

**Thomaston Planning and Zoning Commission**  
**Meeting Minutes– April 6, 2016**

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

**Others Present:** Jeremy Leifert, Jetmir Zaku

---

The Public Hearing convened at 7:00 pm.

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

**Agenda Item #1 – Special Permit Application #2016-02-23-01 for a permit to serve alcoholic beverages for a restaurant use at 131 Main St. Unit 102 B**

Agent(s): J. Zaku

J. Zaku showed the space he occupies and would like to serve beer and wine on a site plan.

Public Comment:

P. Yoos commented that he is in favor of approving the permit.

J. Leifert suggested that if this permit is approved, it should be conditioned that it is only for Unit 102B and with no outdoor service.

**A motion was made by R. Gundersen and seconded by B. Gloade to close the Public Hearing. Motion unanimously passed.**

**A motion was made by R. Gundersen and seconded by T. Mueller to approve Application #2016-02-23-01 for Unit 102 B, in that space only for a restaurant permit and no outdoor service will be allowed. Motion unanimously passed.**

---

**Agenda Item #2 - Proposed text amendments to Article 5 to regulate rear lots and lot access**

Submitted by: Thomaston Planning and Zoning Commission

J. Leifert read for the record a memo he wrote to the Commission stating that this proposed text amendment would conform to the POCD and explained the changes he made to the amendment from last month's discussions.

Public Comment: None

**A motion was made by B. Davis and seconded by R. Gundersen to close the Public Hearing on Article 5. Motion unanimously passed.**

**The following motion was made by T. Mueller and seconded by R. Gundersen;**

**Whereas the Thomaston Planning and Zoning Commission has found that it is necessary to amend the reference to “rear lots” and “interior lots” in the Thomaston Zoning Regulations to match previously adopted lot access requirements and to amend definitions of a “lot”, “lot of record” and “free split” to better guide future permit and enforcement activities and;**

**Whereas the Commission has found the need to clarify regulations on rear lot access ways, driveway regulations, and fences and;**

**Whereas the Commission has held public hearings on February 3, 2016, March 2, 2016, and April 6, 2016 and;**

**Whereas the Commission has considered testimony and exhibits submitted into the record from the Town Planner, members of the public, Michael Rybak, Town Attorney, and the Naugatuck Valley Council of Governments and;**

**Whereas the Commission has found the proposed changes to afford greater protection to the welfare and property of its residents while allowing for safe site access;**

**Whereas the Commission has found the proposed changes to be generally consistent with the goals and recommendations of the Thomaston 2014 Plan of Conservation and Development and;**

**In consideration of the exhibits and testimony submitted in the public hearing record, I make a motion that the Planning and Zoning Commission adopt the draft text amendments to the Thomaston Zoning Regulations, Article 5 – Area, Location and Bulk Standards as presented at the April 6, 2016 regular meeting of the Thomaston Planning and Zoning Commission, as summarized below;**

- 1. Added definitions for “Free Split” and “Lot of Record”**
- 2. Added requirement for ZEO or Chairman signature on Free Split maps**
- 3. Revised existing definitions for “Lot” and “Rear Lot”**
- 4. Revised entire article 5 to change all references of “Interior Lots” to “Rear Lots”**
- 5. Changed heading in Article 5.4B from “Rights-of-Way” to “Lot Access”**
- 6. Added references to Town Driveway Ordinance compliance to Article 5.4B**
- 7. Removed references to shared driveways and common maintenance from 5.4D; added language for contiguous access ways**
- 8. Removed references to common driveways from 5.4E**
- 9. Corrected fence height reference in 5.7 to read “six feet or less” rather than “less than six feet”; added language requiring measurement from natural grade**

**Motion unanimously passed.**

---

**Agenda Item #3 – Text amendments to add new Article 6.7 for outdoor lighting standards**

Submitted by: Thomaston Planning and Zoning Commission

J. Leifert read for the record a memo he wrote to the Commission stating that this proposed text amendment would conform to the POCD and explained that if the Commission approves the amendment, he will have to purchase the performance standards manual from the Illumination Engineering Society of North American to use as reference guide.

Public Comment: None

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

**The following motion was made by T. Mueller and seconded by R. Gundersen;**

**Whereas the Commission has found the need to amend zoning regulations governing lighting performance standards to (1) protect the quality of life for town residents and business**

owners, (2) allow for lighting to be utilized in a safe and effective manner, and (3) conform to the Thomaston 2014 Plan of Conservation and Development and;  
Whereas the Commission has held public hearings on February 3, 2016, March 2, 2016, and April 6, 2016 and;

Whereas the Commission has considered testimony and exhibits submitted into the record from the Town Planner, members of the public, Michael Rybak, Town Attorney, and the Naugatuck Valley Council of Governments and;

Whereas the Commission has found the proposed changes to be protective of the welfare and property of its residents while allowing for reasonable site safety and security and;

Whereas the Commission has found the proposed changes to be generally consistent with the goals and recommendations of the Thomaston 2014 Plan of Conservation and Development and;

In consideration of the exhibits and testimony submitted in the public hearing record, I make a motion that the Planning and Zoning Commission adopt the draft text amendments to the Thomaston Zoning Regulations as presented at the April 6, 2016 regular meeting of the Thomaston Planning and Zoning Commission.

Motion unanimously passed.

---

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

Submitted by: Thomaston Planning and Zoning Commission

J. Leifert read for the record a memo he wrote to the Commission stating that this proposed text amendment would conform to the POCD and explained the changes he made to the amendment from last month's discussions.

Discussion ensued.

Public Comment:

P. Yoos commented on various properties in Town that have been up for sale for a long time and that a 1 or 2 year extension is not enough.

K. Hart commented that her building, which has a non-conforming use, is currently empty and asked if it will be considered abandoned if it takes a long time rent out.

J. Leifert and R. Celone explained that this amendment would allow her to temporarily use the building for something else without losing the current use.

T. Durso commented that he has been trying to understand the specific purpose of this text amendment and asked what is offensive about non-conforming uses. He also commented that this will push businesses out of Town.

R. Celone gave examples of a more intense use and a less intense use to help him understand.

C. Yoos commented that you are talking about going to less intense use, but you are not being consistent with that and gave an example of a property on South Main St.

R. Sileo asked the Commission to look hard at a longer period of time for temporary uses.

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

**Agenda Item #5 – 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 and Zoning Commission

J. Leifert read for the record a memo he wrote to the Commission stating that this proposed text amendment would conform to the POCD and explained the changes he made to the amendment from last month's discussions.

Public Comment:

T. Durso asked if medical marijuana will be regulated like liquor and if it is allowed in residential areas.

J. Leifert explained that it has the same separation distances as the liquor regulations, that facilities will have to be 750' apart from one another and are only allowed in M1, and that dispensaries are allowed in GC, M1, and M2, but not in the Downtown Development District.

**A motion was made by B. Davis and seconded by R. Gundersen to close the Public Hearing. Motion unanimously passed.**

---

**Agenda Item #6 – 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 and Zoning Commission

J. Leifert read for the record a memo he wrote to the Commission stating that this proposed text amendment would conform to the POCD and explained the changes he made to the amendment from last month's discussions. Discussion ensued.

Public Comment:

Atty. Garlasco commented that it is a deprivation of the owner's property with a 50' setback.

R. Celone explained that the 50' setback is for riding rings, nursery buildings and greenhouses.

D. Del Buono asked what the existing rule for riding rings in residential areas is and commented that a 50' setback is excessive.

J. Leifert replied that riding rings are allowed by special permit in any zone with a minimum of 5 acres.

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

**REGULAR MEETING:**

**Approval of Minutes:**

**A motion was made by R. Gundersen and seconded by B. Davis to approve the March 2<sup>nd</sup> minutes as written. Motion passed 3-0-1 abstention by T. Mueller**

**Old Business:**

**Agenda Item #1 – Site plan modification application #2016-02-22-01 to modify site and parking plans for automobile sales and directional signage. 330 S. Main St.**

Agent(s): None

J. Leifert informed the Commission that he did not know why S. Logan was not present tonight and that the Commission needs to act on the application by May 6<sup>th</sup>.

**A motion was made by B. Gloade and seconded by B. Davis to continue the application to the next meeting. Motion unanimously passed.**

---

**Agenda Item #2 - Deliberation/decision on special permit application #2016-02-23-01 for a permit to serve alcoholic beverages for a restaurant use at 131 Main St.**

The Commission approved this application during the Public Hearing.

---

**Agenda Item #3 - Deliberation/decision on proposed text amendments to Article 5 to regulate rear lots and lot access**

The Commission approved this text amendment during the Public Hearing.

---

**Agenda Item #4 - Deliberation/decision on text amendments to add new Article 6.7 for outdoor lighting standards**

The Commission approved this text amendment during the Public Hearing.

---

**Agenda Item #5 - Deliberation/decision on comprehensive text amendments to Article 13 to regulate non-conforming structures, uses and lots**

The Commission continued the Public Hearing for this text amendment until next month.

---

**Agenda Item #6 - Deliberation/decision on 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**

The Commission continued the Public Hearing for this text amendment until next month.

---

**Agenda Item 7 - Deliberation/decision on proposed text amendments to: (1) amend Article 2 to add and revise agricultural definitions, (2) amend article 4.5, Schedule A, Part A to add and revise agricultural and farming related uses**

The Commission continued the Public Hearing for this text amendment until next month.

**New Business:**

**Agenda Item #1 – Recommendations to BOS for proposed bus stop location**

J. Leifert presented a letter for review that he drafted to the Board of Selectmen regarding the proposed bus stop locations that the Commission supports.

**A motion was made by R. Gundersen and seconded by B. Davis to forward the letter as is to the BOS. Motion unanimously passed.**

**Communications:**

J. Leifert presented/distributed the following to the Commission;

- 1. Planning Magazine – March 2016 Issue**
- 2. 2015 Partnership for Strong Communities Thomaston Housing Profile**
- 3. NVGOC Referral – Town of Watertown Proposed Zone Change**

**Reports of Officers, Staff, and Committee:**

**1. ZEO Enforcement Report:**

- a) **55 West Hillside Ave. – Outdoor accumulations, unregistered vehicles** – sent a letter, but no response yet.
- b) **Laurel Dr./Meadow Brook Dr. – storm water issues** – the property owners discussed the issues with Wetlands, waiting to see if they submit a wetlands application.
- c) **189 Pine Hill Road – Illegal detached apartment** – 3 letters have been sent with no response.
- d) **175 Litchfield St. – Unpermitted structure** – currently before ZBA.
- e) **19 Waterbury Rd. – Illegal apartment use** – the tenants have moved, letter was sent to owner notifying him that it can't be used as apt.
- f) **325 Cedar Mountain Rd.– Grading violation** – will contact owner for an update.
- g) **218 Lynnrich Dr. – Unpermitted home occupation, Cease and Desist** – the business moved to East Main St.
- h) **126 Cables La. – Unpermitted structure violation** – received approval from wetlands.
- i) **381 Cedar Mountain Rd. - Outdoor accumulation, unpermitted structures violation** – has a 6 month wetland permit in place.
- j) **315 Michelle La. – In-law apartment violation** – the violation will be put on the Land Records.

**Adjournment:**

**A motion was made by B. Gloade and seconded by B. Davis to adjourn at 9:30 pm. Motion unanimously passed.**

Respectfully submitted,

Pat Santa Maria,  
Recording Secretary