

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

**SEPTEMBER 17, 2014 REGULAR MEETING  
7:30 PM –TOWN HALL  
9 DEVOTION ROAD, SCOTLAND, CT**

**DRAFT MEETING MINUTES**

- I. Call to Order.** Chairman Greenberg called the meeting to order at 7:33 pm.
- II. Roll Call/Seating of Alternates.** In attendance: Chairman Gary Greenberg, Vice-Chairman, Terrence Delaney, Erica Andrews, Peter Martin, Robert Brautigan, Lee Hebert, and Alternates, George Perry, Jeffrey Jakubowski & Henry Bowers. Absent: Secretary, Larry Miller. Alternate Jeffrey Jakubowski was seated as a regular member for Larry Miller, (who is irreplaceable). Also in Attendance: Liz Burdick, Zoning Enforcement Officer and Wendy Sears, P & Z Clerk.
- III. Additions to and/or Changes in the Order of the Agenda.** None
- IV. Approval of the Minutes** – June 18, 2014 Regular Meeting & Public Hearing.  
*Upon MOTION by Terrence Delaney, Seconded by Peter Martin, it was voted unanimously, with Erica Andrews abstaining, to APPROVE the minutes of the 6/18/2014 meeting minutes.*
- V. Audience of Citizens.** Russ Perry questioned the status of the property on Brooklyn Tpke, known as the Arsenault property. ZEO Liz Burdick stated that she and John Berard visited the site. They previously had received a complaint that someone was living in the house, but when they looked no one was living there. Now someone IS living in the house. They did not see anyone living in the trailer, although they did see an RV on the property. Terry Delaney stated that there were water pipes, a gas grill, flowers and such on site. ZEO Burdick said that they had put up a fence and had several cars behind the fence. Terry Delaney also saw a bucket loader and a backhoe.

ZEO Burdick is crafting a Notice of Violation (NOV), and the First Selectman plans to escort her to the property in hopes of working out a solution with the property occupant. Chairman Greenberg asked when ZEO Burdick would be visiting the property, and she stated that she would be in the Town Hall the next day. She stated that the Assessors records show that the structure is listed as a bungalow, and wondered about the history of the property from years back.

Terry Delaney said that the occupant had stripped a building in Windham and brought all the refuse from that property to this one in Scotland. The refuse piles are currently building up in the back of the property.

ZEO Burdick indicated to the First Selectman that she appreciates that the occupant put up a fence, but that contractor equipment is not to be stored without a Special Permit.

Chairman Greenberg asked if there was Certificate of Occupancy (CO) for the bungalow, to which ZEO Burdick said “not that I know of”. Lee Hebert questioned if there was now a third outhouse on the property, or at least multiple outhouses. ZEO Burdick indicated that she was directed to travel to the site only when chaperoned.

Russ Perry wanted to make sure that he could answer any citizens who might ask about the Arsenault property by saying that Zoning is working on it, to which he received a positive response. He then asked about the upcoming Zoning Board of Appeals meeting. ZEO Burdick clarified that the ZBA meeting scheduled for 9/24/2014 had to do with the Bissonnette property. The late Mr. Bissonnette put an addition (or several additions) on his house and failed to obtain the proper permits to do the work. His wife asked what she needed to do to obtain proper permitting, and after-the-fact had her apply for building permits for various projects inside the house as well as this addition in question. This addition was previously a chicken coop. The addition onto the existing structure only allows for 23 feet of road frontage. In order for Mrs. Bissonnette to keep the addition, she needs to apply for a variance through the ZBA. At this time, Peter Reardon entered the meeting (ZBA member) and so all discussion of the topic was halted.

Chairman Greenberg indicated that there was one other enforcement issue to discuss at the end of the meeting.

## **VI. New Business.**

- A. PZ1403SUP (RENEW) – 302 Bass Road (M24/L19/B8) – Savino - Annual Renewal - Gravel Operation.**

John Valenti stated in an email dated Sept 10, 2014: that he “met with Peter Savino at this gravel operation on Bass Road. Mr. Savino has continued to maintain the sediment pools, and basins. The driveway has been maintained to direct storm water flows into these structures. The operation appears to be within the limits of the area approved for this activity. No soil erosion problems were noted and I can recommend approval of this request for the extension of this permit.”

***Upon MOTION by Terrence Delaney, Seconded by Robert Brautigan, it was voted unanimously to APPROVE PZ1403SUP (Renewal) Application of Peter and Lucille Savino for a Renewal of Gravel Operation Permit for Operation at 302 Bass Road.***

- B. PZ1404SUP (RENEW) – Rte. 14 Palmer Road (M19/L17/B2) – Coit - Annual Renewal - Gravel Operation.**

John Valenti stated in an email dated Sept 10, 2014 that he “also visited the Steven Coit operation on Route 14 and found conditions satisfactory and no soil erosion problem. The operation is consistent with the permit issued and well within the limits of the area permitted for this activity. I can recommend approval of this request for the extension of this permit.”

***Upon MOTION by Terrence Delaney, Seconded by Robert Brautigan, it was voted unanimously to APPROVE PZ1404SUP (Renewal) Application of Steven Coit for a Renewal of Gravel Operation Permit for Operation at Route 14, Palmer Road.***

C. Discussion of proposed regulation amendments to the Scotland Zoning Regulations regarding Commercial Equestrian Facilities.

Chairman Greenberg opened the discussion by referring to the meeting in May where it was discussed whether or not regulations would be a necessity. Lori Hamel of Scotland Stables, was not going to be attending the meeting, but would be attending the next meeting. He said that the Commission should also contact the owner of Huntington Hill Farm, on the old Shafer property.

Chairman Greenberg offered some background information on this issue: Fifteen years ago, there was a proliferation of trucking operations. Those persons involved in commercial trucking were contacted in order to put together regulations to accommodate those trucking operations. It worked out well such that a permitting process was put in place allowing for those current operations to qualify and to regulate any new operations going forward.

In this case, there is at least one large operation in question. ZEO Burdick had been talking to Chairman Greenberg about this for a few years, suggesting that there are operations that are essentially commercial operations and there should probably be regulations governing them. In the absence of any business operators at this meeting, the discussion would not go forward tonight.

Chairman Greenberg elaborated on the background regarding this discussion: One of the reasons why this came up was that there was an inquiry to the Zoning Board regarding a new, large commercial equestrian facility, which was then withdrawn. There is again interest regarding the same facility. One of the issues is that the property in question is adjacent to Gary Greenberg's property.

The potential applicant was turned down by Joshua's Trust who has a Conservation Easement on the land. Because it was clear that this might be something that the Board would have to allow, he talked to lawyer about it. ZEO Burdick said that this all started with the old chicken farm on Pudding Hill Road which has been foreclosed upon. The coop was converted into a riding stable. She and John Berard had visited the site previously. In the last year and a half, there have been a lot of people that want to turn it into a commercial riding stable. She initially brought this up to Gary because she wasn't sure how to answer people's questions because there are no regulations in place regarding **commercial** riding stables. The current regulations only allow for someone to apply for a *home occupation*, which does not comply (based on the definition) because of the size of the facilities in question. We do allow "use by right", but it is poorly defined.

Chairman Greenberg wanted to be clear about the possible conflict, and that if there was an application on the adjacent property he would not participate in the process. We have discussed the possibility of moratoriums for issues like this, and he would not want to participate in that discussion. He didn't know if these people would come in with an application or not. He doesn't want to seem in any way like he was trying to prevent that.

George Perry asked for clarification on the property and the status regarding application. Chairman Greenberg said that the whole Leete property is subject to a Conservation Easement to Joshua's Trust. The people who were interested in buying the property wanted to put in a large riding facility. They were looking to put a 20,000 sq. ft indoor ring, a large outdoor area including a house, which would require a subdivision. Both the extent of the riding facility and the subdivision were questionable with respect to the Conservation Easement. They came to ZEO Burdick at the same time as they went to Joshua's Trust, with the same questions. Joshua's Trust said no. So that ended the interest/inquiry at that time (in April). In July there was another inquiry, with the same plan. As a private citizen, chairman Greenberg contacted Joshua's Trust as an interested party, and made it very clear in his letter that he was contacting them as the adjacent landowner (offered to introduce his letter for the record). He said he knows that this conservation Easement doesn't allow for this type of development, and he is watching them. They contacted him to let him know that it was not approved. So he has no idea what is happening with the property right now. He is bringing it up in case the inquiry is resurrected.

Terry Delaney asked how a Conservation Easement is enforced. Chairman Greenberg described the method of proof showing that approval has been granted and that the development falls within the guidelines/requirements of the easement. A discussion continued regarding the nuances of Land Easements, Zoning Regulations, Right of Ways, land records, involvement with State entities and attorneys involvements and responsibilities.

Jeff Jakubowski asked if we have looked at other towns like Lebanon for sample regulations. Chairman Greenberg said that we would start in Scotland and get input before looking at other towns. He also stated that whatever operations are in place now will be grandfathered.

Henry Bowers asked of the possibility of a Moratorium. Chairman Greenberg said that he should not take part in that discussion. Further discussion of the use of properties that have equestrian friendly structures or properties ensued. There was discussion about properties that are currently for sale in town and what is being listed on realtor websites. There was a question about what could potentially be done with these properties relative to current regulations and existing uses. The terms personal use and commercial (or for profit) use were debated based on size and agricultural use.

ZEO Burdick stated that "it might be a good idea to put a moratorium on any new facilities until such time as we can come up with regulations." Henry Bowers followed up in agreement, based on what has been done in the past. ZEO Burdick stated that any person could write a set of regulations and submit an application for regulation amendments. It doesn't have to come from the commission. We are doing it because I feel that our regulations are not clear.

Jeff Jakubowski questioned if the two earlier mentioned facilities are the only known commercial facilities in town. It was believed to be 3 including the one on Pudding Hill. There were questions about permits and facility sizes, and what the existing facilities would be looking to encompass within the regulations.

Terry Delaney asked if developing these regulations and permitting these operations could potentially expand our tax base. Discussion continued regarding how a moratorium is imposed. Chairman Greenberg stated that a moratorium requires a text amendment. There was a brief recess to determine the process for a moratorium.

Terry Delaney said that he wanted to query the Board to see if it was something that should be considered. Robert Brautigam said that the concept of commercial regulations for equestrian facilities was good, as it was a green industry and good for the town. But he was not in favor of a moratorium unless there was a stipulation as to how long it would take to develop the regulations. Terry Delaney clarified that there was a time limit of typically 3 months or 6 months with a deadline. Erica Andrews agreed with the premise. Lee Hebert agreed as long as there was a limited time base. Terry Delaney said that he thought that a moratorium is something that should be strongly considered because it would allow for more properties to come into compliance.

Erica Andrews questioned whether it was worth imposing a moratorium based on the amount of time it would take to develop the regulations. Gary said that our history show that it takes 4-6 months to put regulations into place.

Terry suggested that a 6 month moratorium would at least come close to covering the amount of time it would take to go through the process. Robert Brautigam thought that was a reasonable amount of time.

Gary said that perhaps the Board could authorize Liz to take as much action as possible without meeting, moving in the direction of a moratorium. There is no language right now for the text amendment and so on. Perhaps it would be a good idea to tell Liz what the board wants and direct her to do whatever she can do prior to the next meeting, if it's possible. Terry Delaney asked if the commission was going so far as to say that we give ZEO Burdick the authority to call a public hearing for next month? ZEO Burdick stated that she had plenty of time to do that if it was required. Chairman Greenberg stated that the issue now is that there is no language to vote on for the amendment. It would need to be proposed by the Board, with language describing the moratorium and time limit, (6 months typical maximum).

***Upon MOTION by Robert Brautigam, Seconded by Lee Hebert, Authorizing our Zoning Enforcement Officer to look into what is necessary to establish a moratorium on establishment of commercial riding establishments in the Town of Scotland with the purpose of creating regulations to help the town shape them in a way that's beneficial to everyone involved. And that authorization goes so far as to posting notice for a public hearing for next month's meeting. The moratorium would be for 6 months. It was voted unanimously to approve this MOTION.***

Peter Reardon has volunteered to come back next month to share information at the public meeting. Those people running equestrian facilities can attend the meeting to share information with townspeople as well. That will be on the agenda. Hoping there will be 3 business operators attending.

#### **VIII. Old Business.**

#### **IX. Sub-Committee Reports.**

#### **X. Audience of Citizens.**

**XI. Administrative Reports.** Chairman Greenberg asked ZEO Burdick to offer an update on the dog kennel situation. Letter is going out certified mail tomorrow. Last week

was receiving complaints about Pine River Kennels. Applied for a kennel operation some years ago and denied. Last year the property was put up for sale as a kennel and the Real Estate agent was made aware of it. She was told the kennel was being shut down. Everything was quiet for a while. The woman did not sell the house. A neighbor complained and Liz investigated. Nobody answered the door but a dog greeted her. She could see 2 dogs inside of the fence, some kennels and a lot of dogs barking. Supposedly the house was sold and it appears to be a full-fledged kennel.

Jeff Jakubowski asked about what was happening with the property on Brooklyn Tpk. Liz said there was nothing happening at this time, but that they would be directing some attention to it.

**XII. Communications and Bills.**

**XIII. Commission Open Discussion.** Lee Hebert wanted to discuss the Commissions' responsibility to the townspeople to protect them regarding the sex offender situation. There was discussion regarding the difference between ordinances and regulations to protect townspeople. Chairman Greenberg asked the commission if they wanted to re-open the sex offender discussion for regulations. It was decided to continue as earlier agreed, and leave the development of an ordinance to the Selectmen, and ultimately to a Town Meeting.

Lee Hebert thought that in order to bring money and business into town, medical marijuana facilities should be considered. There was discussion regarding the process and how other towns have done it. We could limit it to production only, to make it more attractive to the town (vs. a dispensary), if the Board would get behind it. The state of CT has some of the most restrictive laws regarding medical marijuana. Facilities must be highly secure and highly centralized. It would be good for the tax base.

Gary suggested he could ask the attorney if there are model regulations, and to provide an opinion about whether to pursue. He suggested the production aspect of Medical Marijuana could be discussed at the next meeting. The Board Members were in agreement. This topic will be discussed at next meeting.

**XIV. Adjournment.**

***Upon MOTION by Robert Brautigan, Seconded by Erica Andrews, it was voted unanimously to ADJOURN the meeting at 8:30 pm.***

Respectfully submitted,

Wendy Sears  
P & Z Recording Clerk