

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

**DECEMBER 17, 2014 REGULAR MEETING
7:30 PM – SCOTLAND FIRE DEPARTMENT
47 BROOK ROAD, SCOTLAND, CT**

DRAFT MEETING MINUTES

I. Call to Order. Chairman Greenberg called the meeting to order at 7:32 pm.
II. Roll Call/Seating of Alternates. In Attendance: Chairman Gary Greenberg, Vice-Chairman Terrence Delaney (7:35 pm arrival), Secretary Larry Miller, Peter Martin, Lee Hebert, Alt. George Perry & Alt. Jeff Jakubowski. **Absent:** Robert Brautigan & Erica Andrews. **Also present:** Liz Burdick, ZEO & Wendy Sears, PZC Recording Clerk. **Perry and Jakubowski were seated for Brautigan & Andrews.**

III. Additions to and/or Changes in the Order of the Agenda. None.

IV. Approval of the Minutes – October 15, 2014.

Larry Miller indicated that the October 15, 2014 minutes should reflect that he abstained from the vote, as he was not in attendance for the September meeting.

Upon MOTION by George Perry, Seconded by Larry Miller, it was voted unanimously to APPROVE the minutes of the October 15, 2014 meeting.

V. Audience of Citizens. There is an opening for an alternate on the Zoning Board, as one member moved out of town. Let a member of the board know if anyone has interest. No official resignation has been submitted.

Peter Reardon spoke regarding Chairman Greenberg's recent writings. He felt that the residents of the Town of Scotland are only here to amuse the Chairman or to give him something to write about. He said that since Officers were to be elected at this meeting, that they should consider electing a new Chairman. As the Chairman, who controls the agenda, Reardon did not feel that it's appropriate that he should attempt to profit from what goes on with his constituents. He stated that he did not think it was okay.

Discussion ensued.

VI. New Business.

A. Approval of 2015 PZC Meeting Schedule.

ZEO Burdick filed a draft of the 2015 Regular Meeting Schedule with the Town Clerk. All meetings will start at 7:30 pm and be located at the Fire Department Memorial Hall going forward.

Upon MOTION by Terrence Delaney, Seconded by Jeff Jakubowski, it was voted unanimously to APPROVE the 2015 Meeting Schedule.

B. Election of Officers. Nominations were made as follows:

<i>Position</i>	<i>Nomination</i>	<i>Seconded</i>
Gary Greenberg, Chairman	George Perry	Lee Hebert
Terrence Delaney, Vice Chairman	Larry Miller	Peter Martin
Larry Miller, Secretary	Peter Martin	George Perry

Positions elected by unanimous decision.

VIII. Old Business.

A. Discussion of proposed zoning regulations regarding equestrian uses.

Chairman Greenberg opened the discussion by stating that Jeff Jakubowski has done yeoman's service by gathering information on different approaches to regulating horse operations. He wanted to preface the discussion by saying this is about not only what we are going to do, but also whether or not we would do anything.

Jakubowski began by stating that there are two issues: special event permits and ?

He went to Brooklyn Hebron and Lebanon to see what they had. They, (all three), recently adopted a town ordinance 2012-2013 time frame. They all have special event permits, (referenced Brooklyn), which places the burden on the Board of Selectmen and anyone else the board feels needs to be involved, i.e. Fire Marshall, ZEO, building official etc. Brooklyn's permit is pretty cut and dry.

Chairman Greenberg had a few questions. He directed the first to ZEO Burdick. Where the actual permit process is described in the Ordinance (enforced by Selectmen): Section 4-2: Permit is required where any planned event has the potential to create a public nuisance or threat to public safety. Four paragraphs down First Selectman or Land Use Officer who can determine that a planned event does not pose the potential for a public nuisance, or a threat to public safety, that an event permit shall be issued without the submission of an application. In other words it wouldn't completely eliminate you and (by extension) the zoning board from.... (*Liability? Sentence was incomplete*) Greenberg asked ZEO Burdick what she thought of the language.

Burdick stated that there seems to be some discretion in the language. Greenberg asked what it would be like to try to make that determination.

Burdick said that in Salem, they have special events permit as well. They actually have a Zoning Regulation that discusses them, special events as approved by the Selectmen. The application is forwarded to Selectmen and then it is distributed to ZEO, Fire Marshall, building official etc., and then they all sign off on it and return it to the Selectmen. They, in turn, approve the special event. If there was anything of concern that came up by any of the staff, it would be noted on the permit. They may condition the approval subject to a provision. That's how it has worked in other towns where she has worked. It seems that based on the language in Brooklyn's permit process they state "if any" which makes it seems discretionary.

Greenberg said that this regulation seems to relieve the Board of the burden in the permitting process but place the burden on the Land Use Officer instead. Is it practical for ZEO Burdick to handle something like the 5K which was recently held in town? She stated that she thought the Selectmen were better positioned to approve these permits, by way of asking for comment from other town offices prior to approval.

Greenberg clarified that Brooklyn places this burden on the office of the Selectmen and they determine if it requires a permit. They persons who must be satisfied that any provisions or conditions are met would be the Selectmen, not the Land Use Officer.

Burdick said that typically the Selectmen also ensure that the person who is sponsoring the event has insurance certificates in place as well, so that the Town is covered.

Jakubowski said that ZEO Burdick had sent out emails, and contacted Philip Chester in Lebanon who considers all riding stables and boarding facilities to be commercial and require a site plan. They also get people by way of two classifications, even if you are a homeowner with two horses they get you on accessory buildings and usage, which is defined in their Zoning Regulations. And also on the commercial side they get you through home occupancy if you are not a full blown incorporation or LLC. Greenberg questioned that the status was dependent on corporate structure, to which Jakubowski answered in the affirmative.

Jakubowski spoke with the building official in both Montville and Salem, (same person), Montville requires 5 acres for any animals. Everything else falls under regulation by the State.

Greenberg wanted clarification with regard to the fact that Lebanon considers all facilities to be commercial but they can be approved by site plan instead of by special permit. Jakubowski stated that all facilities ARE considered commercial and require site plan approval only.

Burdick said that, in our case, it would depend on how it is written. Anything that is not residential could go to the commission for site plan approval, to make sure that site plan regulations are adhered to. It has a higher level of review without needing special permit.

Burdick stated that Salem has a special agricultural zone. They established a floating zone allowing for the expansion and promotion of agricultural uses which are considered an asset to the town's rural character to ensure that those uses continue to expand and promote adaptive reuse of existing agricultural zones. Other parts of the regulation were defined regarding minimum lot size, type and size of animal, permitted uses and so on. Greenberg clarified that the Floating Zone is not by special permit, and could be located anywhere in town, as long as it meets the minimum requirements, (lot size of 5 acres). Once that requirement was met, then one could go on to do one of the 13 different permitted uses spelled out in the regulation, based on the animal weight. Additional discussion continues regarding class of animals based on weight and lot sizes.

Jakubowski talked to an official in Hebron who has similar regulations to Lebanon. A homeowner with animals is subject to regulations relative to home occupation and site plan if needed for accessory buildings and the accessory building itself. Because they ran into issues with numerous commercial enterprises for horses and so they came up with stringent regulations only defining commercial horse stables. Other parts of the regulations discuss "Harry Homeowner" who might have two or three horses with a few acres are not hassled as long as they meet the other regulations regarding accessory buildings and so on.

Greenberg asked to what extent the Brooklyn, Hebron and Lebanon regulations are responsive to the fact that they have large agricultural fairs? Jakubowski said that he

purposely separated this into 2 different issues, with one being about the Fairs which fall under special use permits. There are many different uses which fall under special uses.

ZEO Burdick belongs to a list serve which helps to share information among other Land Use and Planning Professionals. She asked: "How do you define "Commercial" Riding Stables/Academies/Equestrian Centers? And how do you differentiate between a "commercial" facility and a private property owner boarding others horses in their existing barn and /or using their riding ring? Is the private property owner operating a commercial facility by virtue of boarding?"

Portland CT responded: " In Portland, you must have 1 acre for the first horse, and at least ½ acre for each additional horse but you cannot have more than 3 horses on ANY size property (even if you have 100 acres) unless you become a commercial stable. If you are boarding any horses that aren't your own, (of the three maximum), you'd also be considered a commercial stable. Commercial Stables require special permit approval (with public hearing) by the PZC.

Lebanon responded: Lebanon considers all riding stables/ boarding facilities to be commercial and require site plan approval only.

Killingworth has 3 different categories of horse stables:

HORSE STABLE, PERSONAL: An accessory building such as a stable or barn used for the lodging, feeding, or care of a horse or horses solely owned by the property owner/occupant.

HORSE STABLE, BOARDING: A stable or barn where horses owned by others besides the property owner/occupant may be boarded for profit or gain.

HORSE STABLE, COMMERCIAL: A stable or barn where horses are kept for profit or gain, and where in addition to boarding, offering other horse-related activities including but not limited to riding instruction, renting horses, and horse shows.

Horse Stables, Personal, are allowed by right, where other agricultural uses are permitted. (Not in an industrial zone). Horse Stable Personal requires an administrative permit. Site plan review is required for Boarding and Commercial requires a special permit.

Only three towns responded, but it seemed that of the towns that did respond, and based on information gathered, they found that boarding other people's horses is commercial in nature.

Greenberg asked for any questions. Lee Hebert wondered who would be responsible for monitoring the manure runoffs and toxic waste. Burdick said you can put distances/parameters into your regulations.

Greenberg said there are widely ranging approaches on the topic. Two things that got the attention of the Board are:

1) A question of equity. We make it difficult for people to have businesses in town. People understandably complain about that. At the same time we have horse operations that aren't regulated at all. How come this is different? Because it is agricultural.

2) The possibility of large disruptive events. The first he heard of this was when the motocross race event happened, and also that people quietly grumble about the Waldo House and the Highland Festival. The two preliminary proposals for equestrian facilities on Pudding Hill and Station Rd were both planning a lot of public events. It seemed worthwhile to look into this. In listening to these possibilities, it seemed that the site plan review (like in Killingworth) might be best suited....

ZEO Burdick stated that our regulations already allow by special permit, in our one zone, farmland preservation (*couldn't hear you*). Might be an avenue for someone who wants to board horses and give minimal riding lessons. It discusses this being as an accessory to farm use. This definition was read in its entirety. Greenberg said that the regulation could be massaged, but that it specifies that it is subordinate to an agricultural operation.

George Perry suggested that maybe the horse industry in Killingworth is much bigger there, and so they need to have these strict regulations in place.

Greenberg asked "what, if anything should we regulate?... and if so, of what we have just heard, what might work?" Perry said that he didn't think we should have any more regulations than we think we need, in fairness to people who have horses. He said he didn't think the Board should overdo it. Larry Miller indicated his agreement with Perry, and that he didn't think we should get too involved with this. Greenberg asked if he thought we should get involved at all. Miller said he would hate to discourage any agricultural or business entities from being here and spending money in town.

Peter Martin said he thought big events should have special permits. But how do you define big events in general? There was general conversation about local/town events.

Greenberg clarified his question as to what, if anything, do we want to regulate? It seems that Board members would prefer to regulate only large events. Jakubowski said that he thought we should define large events, relative to number of people or size of events.

Terry Delaney said that he thinks the Board should do something. He wouldn't want to live next to a property that is brightly lit into the night or was hosting huge weekend events at the property behind him. There are some large properties available in town that could be bought up and turned into businesses and be grandfathered. He wants to be proactive in that there could be large events, traffic, cars driving across fields leaking oil, leaking antifreeze, events going on until 10, 11 or 12 at night. We need to be concerned not only about the people who want to have businesses in town but also about the neighbors who live next to the places that could become businesses, and the board has an obligation to protect them.

Greenberg asked Delaney what he would propose. Delaney said that each horse property owner can be different in handling their responsibilities. Although the existing horse farms are respectful, we don't know that people in the future will come in with the same respect. Who will oversee these aspects? There are no complaints with current horse owners, but are we sure that other people will do the same. He thinks that some regulations should be put in place to protect the abutting property owners.

Burdick wanted to ask a question as someone who has to interpret the regulations. She asked the horse owners in the audience if the State of CT or the Health Department regulates manure, where piles are kept, disposed of, etc.? Pete Reardon said that if there was a large pile of excrement kept somewhere and someone complained, the State would come.

Greenberg asked if there was some sort of review or regulation on manure pits. Joe Savino said he understands that there is Federal involvement in the size/acreage of farms and number of (large) animals, as far as capping the number of animals per acre. Some bigger farms are either buying more acres or capping the size of their herds.

Burdick likes the way Killingworth does their regulations because (like the farm wineries), it allows someone to have a viable business with some scrutiny by the board. By defining horse stables it doesn't affect existing business. It's not stopping them from opening businesses; they are just coming to you for a special permit. The neighbors can share their concerns and the Board can review the application and hear the neighbor's concerns.

Greenberg asked ZEO Burdick to explain why riding instruction might be considered to be in the higher tier, as described in Killingworth's regulation. Burdick explained that offering instruction increase the amount of traffic, lighting, structures. It would be a larger operation which may need more discretion. It is also in a rural zone.

Larry Miller stated that although someone giving riding lessons could be a larger operation, they could also be a small operation as well. The small person shouldn't be clumped in with the larger operation.

Burdick continued with explanation on the regulation and how site plan review for boarding will clarify the specifics between boarding and commercial. Greenberg stated that the burden on the applicant is that it takes more time, cost of permit and cost of notification to neighbors, cost of the site plan and the hearing (at least a month). He said the site plan requirement could be waived.

Miller stated his continued issues with the scale of the operation. A commercial business is different than the backyard lessons.

Conversation continued regarding the size of lots and number of horses that should be allowed. ZEO Burdick talked about home occupations, and that the ZEO could approve it, as we already have tiers or categories relative to other things.

Jakubowski asked if the existing smaller commercial operations are listed as home occupations or have permits? Greenbergs said no, that is why the discussion is being had now. Burdick clarified that there is no way to make these home occupations now, but a special section could be put into the regulation to make this work, within certain parameters. We should make it easier for people, and we could if the commission could put a threshold on it. Miller agreed that it could work as long as it is not too burdensome.

Greenberg thought that Attorney Branse could draft some language. He said that the consensus seemed to be that Killingworth's regulations could give us something to work with. The question about the events/special events is a sticking point, such that regular events would not be considered "special" events. He also thought we should address the manure issue if necessary.

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

ZEO Burdick asked if everyone had a chance to read through the materials she gave them. She said that it would be important to go over the materials, since there were some new members on the board. There's also some language that needs to be added, like solar. Greenberg asked if Burdick wanted to assign homework, with penalty of special meeting if work was not completed. He said, even if there is no business in January there will still be a meeting to discuss the POCD. He asked her to send an email with instructions on what she wanted done.

IX. Sub-Committee Reports.

X. Audience of Citizens.

Joe Savino asked if the Commission was interested in extending the regulations to beef/dairy cows, piggeries, and not just limit it to horses. He said that if all this work was being done, including legal dollars being spent, that we should look at how the same issues that pertain to horse farms can also pertain to other kinds of farms.

Sheila Lambert asked if population growth has anything to do with this discussion. There was discussion. Greenberg said that he wanted to have a cost/benefit conversation. The range of approaches needs to be discussed to settle on one that is minimally invasive, and then the Commission can move forward.

Lambert asked if the music events in the center of town are regulated, and that the noise was disturbing. Greenberg suggested that either the Board should tackle that issue, or suggest that the Selectmen should at some point.

Scott Sears discussed the traffic issues that continually come up regarding equestrian facilities. He stated that traffic is really minimal at normal facilities unless it is a really large facility. Then they would be trucking in for a large weekend event. Greenberg suggested that the proposals indicate that they would be large facilities doing just that. Sears said that if you sit on Route 14 on a Saturday when there is a large event going on in Oneco, you will see horse trailers going by one after another. Those are the same people that would be coming here. Those same people will either go to Oneco or come here. They are not going to both, and they are going through Scotland anyway. Greenberg suggested that the small town roads are not set up to handle that kind of traffic if the facility were to be on Kasacek Rd, and not Route 14 or 97. Peter Martin concurred.

Lee Hebert asked questions regarding the drafting of an Ordinance or Regulations on sex offenders. Discussion ensued. He also asked if the idea of limiting the purchasing of property by Corporations or non-profits would be legal. Greenberg indicated he would bring it up with the Attorney. There was further brief conversation.

XI. Administrative Reports

XII. Communications and Bills.

XIII. Commission Open Discussion.

XIV. Adjournment.

Upon MOTION by Peter Martin, Seconded by Terrence Delaney, it was voted to ADJOURN the meeting at 8:58 p.m.

Respectfully submitted,

Wendy Sears
Planning & Zoning Recording Clerk