

Thomaston Planning and Zoning Commission
Meeting Minutes September 7, 2016

Members Present: Ralph Celone, Chairman, Jesse Judson, Bill Gloade, Bill Guerrero,
Ron Gundersen, Tom Mueller

Others Present: Jeremy Leifert, George Gelinas of Brash Restoration, Scott Logan, Ed Mone,
John Pazzano, Paul Yoos, Robbie Piazzaroli, Town Times Newspaper

The Public Hearing convened at 7:00 pm.

Agenda Item #1 – Special permit application #2016-08-03-01 for approval of proposed in-law apartment at 393 D Welton Way

Agent(s): G. Gelinas

G. Gelinas presented a floor plan of the proposed 700 square foot in-law apartment and explained that the owner's daughter and baby will live in the space, that the basement is a walk out, and that the foot print of the home will not be changed.

R. Celone verified with G. Gelina that each of the in-law requirements are being met.

T. Mueller informed G. Gelinas that if this application is approved, he will also need approval from WPCA.

Public Comment: None

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

A motion was made by B. Gloade and seconded by J. Judson to approve the application contingent on approval from WPCA. Motion unanimously passed.

Regular Meeting

Minutes:

R. Celone seated T. Mueller for B. Guerrero.

A motion was made by R. Gunderson and seconded by T. Mueller to accept the minutes from August 3, 2016 as submitted. Motion passed 4-0-1 abstention by J. Judson.

R. Celone reseated B. Guerrero.

Old Business:

Agenda Item #1 – Site Plan Modification Application #2016-06-06-01 for a modification to a previously approved auto service use to add display spaces for motor vehicle sales and directional signage at 330 South Main St.

Agent(s): S. Logan

S. Logan presented a new site plan that includes the changes discussed at last month's meeting; the locations of the directional sign, the areas where cars will be displayed, and the site lines.

Discussion ensued regarding if the directional sign can be installed since there is already a sign located on the ground as the regulations state there can only be one sign mounted on the building and one sign on the ground.

It was the consensus of the Commission that the directional sign is alright since it is directing customers and is not a business sign.

A motion was made by R. Gundersen and seconded B. Gloade to approve Application #2016-06-06-01 contingent that the proposed sign will be a maximum of 8 square feet and there is written approval for passing on the shared driveway. Motion unanimously passed.

Agenda Item #2 – Deliberation/discussion on Special Permit Application #2016-08-03-01 for approval of proposed in-law apartment at 393 D Welton Way

The Commission approved this application during the Public Hearing.

Agenda Item #3 – Discussion of previously approved P&Z fine ordinance language and status

R. Gunderson explained to E. Mone that the fine ordinance didn't pass a few years ago because people didn't understand what the Commission was trying to accomplish, that the Commission approved a fine ordinance last year that was to be presented to the Board of Selectman and wasn't, and that people are doing what they want and the Commission can only do so much.

J. Leifert explained the enforcement procedure and distributed a list of enforcement priorities along with a list of the active violations and their priority for review. Discussion ensued.

E. Mone discussed bringing violators through the process if they don't comply and that he is willing to support a larger legal budget to do so, that he is concerned with home owners who can't pay the fine, and suggested reducing the fine and capping it in order for it to be considered, noting that he understands the Commission is concerned with it being ignored if it is too low. Discussion ensued.

It was the consensus of the Commission to have J. Leifert find out from Atty. Rybak if the fine can be capped and if the Town's legal costs can be recovered before deciding if they want to proceed any further with the ordinance.

Agenda Item #4 – Continued discussion of draft fee schedule amendments

J. Leifert distributed the draft fee schedule and discussed the changes made to it.

R. Celone noted that the dollar amount for the State fee needs to be removed so the fee schedule doesn't have to be re-approved each time the State changes their fee.

A motion was made by J. Judson and seconded by R. Gunderson to set the Public Hearing for the fee amendments for October's meeting. Motion unanimously passed.

New Business:

Agenda Item #1 – Site Plan Application #2016-08-26-01 to construct a commercial building addition at 268 Watertown Rd.

J. Pazzano presented a site plan and explained that he would like to construct an addition to the back of the existing building for storage, that he already received approvals from Wetlands and ZBA, that he will not be creating any additional parking spaces and will only add a light on the building for security.

A motion was made by J. Judson and seconded by R. Gunderson to accept the site plan application to construct an addition at 268 Watertown Rd.

J. Judson retracted his motion.

A motion was made by J. Judson and seconded by R. Gunderson to approve application for 268 Watertown Rd. Motion unanimously passed.

Agenda Item #2 – Potential zone change application discussion for 212 South Main St.

P. Yoos explained that he is interested in purchasing 212 South Main St., but needs to know if the Commission would be open to changing the current zone from commercial to residential before he makes a decision. He also explained that there has always been a business on the first floor and an apartment on the second floor, which both have been vacant for a couple of years, and that it is bringing neighboring property values down in its current condition, not to mention it is located on the main corridor to Town.

J. Leifert presented a zoning map showing that this property and the two to the left of it are zoned commercial and explained if this property were changed to residential, it wouldn't be spot zoning because it would be a continuation of the residential zones behind it. Discussion ensued.

J. Leifert will get Atty. Rybak's opinion on the potential zone change and report back to the Commission next month.

Agenda Item #3 – Discussion of potential zone changes to fix errors in zoning maps approved in 2008 and 2012

- a. 595 Hill Rd. – change from RA-80A to M2 to correct 2008 map error**
- b. 80 Hill Rd. – change from RA-80A to M2 to correct 2008 map error**
- c. 244 Northfield Rd. – change portion from RA-80A to GC to match previous zone change approval**

J. Leifert presented zoning maps from 2012, 2008, 2005, and 1984 and explained that the properties on Hill Rd. have always been zoned M2 as shown on the zoning maps and that a portion of the property on Northfield Rd. was changed to CG through permitting, but were recorded on the 2008 map as residential in error and that a public hearing is required in order to correct them.

J. Leifert informed the Commission that D. Maslak would like to construct a building on one of the properties on Hill Rd., but can't until the zoning map is changed.

A motion was made B. Guerrero and seconded by J. Judson to schedule a Commission initiated public hearing next month to correct errors on the zoning map. Motion unanimously passed.

Agenda Item #4 – Minimum single family residence size discussion “tiny houses”

J. Leifert explained that someone asked to be put on the agenda to discuss tiny houses, but isn't present tonight, and distributed information on tiny house for the Commission to review. Brief discussion ensued

R. Celone commented that the pictures shown are on wheels and isn't a permanent structure.

It was the consensus of the Commission not to move forward with discussions of tiny houses.

Communications:

J. Leifert distributed and discussed the following to the Commission;

- 1. Planning Magazine – August/September 2016**
- 2. RPC Referral – Town of Watertown Zone Change**

Reports of Officers, Staff, and Committee:

1. ZEO Enforcement Report:

- a) **381 Cedar Mountain Rd.-Outdoor accumulations, unpermitted structures violation**
- b) **126 Cables La.-Unpermitted structure violation**
- c) **218 Lynnrich Dr.-Unpermitted home occupation, Cease and Desist**
- d) **325 Cedar Mountain Rd.-Grading violation**
- e) **175 Litchfield St.-Unpermitted structure**
- f) **189 Pine Hill Road-Illegal detached apartment**
- g) **Laurel Dr./Meadow Brook Dr.-storm water issues**
- h) **55 West Hillside Ave.-Outdoor accumulations, unregistered vehicles**
- i) **252 Branch Rd.-Illegal home occupation, structures, grading**
- j) **403 Fenn Rd.-Illegal Home Occupation-2nd notice sent, owner said he may stop because he may have another job and that he can't understand why he can conduct business there.**
- k) **435 South Main St.-Auto sales activity without site plan modification, location approval**

These items, except for item j, were not discussed individually, but were on the priority list J. Leifert distributed during the discussion of the fine ordinance.

R. Gunderson informed the Commission that he will be resigning after tonight's meeting.

Adjournment:

A motion was made by J. Judson and seconded by B. Gloade to adjourn at 9:22 pm. Motion unanimously passed.

Respectfully submitted,

Pat Santa Maria,
Recording Secretary