

**Beacon Falls Planning & Zoning Commission  
10 Maple Avenue  
Beacon Falls, CT 06403**



**BEACON FALLS PLANNING & ZONING COMMISSION  
Monthly Meeting  
September 17, 2020  
MEETING MINUTES  
(Subject to Revision)**

**1. Call to Order / Pledge of Allegiance**

Chair McDuffie called the meeting to order at 7:31 P.M.

**Members Present:** Kevin McDuffie (KM), William Giglio (WG), Lisa Daigle (LD), Tom Bunosso (TB), Jack Burns (JB), Michael Rupsis (MR), Donald Molleur (DM), Patricia Hinman (PH), Robert Starkey (RS)

**Members Absent:**

**Others Present:** Selectman Michael Krenesky (MK), Keith Rosenfeld (KR), Mike Mormile (ZEO), Vincent Marino, Esq., Town Attorney (VM), 1 member of the public

*KM stated that for the record, at last months meeting he stated he was unable to reach the town attorney. KM confirmed that the town attorney did call him back and it was a miscommunication.*

**2. Read & Approval Minutes from Previous Meetings**

**Motion made to approve the Regular meeting minutes from August 20, 2020 and the Special meeting minutes from September 3, 2020 as presented. DM/MR, all ayes.**

**3. Comments from the Public**

None

**4. Reports**

- a. **Zoning Enforcement Officer** – ZEO noted that there were 4 severe ongoing blight conditions on Beacon Valley Road. The 4 properties that had blight conditions have been remedied.

**PH made motion to accept report, seconded by LD, all ayes**

- b. **Town Engineer** – no report this month. LD inquired if anyone got in touch with Chatfield Farms regarding the bond issue on Skokorat. KR noted that he will discuss that under Chatfield Farms update.

- c. **Town Planner** – KR noted that he set up monthly meetings with the Town Engineer beginning on 9/25/2020 to discuss hot issues and to start moving the department in a forward motion. Starting next month, we will have monthly reports based on those meetings.

**TB made motion to accept report, seconded by RS, all ayes**

**5. Comprehensive Plan of Conservation & Development** – KR noted as the fall progresses and we get into 2021 we will be starting this. My suggestion is to form a subcommittee at that point of members of the commission and start working on sections.

**6. Old Business**

- a. Chatfield Farms – KR – I have been in conversation with Matt Gilchrist and Skokorat was given a baseline inspection by Millone and MacBroom. There is a report from just recently as

well and we are hoping to get the reports within the next few weeks. WG – any idea what their observations are? KR – no, I do not. I would suggest that the Commission, after reading the reports, if they seem bias in anyway that we have Nafis & Young complete an inspection as well.

- b. Pond Spring Village – no new updates. KR stated he has not been up there. DM – confirmed that there has not been any activity.
  - c. Tiverton – KR noted there has been discussion regarding the cistern. There is a requirement for a cistern if the water company can not provide enough pressure to sustain up there. KM – did they do a flow test? KR – not yet. KM – its not so much the pressure, but the volume. KR – we should be thankful there has not been much rain. When we do get substantial rain, then we will figure out if everything is working correctly. KM – I know there were some drainage issues up there recently. KR – they had to reenforce some of the midlevel detention pond. KM – is there a hold up, up there? ZEO – there is only one permit out for the house across the street. DM – has the mylar been filed? MR – I thought we were waiting on a revised set of plans before anything goes forward. He should be notified that we are waiting on approved plans. DM – as of a month or so ago the mylar was not filed. KR – this is something we will discuss with the Engineer. WG – has Charlie been notified that he must produce the documents? KR – I believe Paul, the town engineer has received copies of that revised plan, but I have not received it. That is another reason why we are setting up these monthly meetings. MR – so no permits will be issued until we have updated plans? KM – correct. LD – should we let Jim Baldwin know that? ZEO – he is aware. KR – Jim mentioned to me that the material used for fill may not be proper for a foundation, so there will be several things that need to be done before a building permit will be issued. KM – so our town engineer will have a list of things to be completed before a permit can be issued.
  - d. Transition Zone – KR – I made a copy of the zone in question. My question to the Commission is what do you feel is the intent of the transition zone? Is it allowed to maintain that residential nature or is it to allow industrial uses to be mixed in or is it a zone that will allow low impact industrial uses in that neighborhood? KM – you have industrial facing one side and the zone would be from Breault Road to Dr. Dey's office on the southern side of the road. KR – south of each of the lots that front the street, you would not want any lots below that, correct? KM – no. WG – I think that the intent would be to have commercial but buffer it accordingly. DM – my suggestion would be to have the transition zone from Breault Rd. to Rimmon Hill Road. From the schoolhouse to Dr. Dey's that could be used as a professional/residential area and leave the industrial/commercial to the eastern side of the road. That would make the transition much smoother. PH – did we ever have a hearing for this? KM – no, but this is our application so we can continue it for however long. Commission members reviewed map of transition zone with Town Planner.
  - e. 57 Lancaster Drive – KM – Public Hearing next Thursday.
  - f. Board Commission Member Training – KM – training details will be sent out via email to Commission members. BS & DM noted they have still not received certificates for training they previously completed. KM – noted he will follow up with training vendor.
7. **New Business** – LD – any update on with Hockanum Glen? KR – noted that ZEO sent out a letter to homeowner at #29 regarding species plantings. Hopefully, they will start doing the work soon. ZEO – as of last week they have not started. KR – fall is a good time to plant. DM – in their defense it is dry so I would not want to do plantings until there is some moisture in the ground. KR – but the evidence still shows even with a drought summer, there is no evidence of erosion or sediment leaving that lot.
8. **New Applications** – KM – we have a couple applications from Hopp Brook Development. ZEO – it is an application for zone change and application for special permit. VM – stated that many times they are submitted together to provide illustration for what the zone change will do. VM – if the application for zone change is denied then the application filed simultaneously would fail also. KM – these do not have application numbers yet and we will need to put that on them. ZEO – it was approved by IWWC in Jan/Feb but that was not included on the application. KM – he is looking to change the R1 zone. By our regulations, we have planned open space development district and

this application for zone change is a technicality to utilize that space. ZEO – we have done text changes over the years and they have not been incorporated in the regulation language. LD – there is a distinction between PARD and PORD and Chatfield and Pond Spring is a PARD. KM – those were done wrong and we have stopped doing them. PARD which is like the Mill or Bronson, you are reusing a district. Chatfield and Pond Spring should not have been PARD. TB – PARDD that is what it is next to Chatfield. In the area of Hopp Brook it shows up as a PARDD. KM – yes, and fits in the regulations of the open space district. ZEO – suggested for the benefit of the Board, every member should have a copy of the plans. KM – we will need at least 10 copies. DM – can we set up a workshop to review the plans with the town engineer and town planner? VM – a couple things to consider – fairness between the applicant and the public. This may be a matter of public interest, and if your going to allow the applicant to present in public will you be allowing the public to attend? If the public is limited to the attendance by computer, then you should have your applicant present via zoom presentation. We are in a unique time and many zoning commissions are doing things remotely through Zoom. WG – to your point, I think that this Commission and this town, given the importance of this, needs to find a way for the public to participate. Whether we go to the Fire House, High School etc. VM – you do have an Executive Order that you can take advantage of. You have 65 days to schedule a public hearing. The Executive Orders extends deadlines by 90 days and then you have extensions you are allowed under the Statute. Given the pandemic, you might consider adjourning the commencement of a public hearing as far out as possible, to allow the possibility of a lessening of the pandemic because you do not know how many people will come out. You will have to satisfy social distancing guidelines. KM – Public must weigh in on this. MR – DM wants us to review plans. VM – you can talk about plans during the deliberation process. The way it works is that you receive the application, review it independently, formulate your own questions. During the public hearing you can ask your questions. Once that record is closed you go into your deliberative process. WG – we should all have our own set of plans. KM – write your questions down and they can be asked during the public hearing. VM – under Executive Order you have an additional 90 days, after the 65 (standard) and then the applicant can afford us an additional 65 days if needed. KM – this is not a rush. VM – there may be more time sensitivity to the text amendment. I think that may have been filed in June. Application should be carried on the agenda and you can set your hearing on the text amendment once we determine when it was received and if it was filed in the appropriate office. KM – due to the virus everything was closed. ZEO – I think he filed it in the Town Clerk's office. WG – so if I understood it, if it was filed in June, we are about 120 days in. ZEO – the text amendment was approved by this board a few years ago. LD – the text amendment is creating language for our ordinance? WG – its for our regulations. KR – are you talking about the creation of the floating zone and what is before us today is the application of that floating zone on a specific property? ZEO – that is correct. KM – the text amendment was approved on October 26, 2017. KM – the second application is the site plan. VM – so on April 6, 2020, this was signed by Attorney Bellis, delivered to the Town Clerk, the application for zone change. So, if we use April 6, 2020, we would have had to have a Public Hearing in September. There is no automatic approval. We can reach out to Attorney Bellis and talk about scheduling a hearing on the site plan application. DM – the next step is to approve or disapprove the application correct? VM – correct, but you can request an extension up to 65 days. KR – we should try to schedule the hearing for both applications on the same day. VM – wasn't this property part of a prior development? So, this proposal is in phase 2 and phase 2 has never been developed and now this is a new developer who is seeking to build a similar proposal as what was phase 2 except the distinction is that the access to what would become this new proposal is different from the prior proposal and there is no right to access it through Phase1 and it would be accessed through a very long roadway with limited entry and exit. KM – it looks like it would go in through Oakwood Drive and exit out in Bethany on Miller Road. VM – so you will have to consider, for your emergency management access, are they going to be able to access it? Are they going to be able to go to Bethany and come in? PH – his this appropriate to be asking these things prior to a hearing? VM – I wanted to make sure my understanding of the project was correct. You are correct, but we are not going into the material substance of the application on the public or the developer side. KM – so first

thing we need to do is make sure the application that came in back in April was filed correct and see where that is. LD – so when something like that gets filed with the Town Clerk, do they elevate it to us? What is the process? KM – honestly, those that come in, Mary Ellen always handled them. Whether she filed them, etc., if the Town Clerk sends it to us once stamped, we take it, the board does it. VM – is it normally filed in the Zoning office or the Clerk's office? ZEO – I would call Mary Ellen and let her know an application came in. VM – so this happened in reverse because Town Hall was closed. There is not an automatic approval. The Commission ultimately got a copy of it, so I do not think there is an argument regarding irregularity with respect of submitting it. The only question is scheduling it for a date and what I can do is talk to Attorney Bellis and see how much of an extension he would afford the Commission. The Commission needs to be aware that you would only have left of what is left on the 65 days if your first 65 and the second 90 under the executive order has expired. Once that 65 days has expired, you must act unless I can ask Attorney Bellis to withdraw and refile it. That would start your time over again and it would run concurrent with the other application. KM – please do that. VM – I will inquire. KM – Mary Ellen would always file these and provide an application number from her book, since we do not have that information from Mary Ellen, how do we receive them tonight? VM – there is no statutory regulations that you must deem them received. They are received either the date of your next meeting, the date following the filing of the application or 30 days, so it is automatic. Once you receive it and then call your meeting to order, by law the application was received. ZEO – I signed that it was received, KM should sign for approved. VM – was it in legal form? Does the application have every element required by your regulations to make it complete? The legal acceptance of it is saying I have this application and it is in legal order. So, I am assuming we are accepting it as complete and are scheduling it for a hearing. Has that review been done? KM – no. VM – someone should be reviewing the application to ensure it is in good form with regulation requirements. WG – you must fill out the application, submit a check and then the ZEO must review and accept it. ZEO – I do not review the application, I send it to this board and the Engineer and Attorney worked in conjunction with the Board to review it. Board had discussion regarding process of applications being received. KM – we can receive these two applications for review. VM – so you have 65 days to review for completeness. ZEO – you should include the Town Planner. The First Selectman was very clear that he wanted him to coordinate everything with land use. KR – I will review this next week for completeness. LD – what is the process and procedure? I feel it would be good to have this written down. VM – what I often recommend is a checklist for the application based on your regulations. KM – moving forward on this, we will receive the applications subject to review by Town Planner.

**Motion to accept the application for Zone Change subject to the Town Planners review for completeness, DM/JB, all ayes.**

**Motion to accept the application for Special Exception subject to the Town Planners review KM/MR, all ayes**

9. **Petitions from Commissioners** – RS – what is going on with the blight, old house, and barn on Burton Road. KM – isn't that the Smith house? Didn't someone buy that? LD – there has been no land transfer yet.
10. **Correspondence & Payment of Bills** – KM read correspondence reply from the Board of Selectmen regarding the decision to not approve the return of laptop and printer to former clerk. The town equipment has been repurposed and back in service for town employee use.
11. **Executive Session (if needed)** – none
12. **Adjournment**

Motion made by LD to adjourn at 8:48PM, DM seconded, all ayes.

Respectfully submitted,

Kerry McAndrew  
Clerk, Planning & Zoning