

Thomaston Planning and Zoning Commission
Revised Meeting Minutes October 5, 2016

Members Present: Ralph Celone, Chairman, Jesse Judson, Tom Mueller

Others Present: Jeremy Leifert, Bob Neth of CT Signcraft

The Public Hearing convened at 7:06 pm.

Agenda Item #1 – Proposed zone map correction for Assessor’s Map 17 Block 04 Lot 01, Hill Rd. from RA80A to M2 to correct 2008 zoning map error

Agenda Item #2 – Proposed zone map correction for Assessor’s Map 24 Block 03 Lot 03, Hill Rd. from RA80A to M2 to correct 2008 zoning map error

J. Leifert presented zoning maps from 1983, 1993, 2005, and 2008 showing the parcels as M2 and explained that after the updated 2012 zoning map was adopted, he noticed that 12 to 15 parcels were not labeled with the correct zones and that in 2008 his predecessor and the assessor at the time were working on changes to the map without going through the legal process or documenting the changes they made.

The Commission reviewed the zoning maps and Atty. Rybak’s opinion letter regarding how to proceed with correcting the parcels.

R. Celone explained tonight’s protocol for public comment to the public in attendance.

Public Comment:

Atty. Herbst distributed a letter to the Commission regarding the zone changes not being appropriate, CT General Statutes pertaining to zone changes, and the requirement of zone changes to be consistent with the POCD, and presented a petition from residents who own 20% or more of property within 500’ of the properties who oppose the change and a petition from residents who oppose the change.

M. Conner, Certified Planner, presented a letter and maps to the Commission regarding the change being inappropriate with residential and recreational uses for the surrounding properties, that a M2 use would destroy property values and change the character of the neighborhood, that it would be spot zoning, and would not be consistent with the POCD.

D. Verdosci is opposed to it and is concerned with the impact it will have on the value of his home.

M. Eberhardt is opposed to it and is concerned the wildlife in the area and the noise, traffic, and decreased property values it will cause if changed.

P. Hood submitted a letter regarding him being opposed to it, that he raises and houses livestock near the property and would have an impact on them, and that unlawful activities have already taken place on the properties that have disrupted the quality of the neighborhood.

P. Moritis is opposed to it and is concerned with the wildlife and eagles disappearing in the area if it were change.

K. Stabile submitted a letter regarding the activities that have been taking place on the properties and the noise and lighting being cause from it and that it would change the natural and residential way of life if the zones were changed.

K. Murdock is opposed to it and is concerned with the safety of the neighborhood with regards to the environmental impacts and noise pollution it will have and is concerned with the eagle and wildlife in the area if it were changed.

M. Adamson is opposed to it and is concerned with the traffic and the impact to the environment if it were changed.

M. Totten is opposed to it and is concerned with noise pollution if it were changed and commented that there isn't any proof it was a mapping error.

H. Guerrero is opposed and is concerned with the safety of the children in the area if changed.

J. Hood is opposed to it.

J. Seeley is opposed to it.

A. Ross is opposed to it because it won't bring anything positive to the neighborhood.

R. Ross opposed to it.

E. Fainer is opposed to it and commented that it sounds like spot zoning.

P. Krol is opposed to it and wants the area of the river to remain quiet.

K. Kobryn is opposed to it and wants the wildlife to continue coming onto her property.

K. Kobryn is opposed to it and commented that one of the parcels is one of the wettest properties in the spring and washes into the river, that the wetlands cuts the property in half, and that M2 would be an in-appropriate use.

K. McGee is opposed to it and wants to keep the area the way it is.

H. McGee is opposed to it and doesn't know if the Town's infrastructure could handle the change.

G. Eberhardt is opposed to it and would hate to see the area destroyed as he uses it for recreational.

S. Barto is opposed to it and spoke about a previous application for sand and gravel on the property and commented it has always been residential.

L. Perugini is opposed to it and commented there is already noise from dump trucks going up and down the road and it would continue if it were a sand and gravel site.

C. Peet is opposed because it has been residential for years and doesn't believe it was a mistake.

A. Keller is opposed and commented that if it is being used for sand and gravel, how does anyone know it isn't moving closer to her property or to the wetlands.

K. Williams asked how come he wasn't notified years ago when the trucks first started coming and going from the property.

M. Eberhardt suggested that the Commission conduct a site walk of the properties.

D. LaBonte asked where is the proof if these are errors.

J. Leifert replied that the map was just changed without an official Public Hearing being held.

R. Celone replied that we have many documents showing that the properties were previously zoned manufacturing.

L. Schenkel asked if anyone asked the owner what his plans are for the properties because he always does a great job of making sure everything is finished and looks nice.

P. Yoos commented that his records also disappeared during that time.

J. Leifert will speak to Atty. Rybak about tonight's Public Hearing and report back to the Commission next month.

A motion was made by J. Judson and seconded by T. Mueller to continue the Public Hearing to the regular November meeting. Motion unanimously passed

Agenda Item #3 - Proposed zone map correction for 11.4 acre portion of Assessor's Map 30 Block 06 Lot 01, Northfield Rd. (Rte. 254) from RA-80 to GC to M2 to correct 2008 zoning map error

J. Leifert explained that in 1980 the zone for 11 acres of the parcel was changed to GC through permitting, but was never changed on the map, and that the owner also received a variance to use it as heavy manufacturing.

The Commission reviewed the zoning map of the property.

Public Comment:

D. Labonte asked if H. Osowiecki received a variance for the property and if there was an error on the map as well.

J. Leifert explained that the property is residential, he received a zone change for a portion of the property to be GC, and received a variance to use the GC area as heavy manufacturing.

T. Durso asked how many more errors were there.

J. Leifert explained that there are several from his past predecessor, but tonight's hearings are only for the three largest properties.

J. Judson explained that the previous maps were sketched free hand and didn't show individual parcels and that they had to do the best they could to match up the zones with individual properties.

J. Leifert will speak to Atty. Rybak about tonight's Public Hearing and report back to the Commission next month.

A motion was made by J. Judson and seconded by T. Mueller to continue the Public Hearing to the regular November meeting. Motion unanimously passed

Agenda Item #4 – Proposed amendments to Thomaston Code of Ordinances Chapter 154 Land Use Application fees

J. Leifert distributed the proposed fee schedule, explained that he is trying to build in engineering fees, and explained the proposed changes.

Public Comment:

T. Durso asked if the P&Z Commission has the sole discretion on raising and lowering the fees.

J. Leifert explained that the fees schedule is an Ordinance that will need to go to a Town Meeting.

D. LaBonte commented that the schedule distributed is not very clear with the red tracking and asked J. Leifert if he receives procedures from the State as to how to publish legal notices because she sees other Towns combining notices.

J. Leifert gave her a proposed schedule without the tracking on it and replied that the State does have procedures, but he does combine notices when he can.

A motion was made by J. Judson and seconded by T. Mueller to accept the proposed Thomaston Code of Ordinances Chapter 154 Land Use Application fees. Motion unanimously passed.

Regular Meeting

Minutes:

A motion was made by T. Mueller and seconded by J. Judson to accept the minutes as amended to read (Pg. 4 Reports j, 2nd sentence) because he may have another job and can't understand why he can't conduct business there. Motion unanimously passed.

Old Business:

Agenda Item #1 – Discussion of previously approved P&Z fine ordinance language and status

The Commission tabled this discussion until next month when more members are present.

New Business:

Agenda Item #1 – Site Plan Application #2016-09-20-01 for a building mounted commercial sign for tenant space at 76 Watertown Rd.

Agent(s): B. Neth

B. Neth explained that the sign is for Charlotte Hungerford Primary Care and will be installed on the front of the building even though their entrance is at the back of the building.

J. Leifert explained that the sign will be shown on a 49 sq. ft. area and the sign is a total of 27 sq. ft.

The Commission reviewed a picture of how the sign will look on the front of the building.

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

Agenda Item #2 – Mylar re-subdivision map submission for Chairman/Secretary signature for 93 West Hill Rd. (555 Waterbury Rd.)

J. Leifert explained that K. Green's approval for his subdivision was conditioned on him submitting a mylar to the Commission to sign, but he filed the map without a signature on it.

R. Celone signed the mylar.

Communications:

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

**Agenda Item #1 –CT Siting Council Notification–Eversource Transmission Line Upgrades
Agenda Item #2 – CT Economic Resource Center Workshop December 12, 2016**

Reports of Officers, Staff, and Committee:

1. ZEO Enforcement Report:

- a) **381 Cedar Mountain Rd.-Outdoor accumulations, unpermitted structures violation - this was discussed in Executive Session.**

The following items were tabled until next month's meeting;

- 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**
- k) **435 South Main St.-Auto sales without site plan modification, location approval**

Executive Session:

Agenda Item #1 – Legal strategy discussion – 381 Cedar Mountain Rd. violations

A motion was made by T. Mueller and seconded by J. Judson to move into Executive Session at 9:24 pm with all members present and to invite J. Leifert and P. Santa Maria to join. Motion unanimously passed.

The Commission moved into Executive Session at 9:24 pm with all members present, J. Leifert, and P. Santa Maria.

A motion was made by T. Mueller and seconded by J. Judson to move out of Executive Session at 9:28 pm. Motion unanimously passed.

The Commission moved out of Executive Session at 9:28 pm with no action taken.

Adjournment:

A motion was made by J. Judson and seconded by T. Muller to adjourn at 9:29 pm.

Respectfully submitted,

Pat Santa Maria,
Recording Secretary