to me it is possible that Jim will go for a modification of his PDD. (I do understand that I would be notified.) But why would we entertain a change in the PDD if there are violations that have been repeated for years on end? This does not sound like it was an occasional truck showing up because we have no control of the trucks, Etc. And Jim needed to put up that gate, what does it matter if it's a problem for somewhere else, then we deal with it.

I don't understand that thinking and rationale.

This isn't just about Jim, this is about any violation. Are you following up on all Morris violations that come before you? Has something change that I am not aware of about violations?

So let me understand, if I get this right. A taxpayer of this community can spend tens of thousands of dollars, which we did, and we worked out that PDD, for everyone. Also noting our attorney had concerns about previous ZEO enforcement, and here we are. Again, I don't understand your logic about changing the PDD when someone has been in violation of the current conditions, apparently for many years with little to no enforcement from PZC?

I currently am not in adversarial position with Mr Davenport and would like to keep it that way. I think there are other solutions without having all parties spend money on attorneys.

Granting someone a modification, in the special exception/PDD because they're in violation seems a bit ludicrous to me.

I'm wondering if part of what's happening is the trees that Jim kindly put up for us over here, MIGHT be sending all that noise straight up to Ed's because of the landscape. If that's the case this might be an easy solution. Along with a gate to prevent trucks coming in at the middle of the night.

Tony, I also saw your agenda this morning and I found that your statement that Ed spoke with you about his frustrations a bit inappropriate. Feelings and emotions have nothing to do with this, it has everything to do with being in violation of the PDD. That should be clearly noted on the agenda. Ed has stated to me he has filed several complaints, but I only see the one from 2021, and then one from April 9th 2026, including in that complaint he also noted violations of the PDD from February and March of 2026. Where are the rest of the complaints?

I will do my best to join the meeting tonight. Can you kindly add this to the record?

I hope we can all find a way to work this through without Attorneys.

Happy 4th of July to all of you. I do appreciate everyone's efforts.

Lori Lindenmuth
860 671 0108

Zeo Report Month of August 2026

Planner Bill: \$500.00

Lawyer Bill: None

Gravel Mines: Deacon, Towne and Aurell, and Mosimann.

I have created a timeline of all references to Gravel Mines in the history of the Town of Morris through researching the minutes from 1954 until about 2019. This may be something we need to ask the Lawyer about, but may be the commission should review it thoroughly beforehand. I have received complaints recently about early start times and operations. Hopefully the historical document gives the commission some clarity.

376, 378, 380, and 382 Bantam Lake Road Camp David: The ZBA hearing is schedule for August 31st at 6:00 pm.

30 Burgess Road: The Owner of the property says they are working on cleaning it up and putting some items in storage shed.

194 Todd Hill Road: Nothing new. Will reach out in the next week.

198 East Street: American Country Barns: I found all the proper documentation and conditions of approval that we need to discuss. Jim Davenport the owner sent me a reply that is in the attachments. He said he will try to be at the meeting. IF he does not make it to this meeting, I had asked him to come to the meeting on August 19th to discuss so we can keep this moving.

153 East Shore Road: I do not have a recent update, but will reach out next week.

314 Bantam Lake Road: Regatta Dock complaint from Ken Burr. He asked I put it on the agenda.

On August 4th 2026 I attended a seminar about RLIUPA and the Fair Housing Act. These were presented very well and I learned many things about Religious Uses and cases where commissions have gone to far in requiring religious organizations certain items. IN terms of Fair Housing I learned about reasonable accommodations for people with disabilities. I will send out everyone the presentations later this week.

Janell Mullen also sent me a contract we can discuss at our meeting on August 19th.