

PLANNING AND ZONING COMMISSION
TOWN OF CANAAN
FALLS VILLAGE TOWN HALL
108 Main Street, Falls Village, CT 06031
February 22, 2024, 6:30 p.m. (via Zoom)

Regular Meeting:

Present: Chairman, Fred Laser, Zoning Enforcement Officer, Janell Mullen, Vice Chairman, Stephen Koshland and Regular Members, Vincent Inconiglios, Greg Marlowe, Doug Cohn, Matt Macchi and Ruth Skovron and Alternate Member, Marc Rosen. Also Present: Laura Wernitz, Keith Bodwell, Engineer, Dave Barger, First Selectman and Judy Jacobs, Selectman. Also Present: Alice Macchi, Recording Secretary.

Chairman Laser called the Special Meeting to order at 6:32 p.m.

AGENDA:

1. Call to Order & Approval of the Minutes: A. P&Z Public Hearing minutes - January 25, 2024: **MOTION** by Cohn, seconded by Skovron to approve the Public Hearing minutes of January 25, 2024, as presented; (abstention by Greg Marlowe) approved unanimously. B. Special Meeting minutes - January 25, 2024: **MOTION** by Marlowe, seconded by Skovron to approve the Special Meeting minutes of January 25, 2024, as presented; approved unanimously.
2. Public Comments: See below
3. New Business: A. Proposed Subdivision - Beebe Hill Road (Map 4, Lot 15-2): Overview and history of application by ZEO Mullen. Proposed subdivision of Coolidge property, per previous application which was recommended to Zoning Board of Appeals for variance consideration due to steep slope concerns. Due to a denial by ZBA, the application is back before Planning & Zoning for zoning and subdivision approval; subdivision requires Public Hearing.

Public Comments: None

Presentation by Keith Bodwell, Engineer re: Coolidge property on Beebe Hill Road. Bodwell advised the proposal would be for a 4-lot subdivision (Lot 1 to contain 70+/- ac., Lot 2 to contain 5+/- ac., Lot 3 (rear lot) to contain 27+/- ac. And Lot 4 (rear lot) to contain 35+/- acres with 3 shared driveways off of the current access and 1 driveway for Lot 1. ZBA concerns were around drainage. Discussion regarding swales and water flow and rain gardens (to be designed by Bodwell), to pick-up drainage. Bodwell commented that the driveways meet the slope grades. ZEO Mullen inquired if there were any wetlands present on the proposed properties. Bodwell commented there were no wetlands (as per his determination) and he made reference to a big drainage swale on lot 4, but reiterated no

wetlands. Marlowe expressed concern over the ZBA denial and public comment regarding drainage. If PZ were to approve, Keith could go back to ZBA regarding driveways. Marlowe felt this should be discussed before Public Hearing. ZEO Mullen advised of her opinion sent to ZBA given our referral to the ZBA. ZEO Mullen inquired as to the site plan and inquired if there was an A-2 survey available in addition to the Engineer Plan and advised that both would be required for the application presentation to the Commission. ZBA inquired if there was a soil scientist investigation regarding wetlands on the property (no, per Bodwell). Discussion regarding setting of a date for a Public Hearing for the Beebe Hill subdivision; March meeting? Discussion regarding lack of familiarity with subdivision application and felt a hybrid meeting would be beneficial and allow for better review of documentation for the Commissioners and the Public. **MOTION** by Marlowe, seconded by Skovron to set a Public Hearing for the Beebe Hill subdivision, to be a hybrid meeting (given the documents for review and the fact that the application was for Beebe subdivision), to be held on March 28, 2024 at 6:15 pm to take place at the Town Hall; approved unanimously. Plans to be made available at the Town Hall. Bodwell to coordinate with ZEO Mullen.

B. FY 24-25 Budget: Chairman Laser confirmed that all Commissioners received the Budget. Chairman Laser advised that the Board of Selectmen were looking for a lean spending plan with a goal of coming close to a 0% increase. Review of Budget and discussion on various line items for possible change. The 2024-2025 Budget to be presented as follows: Zoning Enforcement Officer line item increased to \$14,160.00, Secretary line item increased to \$1,280.00, clerical expenses line item reduced to \$100.00, Postage - no change, Misc - no change, Attorney no change, publication expense - no change, Consultant/Eng./PI decreased to \$19,000.00, Mileage - no change. The changes represent a budget increase of \$570.00. Discussion regarding the hiring of Chuck Andres as Attorney for the Planning & Zoning Commission. Comment by Marlowe that approval should be obtained from the Board of Selectmen. Comments regarding engagement proposal and requirement for retainer. Comment by Skovron that Andres was awesome with his communications and very prompt responses when working on the matter of the Old Firehouse property. **MOTION** by Marlowe, seconded by Skovron to approve the budget (as set forth above), as discussed, which represents an increase of \$570.00; approved unanimously. The foregoing Budget is to be sent to Board of Selectmen.

C. Home Business Regulations - revisit draft proposal: ZEO Mullen prepared and distributed a (DRAFT) Memorandum regarding Home Business Regulations, which included Background/current regulations, ZEO Interpretation, what other Towns are doing and items to consider. Discussion regarding possibly appointing a sub-committee for regulation review or holding special meetings to be held for input by all Commissioners. ZEO Mullen advised she was looking for direction on how to move forward and commented that changes need to be sent to the COG. Questions/comments/discussion. Further discussion regarding setting a special meeting (workshop) to review the memo regarding home business regulations. Further discussion regarding the meeting to be hybrid. Special Meeting (hybrid) set for March 7, 2024 at 6:30 pm to work on home-based business to be held at the Town Hall (Marlowe will run the "Owl" at the Town Hall). Further discussion regarding the inclusion of the Board of Selectmen for input. ZEO Mullen will forward the material to the Selectmen. ZEO Mullen will create the Agenda for the Special Meeting. It was further noted that the

budget for regulation review has already been set aside to cover costs for regulation updates, so the funds will not be coming from the current or future budget. (Agenda meeting with public meeting.)

4. Old Business: A. Village Center Parking Plan - update by Marlowe. Marlowe advised that he had a discussion with Selectman Barger to discuss status, First Selectmen still on board, and commented that the sub-committee (Greg, Stephen, Doug & Vincent) should plan to set a date to meet again (public comment obtained but no changes made), then a presentation could be made to the public for feedback (no date set at the meeting); B. Subcommittee on P&Z Membership - P&Z Guidelines - update by Koshland. Koshland advised that the sub-committee has had 1 meeting so far with the next scheduled meeting set for March 4, 2024 and he advised that at the first meeting they had discussion regarding creating of guidelines (# of meetings to attend) and criteria to set requirements, etc. with additional comment that holding hybrid meetings should make it easier to gain new potential members. Koshland also commented on looking to create a packet for new members (available digitally on the website); C. Land-Use Training Guidelines: ZEO Mullen commented on the Public Act 23-173 that requires mandatory training for Commissioners and the duty to report to the Board of Selectmen on compliance by March 1, 2024. Commissioners to advised ZEO Mullen on training completed. ZEO Mullen further commented on an upcoming Commissioner training session to be held February 29, 2024, being presented by the COG. ZEO Mullen will circulate training session information and materials.
5. ZEO Report: ZEO Report included Zoning permits issued, Zoning Inquiries, Zoning Complaints/Potential Violations, Training Opportunities and Misc. Questions/comments/discussion. By **consensus**, the February, 2024 Zoning Report (copy attached) was accepted as presented.
6. Public Comments & Official Correspondence: Laura Wernitz inquired as to the funds that had been set aside for the Regulations workshops. When was allocation, how much was set aside and where are the funds held? Mullen advised on third-party contract and asked Chairman Laser to elaborate. Chairman Laser advised that a contract had been previously entered into (2-3 years ago) to do revisions to the Planning & Zoning regulations and funds in the amount of \$18,000.00 had been set aside. P&Z looking to revisit regulation updates/re-write. Chairman Laser advised that updates to the Regulations had been postponed due to increased business coming before the PZ Commission. Another question if an Attorney would be reviewing the regulation updates? It was further noted that any regulation rewrites are to be sent to the COG and further such regulation rewrites should be reviewed and approved by the Attorney (Chuck Andres) for the PZ Commission. Marlowe commented that the current PZ Regulations should be moved to a better location on the Town website for better access and asked if the Commission could ask the Board of Selectmen to approve the move on the website. Zoning regulations and Subdivision regulations to be more front and center. Marlowe commented on Dark Sky compliant external lighting, noting that he has observed buildings that are not meeting compliance – and suggested the Commission should look to discuss further in the future. ZEO Mullen advised that the Town of Warren has created such regulation, which can be provided for review.

7. Other Business to come Before the Commission: Chairman Laser advised that he received comment as to confusion on the new PZ email addresses. Chairman Laser indicated the confusion being a mis-representation as the interpretation of such Commissioner being on staff, a planning professional or in an official capacity (something specific to falls village recommended and mention of Commissioner). ZEO Mullen offered an opinion regarding such concerns and spoke of uniformity. Questions/comments. Further discussion regarding the email address to include Canaan or Canaan/Falls Village with further comment for consistency. Currently Commissioners Marlowe, Koshland, Macchi and Cohn have created new email addresses. Comment by Matt Macchi regarding the prior discussion regarding the creation of new email addresses that did indicate consistency and uniformity and questioned why that isn't sufficient. Commissioner Marlowe agreed with Macchi and commented that he didn't feel any concern over confusion over use of planning professionals and inclusion of falls village language. As previously discussed, the new emails were created for inter-commission use and if for any reason a Commissioner receives any inquiries pertaining to PZ, they should be forwarded to ZEO Mullen. Decision made that the new email addresses shall be left as created, status quo.
8. Adjournment: **MOTION** by Marlowe, seconded by Skovron, to adjourn the meeting; approved unanimously. Chairman Laser adjourned the Regular meeting at 8:32 pm.

Respectfully submitted, Alice Macchi, Recording Secretary

ZONING REPORT

Town of Canaan (Falls Village) Planning and Zoning Commission
108 Main Street | Falls Village, CT 06031

Prepared for and issued regular meeting of February 22, 2024

Zoning permits issued:

1. 65 Point of Rocks Road - conversion of existing studio into ADU (same non-conforming building footprint)
2. 33 Prospect Street - 16' X 22' single-car garage with open air lean-to

Zoning Inquiries:

1. 116 Johnson Road - Camp Isabella Freeman- zoning compliance inquiries
2. Dublin Road (Map 18, Lot 11)- Meeting with property owner regarding potential future development, access, etc
3. 199 Route 7 S - inquiry from Linda Erwin regarding possible lot line modification

Zoning Complaints/Potential Violations:

1. 75 Music Mountain - Has yet to receive response regarding "encampment". ZEO has been informed that the activity at this site has subsided during the winter months.
2. Selectman Kinsella brought residential concerns regarding drainage issues to my attention. ZEO forwarded along the Zoning Complaint Form for all zoning complaints.

Training Opportunities:

1. UConn Clear resources online: <https://clear.uconn.edu/ua/basic/>

Misc:

1. Beebe Hill subdivision (Coolidge Property Map 4/15-2) ZBA has denied the variance outside of their parameters for denials. P&Z will be receiving the application for the subdivision at the next regularly scheduled meeting.
2. 64 Route 7 North -ZBA approved the variance of a rear yard. Zoning permit filing will be the subsequent step in this process of approvals.
3. 166 Undermountain Road - After continuous communication with the property owner, it has been brought to the ZEO's attention that this property may be subject to an upcoming lot line modification. Wetlands are present on this property.

Public Ads:

Notice of Decision regarding text amendment (family childcare homes) and gravel permit renewal for Century Aggregates, Inc published on 1/29
Notice of Decision regarding POCD approval published on 1/27

****Please use planningandzoning@canaanfallsvillage.org as my address email for all functions associated with Planning and Zoning and the Town of Falls Village.****

*Respectfully submitted,
Janell M. Mullen, Planning Consultant*