

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

**MAY 20, 2015 REGULAR MEETING& PUBLIC HEARING  
7:30 PM –SCOTLAND FIRE DEPARTMENT MEMORIAL HALL  
47 BROOK ROAD, SCOTLAND, CT**

**DRAFT MEETING MINUTES**

- I. Call to Order.**Chairman Greenberg called the meeting to order at 7:32pm.
- II. Roll Call/Seating of Alternates.**In attendance: Chairman Gary Greenberg, Vice-Chair Terrence Delaney, Secretary Laurence Miller, Robert Brautigam, Erica Andrews, Peter Martin, Alt. Jeff Jakubowski, Alt. Wendy Sears. Also in attendance: Liz Burdick, ZEO and Suzanne Gluck, Recording Clerk.

Chairman Greenberg seated Alt. Wendy Sears for George Perry.

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

**Upon MOTION by Terrence Delaney, Seconded by Robert Brautigam, to add discussion regarding 49 Devotion Road property under agenda item VI New Business. All in favor.**

- IV. Approval of the Minutes - March 18, 2015& April 15, 2015.**

**Upon MOTION by Terrence Delaney, Seconded by Lee Herbert, approval of minutes for March 18, 2015. Correction requested on Robert Brautigam's name, should be spelled "Brautigam" and page 2, typo "w" should be "q". All in favor.**

**Upon MOTION by Terry Delaney, Seconded by Robert Brautigam, approval of minutes for April 15, 2015 was tabled to the next meeting.**

- V. Audience of Citizens.**None

- VI. New Business.**

**A. Discussion regarding 49 Devotion Road**

Liz Burdick reported that there is an ongoing issue with the Beakey's regarding an unapproved kennel on the property. They currently have 7 dogs which is a violation of the regulations. Anything over 5 dogs requires a kennel license which the Town of Scotland regulations prohibit kennels. A cease and desist order was issued in 2014 and most recently the Beakey's had a house fire on 4/14/15. The cease and desist was never resolved and since then a temporary permit was issued due to the fire for a trailer. The Beakey's have requested power to be restored to the storage accessory to the single family residence but this has not been approved due to the current violation on record. The building official did not approve the permit due to the fact it is not

being used as storage but instead as a kennel. Chairman Greenberg spoke on behalf of the Commission that they are sorry for the fire at the dwelling and their loss and recognize what the Beakey's are going through. The Beakey's asked the Commission for permission to keep the 2 elderly dogs until they pass, then that will leave them with the 5 they are allowed to keep. Chairman Greenberg stated that in the past year there were complaints about these dogs and that the house was listed as a kennel on the market and in lieu of this, the cease and desist was issued. Ms. Burdick informed the Commission that this matter is in the process of being turned over to the attorney. She also stated that Nancy Bard, Dog Warden, is also helping the Beakey's to try and place 2 dogs. The next permit that may be required is a demolition and reconstruction permits in the next two months. The Commission discussed options in accordance with the regulations and the Beakey's situation. They agreed to have the electricity to that building turned on and when the next permit is needed at that time there will be an inspection to confirm they only have 5 dogs and they are all registered. If this condition is confirmed then the cease and desist will be revoked. If they do not follow through with the stipulation, then this case will be turned over to an attorney.

**Upon MOTION by Terrence Delaney, Seconded by Peter Martin, it was voted to adjourn the regular meeting to open the public hearing.**

## **VII. Public Hearing.**

**A. PZ1501RA-** Application of Town of Scotland Planning & Zoning Commission for Proposed Text Amendments to the Scotland Zoning Regulations Regarding Agriculture & Equestrian Uses (*PH Continued from April 15, 2015*). **(ADJOURN TO PUBLIC HEARING).**

Chairman Greenberg opened the public hearing. Liz Burdick stated there were no additional reports from adjacent towns or from NECCOG. SECCOG reported no adverse intermunicipal impact.

**Upon MOTION by Terrence Delaney, Seconded by Peter Martin, the Public Hearing was closed.**

## **VIII. Old Business.**

**A. PZ1501RA - Application of Town of Scotland Planning & Zoning Commission for Proposed Text Amendments to the Scotland Zoning Regulations Regarding Agriculture & Equestrian Uses (*Tabled from April 15, 2015*).**

**Upon MOTION by Terrence Delaney, Seconded by Peter Martin, to amend text in the following regulations:**

- **Section 2.2 to add the following definitions: “horse stable, personal”, “horse stable boarding/riding”, and “horse stable, commercial”.**
- **Section 4.2.A (RAD - Rural Agricultural Residence District Permitted Uses) as follows: Agriculture, as defined in C.G.S. Section 1-1, as amended, including dairies, the breeding, raising, and keeping of all farm animals except for those listed in Article 8.3.a.1, which shall be prohibited, boarding & riding horse stables, personal horse stables, truck gardening, greenhouses and forestry operations, farm wineries, vineyards and orchards**

- **Section 4.2.B (RAD - Rural Agricultural Residence District - Permitted Uses After the Issuance of a Special Permit) as follows:**

**16. Horse Stable, Commercial.**

**B. Discussion of future Scotland Plan of Conservation and Development.**

Chairman Greenberg reported now that WINCOG is gone, he and Liz Burdick will work with NECCOG to give the commission support in the execution of the plan and will focus on them attending the next meeting. He will talk to NECCOG about having a public information meeting in June.

**IX. Sub-Committee Reports.**

None

**X. Audience of Citizens.**

Scott Sears, resident, stated that the State of CT does not allow residents to store energy. Chairman Greenberg said the he thought it was Northeast Utilities that will not allow you to go on the grid if you have batteries, not the State.

Scotland Resident, Peter Reardon asked the commission now that text amendments for the equestrian regulation has been approved, does this mean the moratorium on building a horse stable has expired? Chairman Greenberg replied yes, the moratorium is over now with the passing of the regulations. If you are operating something now and down the road you need to establish your operation, think about getting current documentation to show what your operation was before the regulation was passed. Mr. Reardon stated that it should be well documented from all the discussions that took place and Chairman Greenberg agreed it would be in the minutes, but suggested more specific documentation. ZEO Liz Burdick suggested Mr. Reardon give to her the documentation he has and she will issue a specific zoning use certificate on the current equestrian use of his property.

**XI. Administrative Reports.**

Liz Burdick reported on 97 Brooklyn Turnpike. It was in question whether this residence was a legal dwelling and if it is inhabitable. The assessor's records includes the building which the Town Assessor labeled as a bungalow. Liz reported that the Town would give them a temporary permit for the trailer when the resident has permits in place to make the building habitable. The building and zoning inspectors needs access and the owner has not complied. The owner was told he cannot live in the trailer on the property unless he has a permit for a temporary structure. If the bungalow building pre-dates zoning there will be no certificate of occupancy, so the question is does he have the legal right to live there if the structure is habitable. Chairman Greenberg recommended notifying the resident of his options again and that this matter can be rectified with the proper permits or it will be turned over to the attorneys. Liz Burdick also reported that owner was asked to provide registrations on all the vehicles on the property and this has not happened either.

**XII. Communications and Bills.**

### **XIII. Commission Open Discussion.**

Chairman Greenberg reported that last discussions on medical marijuana came up as a topic and so did solar energy. Regarding solar – Sprague is installed 300 megawatts of solar installation and Eversource announced they will no longer purchase solar electricity if not needed, but it can really be sold to anybody on the grid. The Town only has land use jurisdiction for less than 1 megawatt, it is a citing council issue. We can write regulations for this small scale, but is it worth it. We can use the model regulations available which have already been looked at by attorneys. The Commission discussed the medical marijuana and if this is agricultural vs manufacturing and what is taxable income to the town. The Commission decided that they are not proponents of medical marijuana in Scotland, but they do feel that the 1 megawatt solar energy plan is worth addressing. The question lies with the property owners whose development rights have been sold can they be solar. Chairman Greenberg will report back on this issue at the next meeting.

### **XIV. Adjournment.**

**Upon MOTION by Terrence Delaney, Seconded by Peter Martin, the meeting was adjourned at 8:35pm.**

Respectfully submitted,

Suzanne Gluck  
P & Z Clerk

**APPROVED BY THE SCOTLAND PLANNING & ZONING COMMISSION ON \_\_\_\_\_, 2015.**