Thomaston Planning and Zoning Commission
Meeting Minutes – February 3, 2016

Members Present: Ralph Celone, Brian Davis, Tom Mueller, Marie Galbraith, Jesse Judson, Ron Gundersen, Bill Gloade

Others Present: Jeremy Leifert, Atty. Gilland, Keith Sleeper

The Public Hearing convened at 7:00 pm.

Members Seated: R. Celone, J. Judson, R. Gundersen, B. Gloade, T. Mueller

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J. Leifert gave a presentation and read into the record the items in the file for the following proposed text amendments;

Agenda Item #1 – Proposed text amendments to (1) amend Article 2 to add and revise agricultural definitions and (2) to amend Article 4.5 Schedule A, Part A to add and revise agricultural and farming related uses

Submitted by Thomaston Planning & Zoning Commission

J. Leifert explained that these amendments would simply the application process by adding allowed uses missing from the current regulations, which would remove the need for public hearings, and the changes and additions being proposed. Discussion with the Commission ensued.

Public Comment:

Atty. Galasko, representing S. Del Buono, inquired as to who proposed the amendments, discussed the history of farming, stated that with the 50' setback, the Commission is depriving land owners ½ acre per acre of use, and that Atty. Rybak was not aware of tonight's agenda.

R. Celone replied that it is the Commission proposing the amendments, that they will be less strict than the current regulations, and that all currents uses will be grandfathered in.

J. Leifert added that the use will be grandfathered in as long as it was legal use under the regulations at the time it was created.

A. Williams asked what the overall process of the public hearing is, if the proposed amendments go before the Town lawyer for comment, and if the 50' setback is for any building.

R. Celone explained that the proposed amendments are Commission initiated, that there is no timeframe as to when a decision needs to be made, that the public hearing is to get comments from the public, that the Commission will deliberate on the amendments and comments received, then the Commission votes to accepting them or not, and that typically proposed amendments do go before the Town Attorney for review before a public hearing is held.

J. Leifert explained that main structures will have to adhere to the 50' setback and accessory structures under 250' square feet only need to have a 5' setback.

D. Zeigler agrees that the proposed amendments are going to loosen the current regulations.

M. Volovski asked if fencing would still be allowed on property lines and if he leases additional land for farming, would he be able to use it.

J. Leifert explained that fences can still go to the property line and that he would have to come in for any additional land.

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J. Gaudiosi told the Commission that he keeps large livestock and asked if the whole perimeter of the farm needs to be 50' off the property line because he has trees that create a buffer, shade, etc. He also asked if he were to give his son his farm, would he have to come before the Commission.

B. Davis explained that pasture areas can be right up to the property line and if he gives it to his son, it is only a name change.

J. Leifert explained that only commercial use would have to adhere to the 50' setback.

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A. Williams asked for clarification of animals having to be kept to the rear of primary dwellings.

B. Davis explained that it is to keep small animals out of front yards in downtown areas.

J. Leifert explained that it applies to poultry and that regulations will not fit every property in Town so variances are required sometimes.

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P. Yoos commented that it cost $500.00 to go before ZBA and they can't take monetary into account.

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Atty. Galasko commented that commercial activity is not written into the proposed regulations and that the proposed and current regulations contradict one another.

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L. Schenkel asked if anyone on the Commission knows about farms, that the more regulations you have, the less farming you have, and that there needs to be no restrictions for the keeping bees.

J. Judson and B. Davis both told her they grew up on farms.

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A. Williams commented that he does think the Commission is doing the right thing because the regulations need to be fixed, but they should be written to encourage farming.

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D. Marcel agreed with A. Williams and asked if 6 animals means chickens, quail, rabbits, etc.

J. Leifert replied that the animals are defined in the definition.

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S. Del Buono commented that she has had a commercial horse business on her property since 1989, that her ring is on the property line, and that some of her property is on a slope.

R. Celone told her that anything existing will be grandfathered.

A motion was made by J. Judson and seconded by R. Gundersen to continue the Public Hearing to next month's regular meeting. Motion unanimously passed.

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Agenda Item #2 – Proposed text amendments to (1) repeal existing moratorium in Article 21.10 and (2) add new uses in Article 4.5, Schedule A, Part C and Article 21.10 and 21.11 to regulate palliative marijuana producers and distributors

Submitted by Thomaston Planning & Zoning Commission

J. Leifert explained that palliative marijuana is legal under State Law, that zoning is allowed to reasonably control the location and site, that they would only be allowed in general commercial and manufacturing zones with the proposed regulation, and that only one facility and two dispensaries would be allowed in Town at any one time. Discussion ensued.

T. Mueller commented that the list of visitors should be removed because of the Hippa Law.

J. Leifert will contact Atty. Rybak for his opinion on it.

Public Comment:

M. Volovski asked how much area is Town is available for production in the M1 and M2 zones.

J. Leifert replied that most of Waterbury Rd. is available.

A motion was made by T. Mueller and seconded by B. Gloade to continue the Public Hearing. Motion unanimously passed.

Agenda Item #3 – Proposed text amendments to Article 5 to regulate rear lots and lot access

Submitted by Thomaston Planning & Zoning Commission

J. Leifert explained that this proposed amendment mainly focuses on rear lots, rear lot access ways and driveways, adds a definitions for free split and lot of records, amends the current definition of a lot and rear lot, and corrects the language in the fence regulation.

Public Comment:

M. Volovski asked if he would be able to build on the 12 acres he owns that is land locked.

J. Leifert replied that he can't under the current regulations and won't be able under the proposed regulations.

A. Williams asked if interior lots were still allowed and if someone bought 2 adjoining lots, 1 with road access and the other land locked, if would they be able to build a house on them.

J. Leifert explained that interior lots will only be allowed if there is a 25' wide access from the road.

R. Celone explained that you would only be able to build on the lots if they were combined.

A motion was made by T. Mueller and seconded by R. Gundersen to continue the Public Hearing. Motion unanimously passed.

Agenda Item #4 – Comprehensive text amendments to Article 13 to regulate non-conforming structures, uses, and lots.

Submitted by Thomaston Planning & Zoning Commission

J. Leifert explained that this proposed amendment will clarify the process for handling non-conforming uses and lots, the roles of the ZBA, P&Z and ZEO in the permitting of non-conforming uses, and will outline the process for determining the status of non-conforming lots and uses. Discussion with the Commission ensued.

Public Comment:

P. Yoos commented that he is concerned that many properties in Town have been up for sales for years or have been held up in estates and are becoming run down. He suggested creating an interim

to allow a different temporary use in order to bring in income as long as the owner is trying to sell or use it with its original use.

R. Celone told him that the rental could continue for years if not sold and wouldn't be just temporary.

P. Yoos commented that you could put a time limit on it.

J. Leifert will speak with Atty. Rybak about a temporary use.

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A. Williams asked what happens when someone changes the use of a manufacturing facility.

R. Celone replied that the manufacturing use becomes abandoned.

J. Leifert explained that State law also won't allow it to change back to its original use.

A motion was made by R. Gundersen and seconded by T. Mueller to continue the Public Hearing to March. Motion unanimously passed.

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Agenda Item #5 – Text amendments to add new Article 6.7 for outdoor lighting standards

Submitted by Thomaston Planning & Zoning Commission

J. Leifert explained that there isn't a performance standard for lighting in the current regulations and the proposed amendment would prevent off site glare and protect residents and businesses from intrusive or distracting lighting.

Public Comment:

A. Williams commented that he has had issues with a neighbor's light shining in his bedroom and would like to see language stating you can't point lights towards neighboring properties.

A motion was made by J. Judson and seconded by R. Gundersen to continue the Public Hearing to next month. Motion unanimously passed.

REGULAR MEETING:

Approval of Minutes:

A motion was made by J. Judson and seconded by R. Gundersen to approve the minutes. Motion unanimously passed.

Old Business:

Agenda Item #1 Discussion of lot division issues at 226 Branch Rd.

Agent(s): Atty. Gilland

Proposed corrections to parcels A and B were discussed and documents were distributed by Atty. Gilland for the Commission to review.

A motion was made by J. Judson and seconded by T. Mueller that the Thomaston Planning and Zoning Commission, pursuant to CT General Statute Section 8-26a, after reviewing the deeds in the chain of the title of property of Bradley J. Kovacs and Kathryn M. Kovacs, known as 226 Branch Rd., Thomaston, CT, as referred to in the consolidating deed by them dated February 1, 2016, determined that the existing division of land does not constitute a subdivision. Motion unanimously passed.

Agenda Item #2 - Site plan application #2015-12-21-01 of Litchfield County Industrial Space LLC for modification of parking layout at 242 Elm St., 27 & 31 River St.

Agent(s): None

J. Leifert informed the Commission that he is still waiting for the site plan and a decision will need to be made on the application by March 11th.

A motion was made by J. Judson and seconded by R. Gundersen to table the application until next month. Motion unanimously passed.

New Business:

Agenda Item #1 – Site Plan Application #2016-01-19-01 for a building mounted sign at 76 Watertown Rd.

Agent(s): Keith Sleeper

K. Sleeper presented a site plan showing the sign that was installed on the building for the Commission to review.

A motion was made by J. Judson and seconded by R. Gundersen to approve the application. Motion unanimously passed.

Communications:

J. Leifert presented the following to the Commission;

1. **Planning Magazine – January 2016 issue**
2. **CFPZA Newsletter – Winter 2016**
3. **CFPZA Annual Conference – March 17, 2016**

Reports:

Agenda Item #1 - ZEO Enforcement Report;

a. **189 Pine Hill Rd. – Illegal detached apartment** – violation notice sent was returned, had the Marshall serve the notice to his father.
b. **175 Litchfield St. – Unpermitted Structure –** no update.
c. **19 Waterbury Rd. – Illegal Apartment Use** – no update.
d. **325 Cedar Mountain Rd. – Grading Violation -** owner has plans to install a pool and garage and will have a grading plan for review in the spring.
e. **31 River St. – Truck Parking Facility –** application tabled earlier in the meeting.
f. **218 Lynnnrich Dr. – Unpermitted Home Occupation, Cease and Desist** – is renting a commercial space for the business.
g. **126 Cables Lane – Unpermitted structure violation** – no update.
h. **381 Cedar Mountain Rd. - Outdoor Accumulation, unpermitted structures violation –** is currently before the IWWC.
i. **315 Michelle Lane – In-law Apartment Use Violation** – no update.

Adjournment:

A motion was made by J. Judson and seconded by R. Gundersen to adjourn at 10:25 pm. Motion unanimously passed.

Respectfully submitted,

Pat Santa Maria, Recording Secretary