

**TOWN OF COLUMBIA**  
**PLANNING AND ZONING COMMISSION**  
Adella G. Urban Administrative Offices Conference Room  
323 Route 87, Columbia, CT  
Monday, June 11, 2018 7:00 pm  
**Regular Meeting Minutes**

**Members Present:** Chairman Rick Nassiff, Vice Chair Vera Englert, Don Schofield, Thomas Currier, Richard Napolitano, Robert Powell, E.J. Starkel

**Members Excused:** Walt Tabor (Alternate), Larry Preston (Alternate)

**Staff Present:** Town Planner Paula Stahl, Board Clerk Terri Lasota

**Others Present:** Henry Beck, Mary Roickle, Phyllis Dunn, Karl Then

1. **CALL TO ORDER:** R. Nassiff called the meeting to order at 7:00pm
2. **ROLL CALL AND SEATING OF ALTERNATES:** None
3. **ADDITIONS/CHANGES TO AGENDA:** None
4. **APPROVAL OF PZC REGULAR MEETING MINUTES OF May 29, 2018:**  
R. Nassiff **MOVED** to **APPROVE** the May 29<sup>th</sup> 2018 meeting minutes; EJ Starkel **SECONDED**.  
**MOTION CARRIED 4:0:3;** R. Powell, D. Schofield, and T. Currier **ABSTAINED**.
5. **AUDIENCE OF CITIZENS:** None
6. **OPEN PUBLIC HEARING:** R. Nassiff opened the public hearing at 7:02pm
  - 6.1 **PZC-1718-06:** Proposed Regulation Amendments: Section 10 Nonconformity

R. Nassiff asked P. Stahl to present the proposed zoning regulation revisions regarding Section 10 – Nonconformity. P. Stahl noted for the record that the appropriate notification procedures per State Statutes were met. She reviewed what was considered a non-conformity, said when writing regulations, it is important to make sure they are clear and understandable to the lay person, where as previously they were written in legal terms and subject to an attorney’s interpretation. She noted that the new format looks at applicability, undeveloped lots, uses, then nonconforming lots with structures. P. Stahl continued to explain that the proposed documents were shared with attorney Rich Roberts of Halloran and Sage, the town’s attorneys, and referenced the letter read by Henry Beck at the previous PZC meeting noting the suggested wording changes for the proposed regulations; she also explained the color coding systems on the proposed draft regulations used.

P. Stahl reviewed the changes of Attorney Roberts, and Attorney Beck’s recommendations.

R. Powell asked about the wording of vacant lots. P. Stahl explained that per State Statutes if a property had a structure on it, even if the structure is no longer standing, it is no longer considered a vacant lot.

R. Nassiff said the primary goal of the revisions for projects on nonconforming lots was to try to make it easier for property owners to use their land. In the proposal, the only places that have changed in a less permissive manner was at the request by Zoning Board of Appeals to create more spacing between houses or for house lots not to take up as much frontage as possible. He added that as R. Powell suggested it might be good to allow residents the option for using the new permit process or using the current method and expense, of going before the ZBA.

M. Roickle of 34 Erdoni Road, representing the Columbia Lake Association, said the majority of the members are vested in the revisions, and approximately 1/3 of the properties are affected by these changes. She thanked the Commission for their hard work and progress. She also said the changes were ease of reading and clarity. Two CLA concerns: 1) 10.4.2 matrix – lots between 12,500 and 25,000 be changed to have the same minimum front and rear setbacks as lots less than 12,500 sq. ft. with the primary determinant of placements of wells and septic systems per the CT Public Health Codes. 2) Applying for permit using the proposed matrix, applicants should get written approval

from adjoining neighbors. She said that if the change goes through, neighborhood notification disappears, and asked that the proposed revisions not be approved as presented until both revisions offered can be further discussed at future PZC meetings.

Phyllis Dunn of 14 Nuefer Drive was concerned with how this is going to affect other neighbors and what they can do on their properties. She added that if the proposed regulations won't be able to allow people to improve their properties, they would end up building a box rather than an attractive home.

Karl Then of 14 upper Woodland Terrace commented that the lake area has turned into a year-round community, and due to other resident's special permits and variances on surrounding nonconforming lots there are many things he couldn't do due to what neighbors had already done. He also talked about about placement issues of new or moved wells and septic systems and added that he would like to have known (through the years) about changes to neighbors' properties that ended up affecting him and the changes he wanted to make to his own property.

R. Powell, P. Stahl, and R. Nassiff discussed the current notification process, which for Special Permits and Variances is to property owners within 500 feet.

H. Beck of 41 Sleepy Hollow read a letter into record that he had written to the PZC Commission regarding the wording of the proposed changes to zoning regulations Section 10 which he also reviewed with P. Stahl. He added that he was in support of actions taken to preserve the lake and is also on the Lake Management Advisory Committee. H. Beck said the proposed matrix increasing the side yard setbacks, and the front and rear yard setback requirements for lots between 12,501 and 25,000 sq. ft. will impede revenue for the town, and result in building on the smaller lots with less curb appeal and not fitting with the character of the town. This would have adverse consequences for the values of neighboring properties. H. Beck requested that the matrix setbacks for side yard, front and rear yards of lots 12,501 to 25,000 sq. ft. be changed to match those of lots of 12,500 sq. ft. or less, to make use of the matrix process available to such lots. He also noted that the health codes have also changed over the years and need to be taken into consideration in this process.

H. Beck also commented on the Lake Association's suggestion of consent of abutting neighbors be added to the special permit process in sub section 10.4.2.a addresses the recognition of the current Special Permit process involves a hearing for which adjoining properties are given notice and an opportunity to be heard. It is submitted that just the potential for the involvement of the neighborhood in this process can favorably influence the content of the special permit application, and that the actual involvement of neighborhood in that process has influenced the outcome of hearings. Losing this objective value risks the approval of building that are not in character with the neighborhood or the best interest of the town. The lack of notice of what a neighbor is about to do could have an effect on another neighbor's future needs especially where wells and septic systems are concerned.

H. Beck commented for the record that P. Stahl was an asset and the town of Columbia was lucky to have her. He continued on to compare the current and proposed setback requirements in the new matrix.

R. Nassiff commented that if you are within the matrix you are conforming. H. Beck disagreed and explained. R. Powell noted that the wording and matrix is ambiguous. P. Stahl assisted in clarifying the actual intent where Section 10.4.1.a noted "restrictions elsewhere in the regulations".

Nassiff asked for thoughts from the Commission members.

P. Stahl commented that regarding neighbor approval, she was not aware of any State Statues that would allow that. She added that neighbors don't have a legal standing. P. Stahl also noted that currently per State Statute if no actions are taken on an application within 30 days it is automatically approved.

T. Currier said his concern is more long term and for people who have owned their property for long time and at some point, will want to do something to property or want to sell it in the future.

D. Schofield said he was concerned with consent of abutting landowners; who could object to subdivisions, and other applications. He suggested that perhaps H. Beck was referring to a neighbor association with its own rules.

EJ Starkel said there should be advanced planning on the septic systems and no wells to start with, then where ever the house is to be set is where the setback goes.

V. Englert said her concern was how an approval from a neighbor would work or be enforced, or how they would have that much control over you. People can make their opinion public during a hearing, otherwise one could find themselves in a position of dislike resulting from previous squabbles.

R. Powell said he agreed that wells and septic systems determine where things can be built and agreed that the first category in the matrix should be the same as the second. He also questioned the lawfulness of a private citizen approving an application and commented that the public elected the commission to make those types of judgements on behalf of the community.

M. Roickle, T. Currier, and several of the commission members discussed public notification and where the notifications are sent, verifying they are sent to the tax bill mailing address on file in the assessor's office.

R. Napolitano said people in close proximity have the right to be heard and might see a future hardship that others are not seeing. Requiring specific things on the permit or putting stipulations on properties is an option but requiring the approval of neighbors is not a viable option.

P. Stahl noted that on many occasions, residents come into the building department and ask why they were not notified of a project, but then acknowledge that they do remember receiving the mail but did not read it.

R. Nassiff thanked public for bringing forth issues and points that commission hadn't thought of. He commented that the goal is to try to simplify the process and make it less expensive for property owners. The board members continued their discussion.

At 8:39pm R. Nassiff **MOVED** to **CONTINUE** the public hearing on June 25<sup>th</sup>, 2018;  
V. Englert **SECONDED. MOTION CARRIED 7:0:0**

**7. UNFINISHED BUSINESS (Discussion/Possible Action):**

**7.1. PZC-1718-06:** Proposed Regulation Amendments: Section 10 Nonconformity - No Discussion

**8. NEW BUSINESS:** None

**9. REGULATION REVISIONS**

**9.1.** Update on Commercial Manufacturing Regulations Revisions

P. Stahl said the subcommittee has a draft ready for review.

**10. COMMUNICATIONS AND REPORTS:**

P. Stahl noted that there will be a subdivision modification submitted on the June 25<sup>th</sup> meeting.

**11. COMMISSION OPEN DISCUSSION:**

R. Nassiff and P. Stahl commended the Commission on the job they do.

**12. AUDIENCE OF CITIZENS:** None

**13. ADJOURNMENT:**

R. Nassiff **MOVED** to **ADJOURN**; EJ Starkel **SECONDED. MOTION CARRIED 7:0:0**  
The meeting was adjourned at 8:44pm

Respectfully submitted by Terri Lasota, Board Clerk

Please see the minutes of subsequent meetings for approval of these minutes and any corrections hereto.