

**TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, June 22, 7:00 p.m.

**Regular Meeting Minutes
Virtual Meeting via Zoom**

Members Present: Chairman Rick Nassiff, Richard Napolitano, Thomas Currier, Alex Bothell, Robert Powell, Larry Preston (Alternate),

Members Excused: Vice-Chair Vera Englert, E.J. Starkel

Staff Present: Town Planner Paula Stahl, Board Clerk Flo Polek

Others Present: Melissa Martineau, Brenda and Frank Tomlins

1. CALL TO ORDER: R. Nassiff called the meeting to order at 7:00 p.m.

2. ROLL CALL AND SEATING OF ALTERNATES: L. Preston was seated for V. Englert.

3. ADDITIONS/CHANGES TO AGENDA:

R. Nassiff asked P. Stahl if there was a change to the agenda. P. Stahl suggested moving Item 7.1 after Item 6.1 and thinks a representative from Fairview Farms will join in the meeting at some point.

R. Nassiff **MOVED** to **MOVE** Item 7.1 after Item 6.1; A. Bothell **SECONDED; MOTIONED CARRIED 5:0:0**

4. APPROVAL OF PZC REGULAR MEETING MINUTES of April 27, 2020

R. Nassiff **MOVED** to **APPROVE** the 04/27/2020 meeting minutes as presented; A. Bothell **SECONDED; MOTIONED CARRIED 5:0:0**

5. AUDIENCE OF CITIZENS: None

OPEN PUBLIC HEARING- R. Nassiff opened the Public Hearing at 7:03 p.m.

PZC 1920-08 - Application for Michelle Martineau for a home occupation for equine and canine therapeutic activities at 113 Pine Street, Assessor's Map 33, Lot 3B

P. Stahl stated for the record that this hearing was scheduled for March 23, 2020 but was canceled due to COVID and subsequently re-scheduled for tonight. The Governor's Executive Orders allow towns to post a public hearing notice on the website at the same time requirements for a printed a legal notice, post a sign by the driveway, which is voluntary, and by a mailing to the abutters. The applicant already completed the mailing to the abutters and already posted a sign on the property. P. Stahl felt the Town would do the additional mailing to the abutters and post another sign. She mailed a packet that included a notice where the additional information was, how to link to the meeting, a copy of the application, site plan, and statement of use. P. Stahl did not hear from any abutters.

R. Powell joined the meeting at 7:05 p. m.

M. Martineau spoke about her application stating that she is certified in equine-assisted therapy, and a dog trainer, therapy team trainer, and AKC/CGC evaluator. (AKC-American Kennel Club, CGC- Canine Good Citizen). Her non-profit organization wants to provide therapeutic animal-assisted therapies. Training is offered for therapy teams that would go out and do visits, training dogs for emotional support partners for people who have a diagnosis and a prescription for that. She stated that most recently she is working with legislatures to create a category for mental health service dogs for veterans.

R. Nassiff asked M. Martineau if she would like to add anything else to the application. M. Martineau replied, "I don't think so".

P. Stahl asked M. Martineau if she would talk about her revised statement of use.

M. Martineau stated that she originally had a larger proposed usage and there was some resistance to that number of visits at our home location. Since she found commercial locations if the need arises to have more visits. She can limit visits at her home property to no more than five per week. P. Stahl asked if that was for the equine visits. M. Martineau said it would be equine or canine, either or, for five per week. R. Nassiff asked M. Martineau if there would be any activity outdoors. M. Martineau stated that there is a possibility of using some outdoor space as well. R. Nassiff asked for more detail of the type of activity and went on to explain his reason for his question. R. Nassiff stated that a dog grooming business was granted a permit for a home occupation from the Commission. The business put up fencing and started boarding dogs outside. The noise level became very intolerable to the neighborhood. M. Martineau assured the Commission that she would not be boarding or leaving dogs outside for any extended period. R. Nassiff asked if the dogs would be on a leash. M. Martineau stated they would be on a leash or a long line, fifty-foot line. R. Nassiff stated that the Commission supports her concept and would like to accommodate her needs.

P. Stahl stated that during one of her meetings with M. Martineau, M. Martineau stated she would be putting up screening for a buffer to the neighbors. M. Martineau has spoken to a landscaper and to the neighbors, Frank and Brenda Tomlins, and determined that would not be necessary under the revised statement of use. As far as M. Martineau knows, the Tomlins and she agree with the reduced number of visits. T. Currier interjected noting the letters from the Tomlins and Longo. P. Stahl stated that the letters were received before M. Martineau revised her statement of use. T. Currier asked if the issues were resolved. P. Stahl said that she did not hear from the Longo's recently, and stated that the Longo's were concerned with the dogs barking and howling and if a kennel, the Longo's would be opposed to the application. P. Stahl said she heard from the Tomlins.

T. Currier was concerned with the proposed activity. P. Stahl referenced the site map where the Longo's, Tomlins, and M. Martineau's property are located. M. Martineau stated that the Longo's are behind her property off to the side. T. Currier questioned where the proposed activity is located. M. Martineau said that the proposed area is in the back of her home where the accessory building would stand. T. Currier said he would be ok with the activity since the Longo's and Tomlins are quite a distance away from M. Martineau. M. Martineau stated that the Tomlins is near her house. P. Stahl shared a satellite screen of the property area. T. Currier thought that both parties were quite a distance from M. Martineau. R. Nassiff questioned if the accessory building is part of this discussion. P. Stahl said that it is part of the application. The proposed building is a couple of hundred feet from the Longo's. The proposed building is 60' by 80'. P. Stahl said it would be a type of hoop house.

T. Currier asked if there would be additional animals or horses or if an individual would bring horses to her home. M. Martineau said that there will not be more horses and there would be no reason for an individual to bring their horse to her home. R. Nassiff questioned the number of dogs that would be trained. M. Martineau stated that she would do one-on-one training with one dog at a time. M. Martineau re-assured the Commission members that dogs would not be left outside unattended.

R. Nassiff asked if the neighbors sent a formal retraction of the original letters. P. Stahl said that there were no other letters on record. M. Martineau stated that B. Tomlins sent an email. P. Stahl acknowledged that B. Tomlins sent an email stating she was ok with the application. The Longo's said they were ok as long as they were not living near a kennel. B. Powell asked if there are sketches of the building as required by the Commission as well as asking if we knew what the size of the building is. P. Stahl said yes, but the height of the building is unknown. She stated that the ZEO will have to sign off on that and it cannot be more than 35' in a residential zone.

P. Stahl indicated that B. Tomlins is on-line. B. Tomlins spoke with M. Martineau on the matter. M. Martineau assured B. Tomlins that there would be no more traffic than normal along the property line. B. Tomlins stated she has no objections to the application.

R. Nassiff circled back to R. Powell's question. R. Powell would like to know what the building looks like and its height. R. Nassiff indicated that R. Powell would like to know more about this building since there was little detail on the building in the site plan. R. Powell stated that the building is on the setback line and the Commission should know what it looks like. R. Nassiff questioned whether a building this size has ever been placed on the setback line. A. Bothwell assumes that the building does not have a foundation. M. Martineau said it does not. A. Bothwell asked if it is a dirt floor. M. Martineau said yes. T. Currier asked M. Martineau had any idea of the height of the building. P. Stahl said M. Martineau showed her an image of the building and it looks like it is 25'. M. Martineau went on to say the building is not necessary since she has other locations she will use to conduct her business.

As a matter of protocol, R. Nassiff asked if the Commission member were ok going to public comment at this point. He also asked the public to state their name and address. B. and F. Tomlins at 111 Pine Street, concerns were the amount of traffic up and down the property line; M. Martineau revised her statement of use and the Tomlins were ok with that. B. Tomlins asked if the building would now be a commercial building. R. Nassiff asked M. Martineau to respond. She responded that she is ok with removing the building from the application since she has found other commercial areas to conduct her business. B. Tomlins indicated she is ok with that.

T. Currier raised a concern about the traffic. He does not believe the traffic will not be the same and in the future, if approved, this could become a commercial building. R. Nassiff stated the area is residential, and the Commission supports home business in a residential area but does not want the neighbors to pay a cost visually. He is concerned about the size of the structure. R. Nassiff asked if there are proper procedures to withdraw the building from the application. He and the Commission supports the application and the cause, feel comfortable with the lower level of usage, and hopes to continue to the next meeting with a suggestion motion that is well crafted and understand precisely what we are looking at. P. Stahl indicated she sent the motion to R. Nassiff but could not send it to all members. R. Nassiff would like to have all the Commission members see the motion before any action taken. L. Preston said that he thought the neighbor said that the additional screening would not be necessary with the five visits per week.

P. Stahl thinks it would be good to check back with B. Tomlins regarding the traffic of one car or more per day. The question posed to B. Tomlins whether she feels if the screening is needed, or not needed. F. Tomlins did not want the area to look commercial and indicated that M. Martineau would put up the additional screening. For the record, F. Tomlins would like the additional screening on the property. As a follow-up, P. Stahl asked B. Tomlins if she was ok with the application as long as there was no additional traffic, with up to five visits a week, which could be 10 car trips in and out, or five visits one day, and zero the next day. B. Tomlins responded that she was ok with the traffic.

T. Currier asked if the Commission needs something in writing from the town owner stating that up to five visits during seven days regardless of the number on one given day, so down the road there are no questions. P. Stahl said she has a statement from B. Tomlins, based on the revised statement of use, she says that she is ok with it. T. Currier said that several changes have been made tonight. R. Nassiff does not want to take action on this tonight unless all members have seen the motion with the specifics. He went on to say that he wants the applicant to get to the finish line but wants to protect the neighbors and noted that the approval goes with the land, not the person and the scope of the proposal is long term and suited for the property. T. Currier would like to see a statement from tonight's meeting, June 22, 2020, from the town owner with the information. F. Tomlins concerns are if the approval goes with the land and the next person may not be able to work with me, can the approval go with the person, not the land? R. Nassiff explained that the Commission grants permission based on the land, not the person, and the approval should include verbiage for a future landowner. R. Powell said that the applicant and neighbors should be specific about what is needed for the buffer, the number of trees whether it is five or ten, and not an abstract statement, that protects each property owner. P. Stahl said that the location of the buffer should be on the site plan. R. Nassiff said that the Commission does not want to place a financial burden on the applicant but you could say you propose "10 white pine trees and their size at a specific location" so if in the future if the some of the trees die the next owner would need to replace them. M. Martineau asked if she needs to put the proposal in the site plan or if the Tomlins would. R. Nassiff said that M. Martineau would offer a resolution with approval by both parties and agreed upon in writing that will minimize her neighbors' concerns. P. Stahl said that she should meet with the neighbors and point to the places where the screening should be, mark it on the site plan, and submit the plan back to the Town. R. Nassiff stated when you meet with your neighbors you want to be sure to document so it protects both parties and is not a problem in the future. F. Tomlins asked how strict is the Commission is enforcing the businesses in a residential area. R. Nassiff stated that this s a public hearing specifically regarding this application and F. Tomlins should address his questions in the public comment section. R. Nassiff proposes to continue the hearing to the next scheduled PZC meeting. He asked M. Martineau to provide a note to the town planner stating you are removing the accessory building, ascertain the input from the Tomlins before the next meeting working out a specific plan for the properties.

G. Harrigan of 95 Pine Street also attended the virtual meeting and did not comment.

R. Nassiff **MOVED to CONTINUE** the Public Hearing to the next PZC meeting; A. Bothell **SECONDED; MOTIONED CARRIED 6:0:0**

6.1 PZC 1920-08 – Application for Michelle Martineau for a home occupation for equine and canine therapeutic activities at 113 Pine Street, Assessor's Map 33, Lot 3B - **No action is taken.**

7. NEW BUSINESS (Discussion/Possible Action):

7.1 Fairview Farms South – Request to post a bond for cistern installation

P. Stahl received an estimate of \$83 thousand for the cistern installation. Anchor Engineering completed the estimate and they could not find a contractor to do anything other than a concrete cistern that requires a crane to lift the cistern increasing the expenses. R. Nassiff asked if there was a cistern installed at Wells Wood Road. P. Stahl replied yes. R. Nassiff asked what the size of the cistern is at Wells Wood. P. Stahl said it was 15,000 and checked with the developer of Wells Wood who said it cost about \$45,000. P. Stahl received the estimate for the cistern installation at Fairview Farms and shared with the surveyor, Rob Hellstrom, and developer, Joe Petrosky, and heard nothing back. R. Nassiff questioned why the cost was so high. P. Stahl thought the developer could find a contractor who may do a fiberglass cistern, reducing costs for installation. R. Nassiff questioned if this was a part of the plan for the subdivision. P. Stahl said it was and referred to her memorandum. The condition of approval was that the cistern was to be installed before lots sold. When the first lot was sold this past February, she contacted the developer and told him that he needed to install the cistern, so future sales would not be held up. Subsequently, another lot was sold, so she contacted the developer and told him that building permits cannot be issued on non-conforming lots. R. Nassiff questioned if the developer and owner of the lots are violating state statutes, possibly a criminal violation and certainly, a civil issue, P. Stahl said it would fall onto the developer. R. Nassiff asked if the developer come forward with their estimate. P. Stahl stated that the developer did not provide their estimate. R. Nassiff would have like to have received a proposal from the developer and suggested that the ZEO serve notice to the developer, who does not have the right to sell these lots, and they are probably in violation of state statutes. R. Powell stated that the Commission could not take any action if there is any sense of improprieties regarding the lots. R. Nassiff suggested that the developer needs to provide their documentation, and he would like to see quotes provided by them so they could take action on the bond. P. Stahl asked if the Commission would approve a performance bond with an amount to be determined at a future meeting. L. Preston asked if the bond was approved, could the developer sell the lots without the cistern in place. P. Stahl stated that they could and the Town could issue building permits but not until the bond is in place. R. Nassiff said that someone could pull a permit, build a house, have the house, then the house burns down and the cistern is not installed yet because a bond is in place. P. Stahl said there is a time limit in the bond, and replied yes to R. Nassiff's statement. R. Powell did not think a building permit could be issued without the cistern installed. R. Nassiff said under any circumstances for the two lots sold, or any future lots, the cistern must be installed and verified before any building begins. R. Napolitano stated the cistern is the fire safety and the developer could not go any farther with the building until it is done. R. Powell said that P. Stahl should check with the building official because he thinks it is in the building code that you have to have a source of fire suppression before the certificate of occupancy is granted. P. Stahl did not think so and will check with the building department. P. Stahl will ask the developer for a solution and a building permit will not be issued until the cistern is in place. R. Powell said that the Commission does not issue building permits and it is not their purview. R. Nassiff indicated that the developer should forward his solution to the matter. P. Stahl will contact the developer and ask him to attend the next meeting. R. Nassiff would like a clear message sent to the developer stating that the Commission does not feel it is their job to resolve the issue of non-compliance and it is up to them to propose a solution. R. Powell asked if the subdivision was approved. R. Nassiff said yes it was approved. The approval of the subdivision included the cistern. He asked if the developer provided any research on the cost of the cistern. He also stated that the Commission is willing to accept performance bonds. P. Stahl said they did not provide any information on the cost of the cistern. She will ask the

developer. R. Nassiff appreciates the work that P. Stahl completed and feels that the research is done. R. Powell asked who required the cistern. P. Stahl responded that the subdivision regulations require a cistern in place. **The Commission took no action.**

OPEN PUBLIC HEARING - R. Nassiff opened the Public Hearing at 8:21 p.m.

PZC 1920-07 – PZC Proposed Zoning Regulation Revisions to Sections 8.5, 61 and 65

P. Stahl stated that the home occupation regulation was ready to go to the public hearing on March 23, 2020, but would like to revise them and skip to the next section, 61 and 65 as they are ready to be approved.

R. Nassiff **MOVED to CONTINUE** the Public Hearing to the next regular PZC meeting; A. Bothell **SECONDED; MOTIONED CARRIED 6:0:0**

6.2 UNFINISHED BUSINESS (Discussion/Possible Action)

PZC 1920-07 – PZC Proposed Zoning Regulation Revisions to Sections 8.5, 61 and 65 - **No action was taken by the Commission.**

8. REGULATION REVISIONS:

P. Stahl received an email from Steve Blanchard. R. Nassiff asked the members if he should recuse himself because he does business with the Blanchard's, he represents them in selling new homes. The email has to do with modifying the regulation for the height of a home on a slope. P. Stahl shared the email with the Commission explaining S. Blanchard would like the regulation modified. She told Mr. Blanchard that the Town needs to follow State Statutes and the Commission does not have the authority to make a minor change without following the statutes. R. Nassiff would like the members to consider the request and talk to him one on one if they feel that he should recuse.

9. COMMUNICATIONS AND REPORTS: None

10. COMMISSION OPEN DISCUSSION: None

11. AUDIENCE OF CITIZENS: None

12. ADJOURNMENT:

R. Nassiff **MOVED to ADJOURN**; R. Napolitano **SECONDED; MOTION CARRIED 6:0:0.**
The meeting was **ADJOURNED** at **8:31 p.m.**

Respectfully submitted by Flo Polek, Board Clerk

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