

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



**BEACON FALLS PLANNING & ZONING COMMISSION
Monthly Meeting
November 19, 2020
MEETING MINUTES
(Subject to Revision)**

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

Attorney Vincent Marino called the meeting to order at 7:33 P.M.

Members Present: Michael Rupsis (MR), Donald Molleur (DM), Patricia Hinman (PH), Harold Roscoe (HR), Michael Pratt (MP)

Members Absent: William Giglio (WG) Tom Bunosso (TB), Jack Burns (JB), Robert Starkey (RS)

Others Present: First Selectman Gerard Smith (GS), Selectman Michael Krenesky (MK), Keith Rosenfeld (KR), Mike Mormile (ZEO), Attorney Vincent Marino (VM), Engineer Paul DeStefano (PD), Fire Marshall Brian DeGeorge (BD) ~68 members of the public (number varied throughout the call).

VM: This meeting is being held in accordance with protocols and in accordance with the executive order, want to remind all members that when a vote is called, when you are going to cast your vote you have to go one person at a time, and state your name in advance of your vote.

First order of business is to nominate a temporary chair to run the meeting. Once we appoint a temporary chair, we can appoint a permanent chair.

Motion made to nominate Michael Pratt as temporary Chair – MR/DM

DM – aye, MR – aye, MP – abstain, HR – aye, PH – abstain

MP led meeting as temporary chair at 7:38 pm.

2. Election of Officers

Motion made to nominate Donald Molleur as permanent Chair – MR/HR

DM – aye, MR – aye, MP – aye, HR – aye, PH – abstain

DM led meeting as permanent chair at 7:42 pm

DM: Thank you very much for trusting me with this chairmanship, and with your help I feel that we can move this commission in a positive direction to serve the best interests of Beacon Falls and its residents.

GS: Point of Order –We have to continue with the nominations for Vice Chair and Secretary.

Motion made to nominate Michael Rupsis as Vice Chair – DM/MP

DM – aye, MR – aye, MP – aye, HR – aye, PH – abstain

Motion made to nominate Michael Pratt as Secretary – MR/HR

DM – aye, MR – aye, MP – aye, HR – aye, PH – abstain

3. Read & Approval Minutes from Previous Meetings

Motion made to approve and accept the Regular monthly meeting minutes from October 15, 2020 as presented - MR/MP

DM – aye, MR – aye, MP – aye, HR – aye, PH – did not vote

Motion made to approve and accept the Special meeting minutes from September 24, 2020 as presented – MR/MP, DM – aye, MR – aye, MP – abstain, HR – aye, PH – did not vote

4. Comments from the Public

DM: We received numerous comments for Hopp Brook. I would ask everyone to read them, make notes and comments and keep those in consideration, and we will set the agenda for a special meeting later in this meeting. But I would suggest that any comments be reserved and entertain them at the special meeting.

5. Reports

- a. Zoning Enforcement Officer – ZEO:** The report speaks for itself. If anybody has any questions, let me know.

HR: This report lists all the zoning permits for this month correct? ZEO: Yes, that is correct

MR made motion to accept ZEO November 2020 report, seconded by MP

- i. MR-aye, HR- aye, MP- aye, DM-aye, PH – abstain

- b. Town Engineer – PD:** No written report. I am involved in some town, paving right now going on Hillside drive, that is going to be wrapping up shortly here before the winter sets in. Other than that, we are planning for next year's paving program. Currently we are also progressing on the design for beacon Valley Road, which is scheduled to go to construction in April of next year. As the acting Town Engineer, I'm also trying to stay involved with the Tiverton subdivision. Nothing has progressed on that as of recently. The road is staked out, but nothing else has transpired there. I have offered my expertise and am trying to help the contractor to move along.

DM made motion to accept Town Engineer's verbal report, seconded by MR, all ayes

- c. Town Planner – KR:** I do not have a report at this meeting tonight. I have been out of the country for a little while. And quarantined for a bit so I need to get my feet back on the ground again. And I will have a report at the next meeting. If there are any questions concerning any of the old business. I'm certainly here to at least answer what I can, as well as write down some questions and have those answers at the next meeting as well.

6. Comprehensive Plan of Conservation & Development

DM: I would like to entertain a motion to take the Plan of Conservation and Development and remove it from the agenda. It is going to be a year before we get started with an update. And as far as I'm concerned, there is no reason for it to stay on our agenda. I will make a personal note, to put it back on the agenda. Probably the spring of, 2000, or late probably in the fall of 2021. So, we can prepare ourselves and get ready to handle that.

VM: Point of Order – as Chair you can set the agenda. If there's no action to be taken, you as Chair can just remove it from the agenda.

DM: I want to make sure everybody knows what is going on. I feel its above board and if someone asks why it is no longer on our agenda, we have an answer. We are going to be open this time.

DM made motion to strike Comprehensive Plan of Conservation & Development from the Agenda, seconded by MR - MR-aye, HR- aye, MP- aye, DM-aye, PH – nay

7. Old Business

- a. *Chatfield Farms* – DM: I'd like to make a motion to send a letter to Ron Nault, who is the engineer working with the Town and have him submit a letter explaining what has been done to date on that project and where it stands, and his opinion on Skokorat Road. There is still a bond on that project.

MR made motion to draft letter to Ronald Nault regarding work on Skokorat Road, seconded by HR - MR-aye, HR- aye, MP- aye, DM-aye, PH – abstain

DM: I just want to make a comment. Anytime we are making requests to contractors, engineers, or anybody outside the commission- it should be done in writing, so we have documentation of it. This shows that this commission is working, above board. A lot of times we do things verbally, and some things get misconstrued and fall through the cracks. This way here everybody from this point going forward knows what is going on. And that is just my way of doing things.

KR: I volunteer to draft and submit that to you for your final review.

- b. *Pond Spring Village* – no new updates.
c. *Tiverton* – no new updates.
d. *Transition Zone* – KR – Report submitted at the last meeting. I have not heard back from any of the Commissioners, we will take that up at the next meeting.

DM: I made a couple of notes and sometime between now and then we will sit down and discuss it and see which way we want to go and then we can have a clean document in front of the commission.

- e. *57 Lancaster Drive* – KR – We received queries from the engineer who did the previous amendment to the zoning regulations. I think that they will be coming in with a site plan within the near future.

MR: Mr. Nemeth was working on the site plan and finalizing that with his engineering firm at this time. We should see that shortly.

- f. *Hopp Brook* – DM: Our files are empty. I want to start a new numbering system for all new applications. Mike (ZEO) you get applications first. I would like you to assign numbers using this system. The numbers for the two Hopp Brook applications are:

PZC – 091420-1-ZC – for the zone change; and **PZC-091420-2-SE** for the special exception. Please keep a log of all applications on a computer.

DM: This will mark the difference in our files going forward from the old Commission to the new Commission.

MR made motion to set Public Hearing for application PZC – 091420-1- ZC (Hopp Brook, Zone Change) for February 11, 2021 at 7:00 pm, and to set Public Hearing for application PZC – 091420-2 SE (Hopp Brook, Special Exception) for February 11, 2021 at 7:15 pm, seconded by HR, all ayes.

VM: The Town Planner and I are working on logistics of a hybrid meeting where the Commission, applicant and the public could be either in person or remote, depending upon the individual's comfort level. We do not have to finalize that until we get closer to the meeting date, which would be towards the end of January.

HR: Is there a reason that February 11 is our date rather than a January date?

DM: Due to the magnitude of this project we want to make sure that we have everything ready to go to satisfy the needs of the public, as well as satisfying the needs of the applicant. So, we are using all the time that we need.

VM: I will inquire with the applicant's attorney to obtain a digital copy of the plans.

DM: I do not know if there were any supporting data submitted with the plans?

VM: That's part of the review process of completeness.

- g.** *Board Commission Member Training* – MR: I took the training Module through UConn Land Use Academy. DM: I never received my certificate from the April class. VM: I can offer a seminar at no additional charge to the municipality for commission members. I go over conduct during a public hearing- the difference between deliberations and asking questions, what is appropriate, the Freedom of Information Act. I am happy to share the materials so people can read them over the holidays, and if you want, we can schedule a training.

8. New Business

- a.** *Permitted Use/Residential District* – VM: Not an application; an interpretation of your own regulations. A request was submitted to locate a chapter of a church in the business district in accordance with 31.1.1 of the Beacon Falls zoning regulations. 31.1.1 provides that in the business district permitted uses include any use permitted in a residential district. Permitted uses in a residential district are codified in Section 21 of Article II of the Beacon Falls Zoning Regulations. A church is not listed as a permitted use in a residential district. It is permitted only by way of a special exception. Any use listed in Section 21.1 is a permitted use in a residential district and would qualify as an allowed use under Section 31.1.1. It is unclear, however, whether the Planning and Zoning Commission intended to extend the meaning of the word "permitted" quote to include those uses permitted by special exception, which are listed in Section 21.2. It was my opinion that this question should be presented to this body, where your interpretation as it is improper for me as your counsel to do anything other than give my advice. But I will caution you, if you so decide, a special exception in a residential district will become permitted in the business district of eradicating the special exception process, meaning that you will have no discretion but to approve special exceptions in a business district.

DM: Received a copy of the town wide requirement 62.3.3, which states - an auditorium, that says, churches, places of worship theaters, assembly halls or stadiums need one parking spot for each five seats, located on the lot, not more than 300 feet in a direct line from the building. If the building is in a residence district, such parking spaces shall be located on the same lot with the building.

ZEO: That site plan was approved in 2009 for retail use. And there was parking permitted for retail use. Because it's a place of worship, there's a different criterion for parking spaces.

MR: With the requirements for the parking with the restaurant & subway I think it's going to be just too congested, and it's going to be a logistical nightmare.

DM: If we go ahead and make a special exemption. We are setting the precedent down the road and our hands are going to be tied in any other application that comes along in a business district.

MR made motion that Section 31.1.1 of the Beacon Falls Zoning Regulations only includes those uses defined in section 21.1 as "permitted" uses and was not intended to include "special exception" uses in a residential district listed in section 21.2.5 of the Beacon Falls Zoning Regulations, seconded by HR, all ayes.

- b. *Fire Cisterns/Oakwood Drive* – GS: If I can just jump in here for a little because it came to my office first. We are looking primarily to find out where the cisterns are and whose responsibility it is to maintain them. They came to me and I sent them to the Zoning Department. The maintenance would be from Rob from public works. The agreement that was put together is probably on the mylar and attached to the land records for the maintenance agreement. DM: I can talk to Brian and see what else he needs.

BD: my question is whether they are on people's property and if there are easements, I just want to make sure of the proper procedure and just don't want to show up on somebody's front lawn with machinery.

DM: I would suggest we notify the property owners and let them know what work must be done.

MR: After Brian reviews the maps, the Fire Marshall's office can send a letter letting the property owners know you are doing maintenance and access through those points.

MP: I was involved with the fire department when those were installed. I will talk to Brian tomorrow myself. All the documentation was in the files. There was a certain period that the developer was responsible for those tanks. It took a while before those were approved.

DM: I think, a letter to the property owners would be very respectable. I do not know if this is the Board's decision to, to act on this.

MR: I think we need to look into dates first. It would be good if we can get the developer to take care of it as required. But if not, I really do not think that we have to interject in this.

DR made motion to table the discussion around Oakwood Drive's Fire Cisterns and put on the agenda for next month, seconded by MR, all ayes.

9. **New Applications** – DM – none

10. **Petitions from Commissioners** – GS: I think your meeting tonight was very well attended. You had up to 68 people on the call tonight because everybody is very much involved in the Hopp Brook development. I think it would be prudent to make it abundantly clear that at this meeting all the correspondence were held, and that you're going to be making every possible attempt to allow the public to share their verbal comments at that public hearing. I think that needs to be conveyed because I think it was missed, because I think there's going to be a lot of people that leave this meeting thinking they weren't heard tonight, nothing happened tonight and they're not going to be heard in the future. That's it's being put off so you can gather information, and we're going to put together the best possible meeting, whether it's a hybrid, or whatever, so that people can actually speak, and the correspondence that you receive tonight will be made part of this record, as well as the record of the public hearing.

DM: probably was remiss in that but I want to let everybody know that our commissioners had to review and comment on their submissions from the public, and that this will all be discussed at the public hearing. So yes, once we have a decision as to which type of meeting, we are going to host. We will continue to discuss this again in our December meeting.

VM: I appreciate any frustration that might be felt as the public process for applications is not something that's customary, but it is very procedural and it needs to be in order to protect the record and to preserve and protect everyone's rights. I think this Commission, as well as I as a Town Attorney am most concerned about making sure that all rights are protected. We are here, sitting as a body politic to ensure that the public's rights are preserved and in order to ensure that, we have to make sure that the public is heard at the appropriate time. The public will be afforded the opportunity to speak, and anyone that is not available on that date, and it's likely to be successive dates thereafter, but anyone who is not available to participate that day may participate by writing, sending an email to the Chair or to the Secretary or the clerk of the body, or by sending correspondence by way of U.S. mail to the commission at Town Hall.

MR: We received correspondence about Hopp Brook Estates. I have seen a lot of public comments on social media. We're here to do best interest for the Town of Beacon Falls. And when we have our public hearing, the public will be heard.

PH: I have a petition I would like to speak for a minute. The last meeting that I attended was in March, because of COVID, but I've been signing on to the meetings. I've been a Board Member for nine years over three different administrations, and over a period of the last 12 years. And what my comment is I believe that it's a travesty the way the Board of Selectmen fired Mary Ellen, based on unsubstantiated accusations. The Board did not allow Mary Ellen the opportunity to produce copies of documents stamped by the Town Clerk. Perhaps the Town Clerk should review their filing system. The Board of Selectmen acted as judge, jury and executioner in determining the fate of this knowledgeable competent dedicated clerk of more than 20 years. It is at a great loss to the town of Beacon Falls, all because of political differences and childish vendettas. Effective immediately, I find that I have to resign the two-year remaining on my term for the as a Commissioner. So, thank you for indulging me, and good luck.

DM: I am sad that you have reached that decision, but it is a decision that each and every one of us has to make. I would accept that application and a copy of that should be sent to the Town Hall. I wish you the best in the future.

VM: Point of Order – Just to ensure process is followed. A resignation is not effective until the Town Clerk receives an original signed copy.

11. Correspondence & Payment of Bills

MR made motion to approve and pay all invoices presented, seconded by MP, all ayes.

12. Executive Session (if needed) – none

13. Adjournment

Motion made by MR to adjourn at 9:03PM, MP seconded, all ayes.

Respectfully submitted,

Lisa Daigle
Clerk, Planning & Zoning