

Planning and Zoning Commission
March 15, 2022 – 7:30 PM
Meeting Minutes
Note: This meeting was held online

A. Call to Order

W. Parsell called the meeting to order at 7:30 pm

B. Roll Call/ Seating of Alternates

Rebeca Sinosky

John Tehan

Bob Shabot

Walter Parsell

Also Present

Mike D'Amato - Land Use Agent

Chris Roberts - Assistant Land Use Agent

C. Applications to be Received

D. Public Hearing

a. PZ-22-4: Proposed Zoning Regulation Section 12.5: (new) Strategic Development Zone (SDZ) Applicant: Planning and Zoning Commission

M. D'Amato addressed questions from the last name regarding structuring and formatting, as well as the inclusion of fire safety regulations. He explained that the new regulations will be integrated with the format of the current regs.

W. Parsell opened the public.

Kathy Demers of 48 Mason Road asked if this was a substitution for the current regulations or a pathway through the current regulations. She asked how it differed from the current DI and DC zone regulations. M. D'Amato explained that this is a new zone, which is separate and distinct, it is a floating zone that does not apply to anyone's property and there are no bounds, and a property owner has to apply to become eligible. He explained it is not a substitution for the current regulations. He explained that it was a new pathway for larger commercial development in lieu of a DC or DI zone. K. Demers pointed out that in the regulations it says that an applicant can take a traditional or proactive application path, and asked if the traditional path was just for the SDZ zone or if it was referring to a traditional path for the DC zone. M. D'Amato said it would be the traditional process for the SDZ zone. K. Demers referred to page section E landscaping and open space and asked if there was a current open space requirement for open space in the DC zone. M. D'Amato said it doesn't require fifteen percent.

Ralph Tulis of 47 Village Hill Road asked if the SDZ in a way was an overlay of the DI and DC zones and posed a hypothetical situation. He said if someone had a 100 acre parcel and

wanted to create a major industrial park what the steps would be to apply SDZ to this or if it works in conjunction with DI. He asked if the two work together or if they are completely independent and what it winds up as in the end. M. D'Amato said that the underlying zone and parcel size determines if a parcel is eligible. Therefore in this hypothetical it would be eligible if it was in the DI zone but also because of the size. The process to obtain approval depends on the pathway the applicant pursues, but the criteria for the DI zone don't apply because in both pathways the first step is a zone change, this is a separate zone and is treated as a zone change. R. Tulis asked what the zone would be at the end of the process a DI zone or an SDZ zone. M. D'Amato answered saying it would be an SDZ zone. He added that the special development district is different from other zones because it does not follow the underlying zone, and that the concept plan approved essentially becomes a set of regulations on that property. R. Tulis asked if this would permit the development of the 100 acres in his hypothetical. M. D'Amato said it would be allowed underneath the existing site plan, then they would come back to modify the master plan, essentially modifying the criteria for that particular property. R. Tulis clarified that it would be modifying the parcel under its own unique SDZ zone. R. Tulis added that he wants to understand this clearly because often with regulations, flaws are not seen until it is applied to a real application. M. D'Amato said that the key was that these zones are completely at the PZCs discretion.

W. Parsell asked how many towns have similar regulations. M. D'Amato said he wasn't sure of an exact number but it was a common way to handle large scale development and maybe fifty percent of CT had similar regulations.

W. Parsell motioned to close the public hearing. B. Shabot seconded. **All in Favor. Motion Passed.**

b. PZ-22-5: Amend Special Permit: Addition to existing bottling structure 136 Pinney Hill Rd
Owner: Patricia Cassells ET AL Applicant: Sean Cassells

Sean Cassells of 136 Pinney Hill explained that he was looking to construct an addition to his water bottling facility with a loading dock and added that he had provided plans for the commission to see.

M. D'Amato shared the plans and explained that this was a previously approved project from 2016, and that the wetlands approval was still active but the PZC approval was not.

S. Cassells explained that in 2016 they had decided it was not the right time to move forward with the addition so they waited until now.

M. D'Amato shared the architectures and S. Cassells explained the plans to the commission.

Walter Parsell asked the public for comments or questions.

R. Tulis shared his support for the local business.

M. D'Amato added that all certified mailing were provided and that this was an addition for storage and would not change the use, and would allow for the removal of the trailers on the property currently being used for storage. S. Cassels agreed.

W. Parsell Motioned to close the public hearing. R. Sinosky seconded. **All in Favor. Motion Passed.**

c. PZ-22-7: Zone Change: R80 to DC (Designed Commercial) 25 Mihaliak Road Owner: CLB Willington LLC Applicant: William Clark

Chris Barr from 25 Mihaliak presented the background and plans for his application. He explained that he wanted to change to a DC zone to facilitate any future additions.

W. Parsell asked what the current use was. C. Barr answered that it is currently an auto repair facility that has been there for four years. W. Parsell clarified that this was just a zone change and that not changes to the property would be made at this time. C. Barr agreed.

W. Parsell asked M. D'Amato if the surrounding parcels were all DC. M. D'Amato said yes and explained that this was his suggestion. He added that the applicant inquired about expansion but the property as it stands is non conforming and that this would be a more appropriate way to handle the potential additions rather than having the applicant apply for a variance for every change to the property. J. Tehan asked if there was an impact to the wetlands. M. D'Amato answered that the applicant would need wetlands approval if he went forward with additions but right now this was just a zone change application. B. Shabot asked what amount of expansion would be allowed based on the parcel size. M. D'Amato said that the main thing the applicant picks up the ability to do is have a use that's conforming. He added that he wasn't sure how much space he would pick up in terms of coverage.

W. Parsell asked the public for comments or questions.

R. Tulis questioned how this would be allowed with the current regulation that the DC zone minimum lot size being 80,000 square feet as this parcel did not meet that requirement. He said that it would be contrary to the regulations. He added that he thought they would have a simpler time obtaining a variance, and explained the history of that property. He said that he didn't understand how the commission could go against their own regulations. He added that the property to the rear is zoned R-80. He said if both properties were changed to a DC zone he would be more comfortable with the commission changing this. He again pointed out that they would be going against the regulations. M. D'Amato disagreed that ZBA would be easier based on case law surrounding obtaining a variance and demonstrating hardship. He noted that he didn't have the specific regulation in front of him and that he would look into it. He added that that the commission was not being asked to willfully go against their own regulations.

W. Parsell motioned to continue the public hearing to the next meeting. B. Shabot seconded. **All in Favor. Motion Passed.**

E. New Business

a. PZ-22-1 Special Permit Renewal Section 15 Excavation, Sand & Gravel at 0 River Rd
Owner/Applicant: Phillip DeSiato

P. Desiato gave an overview of the property and that the use and activity on the property had not changed and that they would like to continue what they've been doing for over 60 years.

W. Parsell asked if there was anything different going on. P. Desiato indicated there was not.

J. Tehan motioned to approve the application. R. Sinosky seconded. **All in Favor. Motion Passed.**

b. PZ-22-6 Special Permit Renewal Section 15 Excavation, Sand and Gravel at 66 Navratil Rd
Owner: Wayne C Williams Applicant: Lynn Godin

Wayne Williams gave an overview of activity on the property and explained there were no changes since the last approval.

W. Parsell asked if the property was active. W. Williams answered that it was not active at the moment that there were still stockpiles but no removal of material was taking place currently. B. Shabot asked if there was a reclamation plan. W. Williams indicated that a reclamation plan had been previously approved.

W. Parsell motioned to approve the application. Motion by J.Tehan **All in Favor. Motion Passed.**

F. Unfinished Business

G. Approval of Minutes

a. March 1, 2022

J. Tehan pointed out that the incorrect minutes were uploaded.

W. Parsell said they would push it to the next meeting when the correct minutes were uploaded.

H. Correspondence

M. D'Amato explained that there was an annual renewal for the CFPZA and that staff would renew the membership unless the commission was not interested in doing so.

I. Public Comment:

The Commission will hear brief comments at this time from anyone wishing to speak. No business can be conducted here nor can any comments be made about any items on the agenda

R. Tulis noted that March 21st marked the six month mark of the establishment of a 6 month moratorium on cannabis establishments, and asked if the commission planned on continuing the moratorium or if they had made progress with regulations.

J. Staff Report/Discussion.

a. Upcoming Special Meeting April 5 at 7pm

M. D'Amato reminded the commission of the special meeting April 5th at 7pm.

M. D'Amato responded to comments by R. Tulis, asking if the commission wanted to see some draft regulations that he had or if they wanted to extend the moratorium. J. Tehan wanted to see the regulations. B. Shabot asked what kind of timeframe M. D'Amato would need to draft regulations. M. D'Amato stated that he had a framework established and could present them to the commission. W. Parsell asked what the commission's options were. M. D'Amato stated they could extend the moratorium, begin the process of drafting regulations, or start the process of including cannabis as a prohibited use. W. Parsell stated it would be good to get public input. The commission agreed. B. Shabot said they should move forward with drafting regulations then ask for public input. W. Parsell added that they should explore potential revenues for the town. The commission agreed that they should start to look at regulations and gather public input. M. D'Amato noted that there is a cap for retailers and micro cultivators until the end of 2024 so the most they could have until then is one of each.

W. Parsell asked if there were changes with meeting in person. M. D'Amato stated that the current law expires in April and they would know more at that time about how things would proceed.

K. Adjournment

W. Parsell adjourned the meeting at 8:20 pm.