

**PLANNING & ZONING COMMISSION
TOWN OF SCOTLAND
P.O. Box 122, 9 Devotion Rd, Scotland, CT 06264
Telephone: (860) 423-9634**

**OCTOBER 18, 2017 REGULAR MEETING
7:30 PM –SCOTLAND FIRE DEPARTMENT MEMORIAL HALL
47 BROOK ROAD, SCOTLAND, CT**

MEETING MINUTES

I. Call to Order. Chairman Greenberg called the meeting to order at 7:35 pm.

II. Roll Call/Seating of Alternates. In Attendance: Chairman Gary Greenberg, Secretary Larry Miller, Peter Martin, Robert Brautigam, George Perry, Alt. Jeff Jakubowski and Alt. Henry Bowers. Absent: Vice-Chairman Terry Delaney, Lee Hebert, Alt. Wendy Sears. Commissioner Jakubowski was seated for Hebert and Alternate Henry Bowers was seated for Delaney. Staff in Attendance: Liz Burdick, ZEO, and John Filchak, Executive Director, NECOGG.

III. Additions to and/or Changes in the Order of the Agenda.

Upon Motion by Peter Martin, Seconded by Jeff Jakubowski, it was voted unanimously to add New Business Item B – 75 Murphy Hill Road - Discussion of Future Uses - Hillyland Farm Winery & Vineyard.

IV. Approval of the Minutes–September 20, 2017.

Upon MOTION by George Perry, Seconded by Larry Miller. It was voted unanimously to APPROVE the minutes of the 09/20/2017 PZC meeting.

V. Audience of Citizens.

Clare D'Appolino addressed the Commission with a question about water use by Perry Motors from a well that is on town property. Chairman Greenberg directed the question to Eastern Highland Health District.

VI. New Business:

- A. Discussion of options for commercial development zoning regulations – John Filchak, Executive Director, Northeastern Connecticut Council of Governments (NECCOG)**

Chairman Greenberg stated that the regulations are kind of “hodge podge” and they write things to fit what is requested and ultimately asked John Filchak different ways to develop commercial regulations. Filchak agreed that the Town of Scotland just writes a new section of regulations any time something comes up and then the Town ends up with a permit process that is a hassle. Filchak continued that after reading through the regulations again, if he was looking to start a business, the first question that came to mind was would he even consider Scotland and he stated his answer would be no because the regulations don’t make any sense. He continued that the regulations are not in any kind of organized order. Filchak stated that even if the Town were to start with a table of contents that states that they have three zones. Filchak continued that there are a lot of items that need to be cleaned up and corrected. For example, take your Village area, define it and write a set of regulations for it that can promote small business which the current ones do not. With the rest of the town take off the home occupation and add a rural business option. Filchak added that multiple towns have done that in Windham County. It would allow people to expand their businesses to a possible out building depending on the acreage of the lot to ensure mindfulness of the neighbors. Chairman Greenberg asked if that option contained a list of permitted uses. Filchak replied that it does not however the smaller the list the better; and the broader because it’s how it acts and interacts. There will always be “something-that-someone-has-never-thought-of” ideas. Chairman Greenberg asked another question stating that if the town had permissive regulations then how can the town specify what people can and cannot do. Filchak replied that would be rectified with special permits and site plans and it would be a case by case basis. The town wouldn’t be discriminating, they would be allowing anything anywhere, and allowing flexibility for the small businesses. ZEO Burdick asked if these regulations for the small businesses would fall under the Rural Agriculture Residence District (RAD)? Filchak stated that yes it would fall under the RAD as a special permit. Union and Ashford have similar regulations.

Chairman Greenberg asked about “form based zoning”. Filchak said that it would not be a good match for our town because it works best where there is a built landscape. Furthermore, it is a combination of design and use for densely populated areas.

Chairman Greenberg asked, regarding the special permit rural business, that it would put a lot of power and discretion into the hands of the Zoning Board. Filchak stated that the Town does not have a sufficient process in the regulations. For what the Town requires and what they can require needs to be bulked up and make consistent. It’s not as rigid as some towns. It would make it uniform. It is not that the Zoning Board can do whatever it wants but if someone meets the regulations they meet the regulations for a special permit. ZEO Burdick stated that the site plan area is lacking as well, which is part of the special permit process.

It was asked “wouldn’t our town be limited to what we can attract for business because we do not really have a great area for trucking?” Filchak agreed and also stated that for our town we could facilitate more towards farming such as Hillyland Winery and the Equine business could be a big thing for us considering it is a billion dollar industry in Connecticut, but they are discriminated against in many towns. Clarification was needed

for what we should gear our town more towards as far as businesses, industrial etc. Filchak stated that in Thompson to support growth is to ease up on residential restrictions. They have an R-80 Zone and an R-40 Zone and the first step is to move everything from the R-80 Zone to an R-40 Zone and then from there make it a lot easier to develop a house. But the concern was that with the number of houses and kids that it would overwhelm the town's budget however you need to bring in new growth to keep the taxes low. It makes living more affordable. ZEO Burdick brought to the Zoning commission that someone came in last week and asked about doing a "Tiny House" development.

Chairman Greenberg stated that what is next to talk about at a later date is cluster housing where that conversation would be continued and it's worth talking about.

Chairman Greenberg further continued that this conversation is indicating is that the Town should explore intensively the Rural Business option. Chairman Greenberg asked if John Filchak could send some sample regulations to him and Chairman Greenberg could distribute them to the Board to view and go from there. There are two tasks that need attention in terms of the regulations. The first being cleaning the regulations up and eliminating all the problems at an administrative level so they do not put off people, Chairman Greenberg thinks the Town will need professional help in that area which costs money. The second thing is the conceptual thing to figure out how to make the Town better and conform to the Plan of Conservation and Development (POCD). The centerpiece being to find a way to encourage and allow development while both bring people to town and also raise tax revenue. Chairman Greenberg stated that this needs to happen by spring and they do not want to continue the chaos of past zoning into the future. It was mutually agreed that regulations should not be made spur of the moment.

B. 75 Murphy Hill Road - Discussion of Future Uses - Hillyland Farm Winery & Vineyard.

Doug Stearns was awarded a special permit in 2015 to operate a farm winery and vineyard. The Planning and Zoning Commission wrote regulations to allow this to happen in 2014. Doug and Jerry Stearns have been running this vineyard and opened the tasting room in March on Fridays, Saturdays and Sundays. They had a devastating fire there in July. They are going to do some major re-building hence why the Stearns are attending the Planning and Zoning meeting. The future intended plans are looking to happen sooner now because of the fire and to incorporate some in the rebuilding process. To do some of those future plans will require some zoning changes. Chairman Greenberg stated that he knew that they were future planning a banquet hall. Doug Stearns continued that they had some outdoor events as dry runs. Chairman Greenberg asked the Zoning Officer if there have been any complaints to which ZEO Burdick replied no there have not been any complaints. Burdick stated further that there needs to be a zoning permit issued, which step was skipped to start the use of the farm winery. Chairman Greenberg stated that there needs to be a decision if the music would fall under the tasting room for entertainment or to call the music event as an outdoor function. Chairman Greenberg and ZEO Burdick agreed that there needs to be a change in regulations for that. Doug Stearns

added that the rebuild he would like to see a small event room, similar to the tasting room, for small parties or things of that nature when the tasting room is not open. Stearns continued that there would be another section he would look into turning into a banquet facility, size would be unknown for capacity. Stearns continued that the downstairs part of the facility will be the winery and storage, where they make the wine, and the upstairs would be the banquet facility. Furthermore, to go along with this they are interested in adding a café in a separate section of the barn as well. The intent is to design all of those features into the new construction. They want to keep the barn/farm look on the outside while still having all of these perks of a winery business on the inside. Stearns replied to Chairman Greenberg's question about when the projected rebuild date would be with the fact that it is not anticipated to have anything start until next spring. Stearns also stated that he would be researching building designs in the meantime.

Chairman Greenberg asked the Commission what their reaction was after hearing all of what Doug Stearns had to say. It was stated that it would be good for the town and that it is a good idea. Jeff Jakubowski asked about site plan. It was clarified by ZEO Burdick that there would be a new site plan to be made with an addition to a special permit that would come with modified regulations as well. Chairman Greenberg asked if Doug Stearns would do some leg work and research what towns have similar regulations that would work for him and his winery that it would pay off for Stearns. Chairman Greenberg stated that he is looking for comprehensive and simple and the Commission should aim for either December or January to discuss regulations.

VII. Public Hearing: None.

VIII. Old Business:

A. Commission Discussion/Public Informational Session – Eagle Scout Project - Relocation of World War II Observation Building to Town Property.

Grant Decyk of 147 Brooklyn Turnpike, Scotland addressed the Commission. At the old town garage is an old World War II watch tower, they have been using as a shed. They have done many upgrades/improvements to this structure and they just need to replace the bottom of it to complete the restoration. They are interested in moving it to a place where they can use it as a museum. They were looking for guidance from the Planning and Zoning Commission for placement. The reason the water question came up from Clare D'Appolino is because the Eagle Scouts had a perspective spot located across from the town green, which may have conflicted with the existing waterline. However, Decyk clarified that they have since changed their mind about placement and now would like to see it either at the Scotland Firehouse or the Scotland Public Library which also contains a museum. (Decyk handed out color maps with drafted marks for precise placement.) Chairman Greenberg asked if they have talked to the appropriate people for possible placement of the WWII structure at the Firehouse, but he has talked to the people at the library. Chairman Greenberg stated that museums are allowed in town. Discussion to decipher if this structure is officially a museum or a monument. Decyk replied that "the idea is that the structure would remain locked at all times, but they would like to open it

for special events or occasions such at the Memorial Day parade.” Liz Burdick, ZEO, stated that yes this would be classified as a museum, which is a permitted use. Burdick also stated that the structure is under 200 square feet so it does not require a Building permit or Eastern Highland Health District approval. But it does need to meet Zoning setbacks. Furthermore, both perspective placements, at the Firehouse and the Library, are well outside the Zoning setbacks both inside and out. Burdick continued that she had gone to the area of town green with Decyk to see about placements there but then they would have to take alternative measures just to put the structure on the property, which was kind of excessive. Chairman Greenberg asked if they were going to put in a plaque and they responded that they would like to. Henry Bowers stated that he has books about information about WWII that could possibly help out Decyk. He also stated that it would be helpful for people who visit to look at these books. Chairman Greenberg stated that personally to him, the library would be a logical placement because it has a museum already inside it and it’s a place of learning. The Commission agreed. Decyk also agreed that it was a better placement and that it would add to the museum. Jeff Jakubowski asked if Decyk has reached out to anyone on Gager Hill Rd who has had the structure on their land, maybe they could provide more information about it than the Scouts could find. John Filchak made note that if you go to Google and search Uconn historic maps and go to the 1932 aerials of the state, and type in your address it will give you a map of what it looks like today and in 1932. It’s a nice black and white photo. Liz Burdick, ZEO, was asked by Chairman Greenberg to write them a letter that the library is a better choice for the placement of the WWII structure of the alternative placements presented to the Zoning Commission. Burdick agreed. Note was made by the Scouts that they want to obtain a map of where the leach fields are so they don’t accidentally put the structure right on top of them. They are also planning on putting crushed stone for the structure to sit upon. The structure may have skids or some other type of assistance added for mobility.

B. Discussion of Draft Zoning Regulations Regarding Temporary Health Care Structures.

Chairman Greenberg stated that both he and ZEO Burdick have been in touch with Mark Branse. It was recommended to hold a public hearing to opt out. Then when the Board does the regulation, to add in their own regulations, to allow, regarding these “granny pods”. All the questions that arose from the last discussion of granny pods could either not be answered or the answers were ridiculous. Discussion was determined that a public hearing 15th of November, would be scheduled.

- IX. Sub-Committee Reports.** None.
- X. Audience of Citizens.** None.
- XI. Administrative Reports.** None.
- XII. Communications and Bills.** None.
- XIII. Commission Open Discussion.** None.

XIV. Adjournment.

*Upon MOTION by Peter Martin, seconded by Jeff Jakubowski, it was voted to
ADJOURN the meeting at 8:47 p.m.*

Respectfully submitted,

Joanna Arborio Fisher

APPROVED BY THE SCOTLAND PLANNING & ZONING COMMISSION ON _____, 2017.