

**TOWN OF COLUMBIA
PLANNING AND ZONING COMMISSION**

Adella G. Urban Administrative Offices Conference Room
323 Route 87, Columbia, CT
Monday, June 24, 2019 7:00 pm
Regular Meeting Minutes

Members Present: Chairman Rick Nassiff, Vice Chair Vera Englert, Don Schofield, Thomas Currier, Richard Napolitano, E.J. Starkel, Larry Preston (Alternate)

Members Excused: Robert Powell, Walt Tabor (Alternate)

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

Others Present: Gilbert Mahlon, Keith Herzig, Paul Kubala, and 4 others

1. **CALL TO ORDER:** R. Nassiff called the meeting to order at 7:00 pm.
2. **ROLL CALL AND SEATING OF ALTERNATES:** L. Preston was seated for R. Powell
3. **ADDITIONS/CHANGES TO AGENDA:**
P. Stahl requested add agenda item 10.1 - ZEO Report;
R. Nassiff **MOVED** to **ADD** agenda item 10.1 ZEO Report; EJ Starkel **SECONDED**; **MOTION CARRIED 7:0:0**
4. **APPROVAL OF PZC REGULAR MEETING MINUTES of June 10, 2019:**
EJ Starkel **MOVED** to **APPROVE** the meeting minutes of 06/10/2019;
V. Englert **SECONDED**; **MOTION CARRIED 6:0:1**; R. Nassiff **ABSTAINED**.
5. **AUDIENCE OF CITIZENS:** None
6. **OPEN PUBLIC HEARING:** R. Nassiff **OPENED** the public hearing at 7:02 pm.
 - 6.1. **PZC 1819-06** Public Hearing for Application of Paul Pradetto of Grace Brook Farm LLC for Commercial Horse Operation with Riding Arena, at 266 Route 87, Columbia, CT Assessor's Map #17, Lot #66:

R. Nassiff read the application into record; P. Stahl stated all legal notices were properly published, as well as mailings and notifications properly sent. She explained the application noting Mr. Pradetto applied for a sign permit which triggered these events.

P. Pradetto summarized his application by stating he has no intentions of changing anything on the property, and just wanted to make his commercial horse operation legal by obtaining the required special permit per the regulations. R. Nassiff said typically for a special permit application the applicant would explain how it complies with the provisions for a special permit, i.e. keeping in character with the neighborhood and not effecting the neighborhood property values. He felt it was important to get on record the legal reasons why an approval for this application would be considered. P. Stahl said the application points out how it meets the requirements of regulations Sections 52.7.16 & 52.7.17 and read the regulations section.

R. Nassiff was concerned with vehicles parked along road; P. Pradetto said there is plenty of parking on the grounds and no need for any vehicles to be parked in the street.

Keith Herzig of 255 Route 87 felt this is part of the harmony of Route 87.

Gilbert Mahlon of 264 Route 87 said he welcomes the new property owners who are consistent in keeping up the beautification of the property and wishes them well.

Paul Kubala of 37 Lake Road questioned why Mr. Pradetto needed to go through this public hearing process since the previous owners ran the same type of horse operation; R. Nassiff explained that the Commission wants to help Mr. Pradetto meet the regulation requirements, adding there is no grandfathering of illegal uses, only of structures. He also said approvals were not given to a landowner they go with the land and are there forever, so it is important to be careful and make sure the use is what you want it to be. R. Nassiff also noted if someone were to challenge an approval it is important to be able to defend it, which is why an approval or denial must be done according to the law.

V. Englert said it was her understanding that the previous owners had all of their paperwork marked as “for personal use only”, and when it turned into a commercial use they did not obtain the proper permits at that time. R. Nassiff and Paul Kubala discussed the reasons for proceeding in a legal manner.

V. Englert noted that under events Mr. Pradetto specified no more than 10-15 trucks/trailers per day, and asked P. Pradetto where these vehicles would be parked; P. Pradetto explained the areas for parking on the site plan.

R. Nassiff **Moved** to **Close** the public hearing; EJ Starkel **Seconded**;
Motion Carried 7:0:0. The public hearing was **Closed** at 7:24pm.

7. UNFINISHED BUSINESS (Discussion/Possible Action)

- 7.1. PZC 1819-06** Application of Paul Pradetto of Grace Brook Farm LLC for Commercial Horse Operation with Riding Arena, at 266 Route 87, Columbia, CT Assessor’s Map #17, Lot #66:

EJ Starkel **Moved** to **Approve** the application of Paul Pradetto of Grace Brook Farm LLC for Commercial Horse Operation with Riding Arena, at 266 Route 87, Columbia, CT Assessor’s Map #17, Lot #66 per the application submitted and statements made by the applicant at the public hearing; R. Napolitano **Seconded**;

R. Nassiff said for record this application meets the criteria for a special permit and it is in character with the neighborhood and an asset to the neighborhood, adding he didn’t feel it would have a negative effect on neighboring property values, and was not an overly intense use of the property. Mr. Nassiff also added this is part of the Town’s character and said he appreciated it being there.

Motion Carried 7:0:0

8. NEW BUSINESS (Discussion/Possible Action)

- 8.1. 8-24 Review and Subdivision Modification** for Sale of Town Property at end of Tunxis Drive

R. Nassiff **Recused** himself from this agenda item.

P. Stahl said the Board of Selectmen have signed a purchase and sale agreement to sell a 50’ x 205’± piece of land at the end of Tunxis Drive with the abutting property owners, Alison and Glen Nicholes. This strip of land was intended to be used as a road connection if this property were developed. This is a similar situation as the sale of the road stub at the end of Roberts Drive to Nancy Tabor in 2015. P. Stahl said she met with Mr. Nichols Sr. and Jr., and Chris Ramm regarding the driveway location on the subdivision plans. P. Stahl noted the price was \$6,000.00 and the appraisal previously was the same amount; The Nichols’ and the Selectmen both felt the price was fair. A Town meeting vote

will be on July 16, 2019 and a courtesy notice will be sent to all residents of Tunxis Drive and Wickford Road.

P. Stahl explained that Connecticut State Statute 8-24 requires that a Town's Planning Commission review various town improvements, including the sale of property, and provide a report to the Board of Selectmen. The Statutes do not define what the 'report' should entail, but towns generally interpret that it as an opportunity to review the request for consistency with the POCD or any future development. This road stub was created during the subdivision process specifically to be a road connection when the parcel to the north were developed. The stipulations of the sale protect that connection, and therefore the sale is consistent with the Columbia POCD.

V. Englert **MOVED** that the proposed sale of property at the northern terminus of Tunxis Drive is consistent with the Columbia Plan of Conservation and Development. D. Schofield **SECONDED**;
MOTION CARRIED 6:0:0

P. Stahl said that in the 10/29/02 subdivision approval of Tunxis Woods, this piece of land was required by the town as a future connection to the property to the north, now owned by Alison and Glen Nicholes. One of the stipulations of this sale is that the property be combined with the Nicholes parcel and be maintained in such a condition that it shall be available to provide vehicular and utility access in connection with any future subdivision of the abutting Nicholes property, Parcel #17-63.

There is one undeveloped lot in the original subdivision, a 29-acre parcel that is the last lot on the east (right) of Tunxis Drive. It is currently owned by David Ramm, the majority of the lot is wetlands, with a proposed house near the road with the driveway off the cul-de-sac. One of the restrictions/easements of the sales agreement is that the owner of the Parcel #17-43J (the undeveloped lot currently owned by David Ramm) be allowed to connect a driveway to the cul-de-sac. P. Stahl also noted the only reason why the Town would want to hold on to this property is for future road connection, and the purchase and sale agreement guarantees this connection would always be there; she added this is consistent with Columbia's POCD allowing for orderly development.

R. Napolitano asked if there was anyone opposing this; P. Stahl indicated there was not at this time and everyone else in this area already has a driveway.

V. Englert **MOVED** to modify the October 29, 2002 subdivision approval of Tunxis Woods to allow the approximately 50' by 205' piece of property shown on the plan at the northern terminus of Tunxis Drive to be combined with Parcel #17-63, to continue the availability as a potential road access, and to provide driveway access for Parcel #17-43J; T. Currier **SECONDED**; **MOTION CARRIED 6:0:0**

R. Nassiff rejoined the meeting.

9. REGULATION REVISIONS

9.1. Revised Draft Commercial Zoning Regulations:

P. Stahl reviewed the changes made to the draft based on Commission discussed. In response to the request to review small lots in the CM-1 and CM-2 to see if there are setback hinderances to properties abutting the RA district. Members felt the proposed setbacks were appropriate.

P. Stahl and the Commission members discussed the CM-2 district, adult uses, and distances from schools or educational facilities.

R. Nassiff, P. Stahl, and the Commission members discussed setting a public hearing and preparation time needed for doing so. Commission members agreed on a public hearing date of August 26, 2019.

R. Nassiff **MOVED** to set the public hearing date for the Revised Commercial Zoning Regulations on Monday August 26, 2019; V. Englert **SECONDED; MOTION CARRIED 5:0:2**; R. Napolitano and EJ Starkel **OPPOSED** as they felt the hearing should not be held in the summer months.

10. COMMUNICATIONS AND REPORTS:

10.1 ZEO Report:

R. Nassiff reviewed the report and discussed several of the listed items. He and the Commission members were pleased with the report.

11. COMMISSION OPEN DISCUSSION: None

12. AUDIENCE OF CITIZENS:

Paul Kabala talked about Mr. Pradetto's public hearing and thought it would be appropriate to waive the fees; R. Nassiff agreed with Mr. Kabala but explained due to the considerable expense of a public hearing and the State statutes that must be followed, waiving the fee turns into an expense for the Town.

Mr. Kabala and the Commission members discussed conforming uses and grandfathering uses, the Town budget and budget meetings, fees, and related State statutes.

13. EXECUTIVE SESSION: Pending Litigation per State Statutes Section 1-200(6)(B)

At 8:12pm R. Nassiff **MOVED** to enter into **EXECUTIVE SESSION** regarding Pending Litigation per State Statutes Section 1-200(6)(B); EJ Starkel **SECONDED; MOTION CARRIED 7:0:0**; also in attendance were P. Stahl and T. Lasota.

At 8:15pm R. Nassiff **MOVED** to **ADJOURN** the **EXECUTIVE SESSION**; EJ Starkel **SECONDED; MOTION CARRIED 7:0:0. NO ACTION TAKEN**

14. ADJOURNMENT:

EJ Starkel **MOVED** to **ADJORN**; T. Currier **SECONDED; MOTION CARRIED 7:0:0**
The meeting was **ADJOURNED** at 8:15pm.

Respectfully submitted by Terri Lasota, Board Clerk

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