

**Thomaston Planning and Zoning Commission**  
**Meeting Minutes – March 2, 2016**

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

**Others Present:** Jeremy Leifert, Atty. Rybak, Darryl Maslak, Robbie Piazzaroli of the Town Times

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The Public Hearing convened at 7:01 pm.

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

R. Celone read the public hearing ground rules to the public in attendance.

J. Leifert distributed an email received from Atty. Rybak with suggested changes to the proposed text amendments for the Commission to review.

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**Agenda Item #1 – Proposed text amendments to Article 5 to regulate rear lots and lot access**

Submitted by Thomaston Planning & Zoning Commission

J. Leifert gave an overview of the proposed text amendments and the changes discussed last month.

Discussion ensued regarding the changes and Atty. Rybak’s suggestions.

Public Comment: None

**A motion was made by J. Judson and seconded by B. Gloade to continue the Public Hearing to the next regular meeting. Motion unanimously passed.**

J. Leifert will make the changes discussed tonight for next month’s public hearing.

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**Agenda Item #2 – Text amendments to add new Article 6.7 for outdoor lighting standards**

Submitted by Thomaston Planning & Zoning Commission

J. Leifert gave an overview of the changes he made from last month’s meeting. Discussion ensued.

Public Comment: None

**A motion was made by J. Judson and seconded by B. Gloade to continue the Public Hearing until the next regular meeting in April. Motion unanimously passed.**

J. Leifert will make the changes discussed tonight for next month’s public hearing.

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**Agenda Item #3 – Comprehensive text amendments to Article 13 to regulate non-conforming structures, uses, and lots.**

Submitted by Thomaston Planning & Zoning Commission

J. Leifert gave an overview of the proposed text amendments.

Discussion ensued regarding Atty. Rybak’s suggestions.

Public Comment:

P. Yoos asked the Commission if they could tell him how many non-conforming business properties are in Town that this would affect and commented that he is concerned with “termination and abandonment”, that this would be negative to the Town, and that a temporary change of use would bring revenue to Town.

R. Celone replied that the Commission does not have the information he asked for.

H. Osowiecki asked what would happen if he should die and his wife gets rid of all his equipment and his buildings are emptied.

R. Celone explained that the use would remain.

J. Leifert explained that the non-conformity runs with the land and as long as the use doesn't change, someone else could run the same business.

Atty. Rybak explained that he would lose the use if it were abandoned. Discussion ensued.

D. LaBonte asked what happens if his wife sells the business to another company that changes the characteristics.

Atty. Rybak suggested removing characteristics from the regulation.

T. Durso asked what constitutes termination and who terminates it.

J. Leifert explained that it is an action of the property owner by physical change in use or through an application to change the use.

Atty. Rybak explained that if anyone is concerned with their non-conforming use, they could get a certification of non-conforming use and file it on the land records.

P. Yoos talked about vacant businesses and allowing someone to temporarily store things in a vacant business.

Atty. Rybak discussed allowing a temporary change under special permit if it were a less intense use, for a period not to exceed one year and under certain conditions, in certain zones.

M. Deziel asked if H. Osowiecki's property sits vacant, would it be considered abandoned and convert back to residential

J. Leifert explained that someone would have to actually change the use.

**A motion was made by B. Guerrero and seconded by J. Judson to continue the Public Hearing. Motion unanimously passed.**

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**Agenda Item #4 – 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 gave an overview of the changes he made from last month's meeting.

Discussion ensued regarding Atty. Rybak's suggestions.

Public Comment: None

Atty. Rybak told the Commission that if you decide to allow it in Town, you have to decide under what conditions and what you are going to do about what comes next.

R. Celone told Atty. Rybak that if the Commission doesn't allow, the Siting Council can allow it anywhere in Town. Discussion ensued.

J. Leifert will make changes discussed tonight for next month's meeting.

**A motion was made by B. Guerrero and seconded by J. Judson to continue the Public Hearing to next month's meeting. Motion unanimously passed.**

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**Agenda Item #5 – 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 gave an overview of the changes he made from last month's meeting.

Discussion ensued regarding Atty. Rybak's suggestions.

Public Comment:

L. Schenkel commented there shouldn't be too many restrictions on rabbits and bees and that you can farm and raise animals on a small piece of property.

R. Celone told her the Commission is looking at loosening the regulations, not tighten them.

Atty. Garlasco asked what the differences are between Section 5.14 and 5.17 and commented that the 50' setback would prohibit new people with horses from coming to Town for commercial reasons and asked that the setback be reduced.

R. Celone explained that one pertains to riding rings and corrals and the other pertains to fencing.

J. Leifert explained that the setback is only for commercial buildings as an added protection in residential areas, which has more of an impact in a residential area.

Discussion ensued regarding Atty. Rybak's suggestions.

R. Gundersen commented that he feels the setback should stay at 50' because if you state a setback of 25' to 50', applications will come in already at 25'.

**A motion was made by J. Judson and seconded by B. Gloade to continue the Public Hearing to the next meeting. Motion unanimously passed.**

**REGULAR MEETING:**

**Approval of Minutes:**

**A motion was made by J. Judson and seconded by R. Gundersen to approve the minutes as amended to read Atty. Garlasco. Motion passed 4-0-1 abstention by B. Guerrero.**

**Old Business:**

**Agenda Item #1 - 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): D. Maslak

D. Maslak presented a site plan showing the addition of elongated parking spaces for overflow parking for trucks owned by JRC Transportation on Maple St. and explained that JRC has an office onsite and that he still meets the parking requirements with more than 60 parking spaces onsite.

**A motion was made by J. Judson and seconded by B. Gloade to approve the site plan review. Motion unanimously passed.**

**New Business:**

**Agenda Item #1 – Site plan application #2016-02-16-02 to mount banner signage to existing Town owned light poles with the street and sidewalk right-of-way adjacent to the Thomaston Public Library**

Agent(s): None

J. Leifert explained that there will be 3 banners that will be the same size as what is currently in front of the Town Hall.

**A motion was made by J. Judson and seconded by B. Gloade to approve the application. Motion unanimously passed.**

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**Agenda Item #2 – Site plan modification application #2016-02-22-01 to modify site plan and parking plan for automobile sales and to add directional signage at 330 South Main St.**

Agent(s): None

J. Leifert explained that the plans submitted with this application were already approved by the Commission for an automobile repair facility and that S. Logan would like to add automobile sales.

Commission reviewed the site plan and because S. Logan was not present to answer questions they had regarding the spaces near the road, action on the application was tabled until next month.

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**Agenda Item #3 – Special permit application #2016-02-23-1 for a permit to serve alcoholic beverages for a restaurant use at 131 Main St., Unit 102B**

Agent(s): None

J. Leifert presented the application for Ravenna's to the Commission.

It was the consensus of the Commission that a site plan will be needed for the public hearing.

**A motion was made B. Gloade and seconded by R. Gundersen to accept the application and set the public hearing for the April meeting. Motion unanimously passed.**

**Communications:**

J. Leifert presented the following to the Commission;

- 1. Planning Magazine – February 2016 issue**
- 2. NVision 2020 – Naugatuck Valley Corridor Conference on Infrastructure & Development**
- 3. CT Mirror Article “CT slowly embraces a new approach to zoning**
- 4. Site plan expiration at Whispering Pines Village, 500 South Main St. – notification was sent to the property owner and his attorney.**
- 5. Temporary liquor permit status for 245 South Main St. – a permit was issued to the Women's Club for a wine tasting event to raise money for scholarships.**
- 6. Case law update – Folsom v Zoning Board of Appeals**

J. Leifert presented a memo from E. Mone regarding the possible locations for bus stops and informed the Commission that he, E. Mone, and J. Campbell will go to the proposed locations tomorrow and report back to them next month.

**Reports:**

**Agenda Item #1 - ZEO Enforcement Report;**

- a. 55 West Hillside Ave. – Outdoor accumulations, unregistered vehicles -**
- b. Laurel Dr./Meadow Brook Dr. – Storm water issue – Meadow Brook Dr. was never accepted as a Town Road and is a private driveway, currently before IWWC for water diversion that is causing the buildup of ice.**
- c. 189 Pine Hill Rd. – Illegal detached apartment – no update.**
- d. 175 Litchfield St. – Unpermitted Structure – no update.**
- e. 19 Waterbury Rd. – Illegal Apartment Use – no update.**
- f. 325 Cedar Mountain Rd. – Grading Violation -**
- g. 31 River St. – Truck Parking Facility – application approved earlier in the meeting.**
- h. 218 Lynnrich Dr. – Unpermitted Home Occupation, Cease and Desist – no update.**
- i. 126 Cables Lane – Unpermitted structure violation – no update.**
- j. 381 Cedar Mountain Rd. - Outdoor Accumulation, unpermitted structures violation –**
- k. 315 Michelle Lane – In-law Apartment Use Violation – no update.**

**Adjournment:**

**A motion was made by B. Gloade and seconded by J. Judson to adjourn at 9:55 pm. Motion unanimously passed.**

Respectfully submitted,

Pat Santa Maria,  
Recording Secretary