

Thomaston Planning and Zoning Commission
Meeting Minutes– June 1, 2016

Members Present & Seated: Ralph Celone, Tom Mueller, Bill Gloade, Bill Guerrero,
Ron Gundersen

Others Present: Jeremy Leifert, Mario Chiovetti, Nick Chiovetti, Julie Ingham & Chris Nelson of
Hillside Cemetery

The Public Hearing convened at 7:01 pm.

Agenda Item #1 – Comprehensive text amendments to Article 13 to regulate non-conforming structures, uses, and lots

Submitted by: Thomaston Planning and Zoning Commission

J. Leifert gave an overview of the changes he made to the proposed text amendment from discussions at last month's meeting and distributed a copy of Atty. Rybak's opinion regarding the proposed text amendments.

Public Comment: P. Yoos asked that it is Atty. Rybak's opinion not to allow temporary uses.

R. Celone replied yes, not issue permits for temporary uses.

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

Agenda Item #2 – 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 gave an overview of the changes he made to the proposed text amendment from discussions at last month's meeting.

Public Comment: L. Schenkel referred to an article in the newspaper and commented that she is happy the Commission is allowing pigs and bees.

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

REGULAR MEETING:

Minutes:

A motion was made by T. Mueller and seconded by B. Gloade to accept the minutes as amended to read B. Gloade in attendance once. Motion passed 4-0-1 abstention by R. Celone.

Old Business:

Agenda Item #1 – Deliberation/decision on comprehensive text amendments to Article 13 to regulate non-conforming structures, uses, and lots

The following motion was made by B. Guerrera and seconded by R. Gundersen;

Whereas the Thomaston Planning and Zoning Commission has found that it is necessary to amend its regulations to clarify the process for determining and permitting non-conforming uses, structures and lots and;

Whereas the Commission has considered proposed amendments for temporary non-conforming use permits and found that, through the opinion of the Town Attorney and the Town Planner, that the proposed amendments do not meet acceptable planning goals, standard zoning enforcement practice or the intent of state zoning law and;

Whereas the Commission has found the need to create flexibility in expansions for non-conforming businesses and structures to accommodate business growth and;

Whereas the Commission has found the need to adopt regulations outlining the zoning principle of the “doctrine of merger” for non-conforming lots and;

Whereas the Commission has held public hearings on February 3, 2016, March 2, 2016, April 6, 2016, May 4, 2016 and June 1, 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 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 13 – Non-Conformities as presented at the June 1, 2016 regular meeting of the Thomaston Planning and Zoning Commission, as summarized below:

- 1. Added language on expansion of non-conformities in 13.2 and 13.3**
- 2. Eliminated the ZBA “certification of use, change in use” process in 13.4; added new language outlining the process for review of non-conforming use changes**
- 3. Eliminated the 1-year abandonment regulation in 13.6**
- 4. Revised article 13.8 “extension and enlargement” to allow for a one-time 10% footprint expansion**
- 5. Added references to 5-year zoning permit expiration in 13.11**
- 6. Added new Article 13.12 outlining process for combining non-conforming lots**
- 7. Amended minimum lot frontage to 25 feet in article 13.13**
- 8. Combined Article 13.13 and 13.14 into Article 13.13 and renumbered remaining sections; corrected the effective date of the adoption of zoning regulations in new Article 13.13**

The motion unanimously passed.

Agenda Item #2 – 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 use

The following motion was made by B. Guerrero and seconded by R. Gundersen;

Whereas the Thomaston Planning and Zoning Commission has found that it necessary to amend its regulations on agriculture to streamline the permitting process and establish more defined and clear regulations and;

Whereas the Commission has determined that definitions related to agricultural and farming should be enhanced for regulatory guidance and;

Whereas the Commission has found that the elimination of the requirement for special permits and public hearings on many types of farming uses is both beneficial to the town and the farming community at-large and;

Whereas the Commission has found the need to add additional farming uses to the table of uses to clarify that the uses are allowed under the permissive nature of the Town’s zoning regulations and;

Whereas the Commission has recognized that certain farming uses and structures require the adoption of property line setbacks within residential zones and safety standards within all zones to protect quality of life and property values of adjacent properties and;

Whereas the Commission has held public hearings on February 3, 2016, March 2, 2016, April 6, 2016, May 4, 2016 and June 1, 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 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 governing agriculture as presented at the June 1, 2016 regular meeting of the Thomaston Planning and Zoning Commission, as summarized below:

- 1. Added definitions for Farm, Agriculture, Kennel, Large Livestock, Small Livestock, Poultry, Commercial Stable and Swine for Article 2**
- 2. Revised Article, 4.5 Schedule A for “Agricultural Buildings and Accessory Structures” use to allow by administrative zoning permit and establish setback regulations**
- 3. Revised Article, 4.5 Schedule A for “Roadside Farm Stands” use regulations by site plan approval**
- 4. Revised Article, 4.5 Schedule A for “Livestock” use regulations by site plan approval**
- 5. Revised Article, 4.5 Schedule A to repeal “mini-farms” designation**
- 6. Revised Article, 4.5 Schedule A for “Poultry and Small Farm Animals” use regulations by site plan approval**
- 7. Revised Article, 4.5 Schedule A to add new “Swine” use regulations by site plan approval**
- 8. Revised Article, 4.5 Schedule A to add new “Beekeeping” use regulations by site plan approval**

9. Revised Article, 4.5 Schedule A for “Kennels” use regulations by special permit
10. Revised Article, 4.5 Schedule A for “Commercial Stables/Riding Academies” use regulations by special permit
11. Revised Article, 4.5 Schedule A to add new “Commercial Nurseries/Greenhouses” use regulations by special permit (residential zones) or site plan approval (commercial/manufacturing zones)

The motion unanimously passed.

Agenda Item #3 – Discussion on Town Commercial Plan

J. Leifert informed the Commission that he could not speak to EDC about the Town Commercial Plan because their May meeting was cancelled, but will have an update for next month’s meeting.

New Business:

Agenda Item #1 – Site Plan Application #2016-05-26-02 for a cross-fit gym, 235 East Main St.

Agent(s): M. Chiovetti, N. Chiovetti

M. Chiovetti distributed a site plan and interior and exterior photos of the area in the building that will be leased and N. Chiovetti read a statement of use, including the hours of operation.

The Commission reviewed the site plan, the parking spaces, and the lighting.

A motion was made by B. Guerrero and seconded by B. Gloade to approve the site plan as submitted. Motion unanimously passed.

Agenda Item #2 – Referral under CGS 8-24 for property purchase of a 16.75 acre parcel for future cemetery use adjacent to Hillside Cemetery off Innes Ave.

Agent(s): J. Ingham, C. Nelson

J. Leifert explained that any property purchased by the Town has to come before this Commission to ensure it conforms to POCD and that this property will connect the cemetery to the open space property on Dug Rd.

J. Ingham presented a map of the property and explained that they will be purchasing approximately 27 acres for expansion and that they will be installing gate because of dumping and ATV use.

A motion was made by T. Mueller and seconded by B. Guerrero that this is a good fit for the Plan of Conservation and Development and is a good deal for the Town, and to encourage the Town to move forward with the purchase. Motion unanimously passed.

Communications:

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

1. **Legislative Session 2016 Planning and Zoning Updates** – this was not included in the meeting packet tonight, but will be presented to the Commission at the next meeting.
2. **Office of the State of CT Atty. General - Opinion on Zoning Jurisdiction on State Lands**
3. **RPC Referral from Town of Watertown**
4. **Referral from City of Waterbury for proposed POCD Amendments**
5. **CT Main St. Awards Gala on June 6, 2016**
6. **Planning Magazine – May 2016**

Reports of Officers, Staff, and Committee:

1. ZEO Enforcement Report:

- a) **315 Michelle La. – In-law apartment violation** – this will be put on the Land Records.
- b) **381 Cedar Mountain Rd. - Outdoor accumulation, unpermitted structures violation** – wetlands issued a permit and he has 6 months to clean up the property. R. Celone told the Commission that more items have been brought onto the property.
- c) **126 Cables La. – Unpermitted structure violation** –
- d) **218 Lynnrich Dr. – Unpermitted home occupation, Cease and Desist** – business is still being conducted at the home. Another violation notice was sent and will have an update for next month.
- e) **325 Cedar Mountain Rd.– Grading violation** – will contact the owner for an update.
- f) **19 Waterbury Rd. – Illegal apartment use** – needs to do a follow up inspection.
- g) **175 Litchfield St. – Unpermitted structure** – still waiting for their engineer to complete the drawings in order for him to be able to go before ZBA first.
- h) **189 Pine Hill Road – Illegal detached apartment** – can't find the owner of the property, will speak to the Marshall about it.
- i) **Laurel Dr./Meadow Brook Dr. – storm water issues** – with the Wetlands Commission and the owner are seeking advice from a Soil Scientist to resolve the issues.
- j) **55 West Hillside Ave. – Outdoor accumulations, unregistered vehicles** – some cleaning has occurred, will revisit and report back to the Commission.
- k) **252 Branch Rd. – Illegal home occupation, structures, grading** – expecting an application for next month's meeting.
- l) **126 Twin Oaks Dr. – Possible accessory building without permits** – haven't heard from the owners yet.
- m) **403 Fenn Rd. – Illegal Home Occupation** – owner is repairing vehicles out of his garage. Will update the Commission next month.
- n) **435 South Main St. – Auto sales activity without site plan modification and location approval** – owner is waiting for a site plan so he can go before ZBA for DMV location approval.

Adjournment:

**A motion was made by B. Guerrero and seconded by B. Gloade to adjourn at 8:05 pm.
Motion unanimously passed.**

Respectfully submitted,

Pat Santa Maria,
Recording Secretary