

# MINUTES

TOWN BETHANY CONNECTICUT  
PLANNING AND ZONING COMMISSION  
REGULAR IN PERSON MEETING @7 P.M.  
WEDNESDAY, November 3, 2021.

## **AMENDED- Minutes approved at the December 1, 2021, Regular Meeting**

The regular meeting of the Planning and Zoning Commission was called to order at 7:02 p.m. Chairman Brinton called roll for all present:

The following Commission Members were present:

Kimberly McClure Brinton, Chair  
Alex Hutchinson, Vice Chair  
Donna Shea, Member/Secretary  
Rob White, Member  
John Corbo, Member  
Brad Buchta, Alternate Member  
Karen Muller, Alternate Member  
Nancy Held-Sheehe, Alternate Member

Also, present were:

Hiram Peck, Town Planner  
Lina Frazer, ZEO

### **APPROVAL OF MINUTES:**

Vice Chair Hutchinson noted two corrections: one on page 5 and one page 7 of October 6, 2021, Regular Meeting and Public Hearing minutes. It was moved by Vice Chair Hutchinson and seconded by Member Shea to approve the amended minutes of the October 6, 2021, Regular Meeting and Public Hearing. *Voting for: Brinton, Shea, White, Corbo, Hutchinson. Unanimous approval.*

### **BILLS:**

It was move by Vice Chair Hutchinson and seconded by Member Shea to approve the payment of \$2,000 for work by Hiram W. Peck III, AICP, Town Planner, relating to the Plan of Conservation and Development (POCD) *Voting for: Brinton, Shea, White, Corbo, Hutchinson. Unanimous approval.*

It was moved by Member Shea and seconded by Member Corbo to approve the payment of \$1,500.00 (monthly pro rate basis), for services rendered by Hiram W. Peck III, AICP, Town Planner, for October 2021, including but not limited to, Planning and Zoning meeting prep and attendance and ZEO matters. *Voting for: Brinton, Shea, White, Corbo, Hutchinson. Unanimous approval.*

### **PUBLICATIONS AND APPROPRIATE COMMISSION ACTIONS:**

ZEO, Lina Frazer provided a copy to the Commission of the *Connecticut Federation of Planning and Zoning Agencies*, Quarterly Newsletter, Summer 2021, Vol. XXV, Issue 3 in advance of Regular Meeting for their consideration and information.

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## **REGULAR MEETING CORRESPONDENCE:**

1. Notice from the Planning and Zoning Commission to the Town of Bethany, dated August 7, 2021., Re: **Notice of a Temporary and Limited Moratorium, Proposed Zoning Regulations Text Amendment, Cannabis Establishments, Medical Marijuana Producers, Dispensary Facilities, and/or Retail/Distribution.**
2. Letter sent via e-mail from Russell L. Winger Jr. Licensing Supervisor Adult -Use Cannabis Program, Department of Consumer Protection – Drug Control Division, dated November 2, 2021., Re: **DCP and OPM Online Form completed November 2, 2021.**
3. Letter from Vincent Marino, Town Counsel, to ZEO, dated October 6, 2021, Re: **Final – 2021 Deadline Summary – Approval Expiration, Final 2021 – Legislative Summary Updates – Land Use and Public Meetings; Public Act 21-29 – highlighted.**
4. Notice of a Public Hearing Continuation, dated November 2, 2021., Re: **244 Amity Road – Roger and Mary Ellen Simon.**
5. Letter sent via-email from Vincent Marino, Town Counsel, to ZEO , dated October 22, 2021., Re: **48 Deerfield Lane, 49 Deerfield Lane, 51 Deerfield Lane, and 56 Deerfield Lane.**
6. Letter sent via-email from Vincent Marino, Town Counsel, to ZEO , dated October 14, 2021., Re: **428 Bethmour Road – ROW.**

## **200 Litchfield Turnpike – Correspondence:**

7. Letter sent from Ann Marie Arsenault/Douglas Mayne from 84 Bethway Road, to ZEO , dated November 2, 2021., Re: **200 Litchfield Turnpike/Change of Use/Re-Zoning.**
8. Letter sent from Ann Marie Arsenault/Douglas Mayne from 84 Bethway Road, to ZEO , dated November 1, 2021., Re: **200 Litchfield Turnpike/Change of Use/Re-Zoning.**
9. Letter sent via-email from Margaret Otzel from 196 Litchfield Turnpike to the Planning and Zoning Commission, dated November 1, 2021., Re: **200 Litchfield Turnpike/Change of Use/Re-Zoning.**
10. Letter sent from Louise Harter from 64 Meyers Road to the Planning and Zoning Commission , dated November 2, 2021., Re: **200 Litchfield Turnpike/Change of Use/Re-Zoning.**
11. Letter sent from Louise Harter from 64 Meyers Road to the Planning and Zoning Commission , dated November 2, 2021., Re: **200 Litchfield Turnpike/Change of Use/Re-Zoning.**

## **COMMISSION ACTIONS AND CORRECTIONS:**

Commission Chairman Brinton noted a correction to those present, including Kristen Iannucci of Happy Home Dogs Care and Training, LLC, that the planned Public Hearing for Appl# 2021-16 would have to be postponed to the December 1, 2021, Planning and Zoning meeting due to the lack proper notice.

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## NEW BUSINESS:

There was no new business to be presented before the Commission.

## OLD BUSINESS:

1. **244 Amity Road - Roger and Mary Ellen Simon.**

Application has been withdrawn. No action needed.

2. **200 Litchfield Turnpike – Kristen Iannucci/Happy Homes Dog Care Training, LLC.**

Appl# 2021-16 – Home Occupation Permit for Change of Use from Adult Daycare to Happy Homes Dog Care Training, LLC.

Vice Chair Hutchinson motioned to set a Public Hearing for Appl# 2021-16 at the December 1, 2021, Planning and Zoning meeting. Member Corbo seconded. ***Voting for: Brinton, Shea, White, Corbo, Hutchinson. Unanimous approval.***

3. **1051 Amity Road – Patricia Gonzalez.**

Appl# 2021-17 – Accessory Apartment.

- ZEO, Lina Frazer informed the Commission that Appl# 2021-17 is with the ZBA, and the applicant will be applying for the variance at the November 8, 2021, ZBA meeting.

Commission Chair Briton asked for a motion to set a Public Hearing date of December 1, 2021, for Appl# 2021-12. Vice Chair Hutchison moved, and Member Shea seconded. ***Voting for : Brinton, Shea, White, Corbo, Hutchinson. Unanimous approval.***

4. **Affordable Housing Committee Update.**

- Commission Vice Chair Hutchison communicated to the Commission that there were no updates or changes to discuss at this time. Additionally, he offered to address any questions that Commission members may have.
- The Commission had a productive discussion surrounding the issues, implications, and possibilities associated with Affordable Housing policy. Town Planner, Hiram Peck counseled the Commission to consider possible options which may satisfy both, the members of community and State requirements.
- Commission members directed questions surrounding specific Affordable Housing percentage requirements to Town Planner, Hiram Peck.

5. **POCD Update.**

- Town Planner, Hiram Peck updated the Commission regarding information he received from OPM addressing the outstanding question of deadlines for the completion of the POCD. Mr. Peck informed OPM that the Commission had updated the POCD in 2019 with the inclusion of the Village Center section. OPM indicated to Mr. Peck they were unaware of this change.

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- Mr. Peck will send supporting documentation regarding the 2019 POCD update to OPM in the upcoming week. Documentation will include the details of the change and when it was adopted.
- Mr. Peck informed the Commission that the 2019 update will provide an adjustment to the December 2021 deadline and believes January/ February 2022 is a reasonable timeframe for completion.
- In light of the expanded deadline, Mr. Peck suggested the November 10, 2021, meeting be postponed, thus allowing for a more substantial body of text, material, and information to be generated and provided to the Commission for discussion.
- The Commission decided to postpone the November 10<sup>th</sup> meeting to December 8, 2021, at 7:00 p.m.
- The Commission then discussed possible ways to survey the public, and options for incorporating more planning opportunities into the established meeting schedule.

## **ENFORCEMENT OFFICER'S REPORT**

### **1. 25 Sabrina Drive- Complaint of Commercial Truck parked at Residential Zone Driveway**

- ZEO, Lina Frazer informed the Commission a letter was sent to the property owner seeking more information. She then spoke with the owner of commercial vehicle and indicated the conversation was productive and amicable.

### **2. 428 Bethmour Road-DPW concern**

- ZEO, Lina Frazer communicated to the Commission a possible right-of-way issue at Glenwood Rd. and Rolling Green Rd. Town Counsel, Vincent Marino sent a letter to the property owner stating that the Town is not responsible for maintaining the area in question.

### **3. 48, 49, 51, and 56 Deerfield Lane- Property Line Dispute**

- ZEO, Lina Frazer updated the Commission regarding a potential property line dispute on Deerfield Lane. Town Counsel, Vincent Marino sent a letter to all property owners involved, indicating the matter is a civil issue and no action can be taken by the Town.

### **4. 41 Greenhill Rd. – Wood pile at front of property**

- ZEO, Lina Frazer informed the Commission of the outstanding issue regarding a wood pile on the property at 41 Greenhill Rd.
- It is unclear how to proceed with this issue- possible action may include an amendment to wood pile regulations. Town Counsel will be consulted.

### **5. 17 Miller Rd.- Wood pile at front of property**

- ZEO, Lina Frazer informed the Commission of the outstanding issue regarding a wood pile on the property at 17 Miller Rd.
- It is unclear how to proceed with this issue- possible action may include an amendment to wood pile regulations. Town Counsel will be consulted.

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## OTHER BUSINESS

### 1. SCROG UPDATE:

- Vice Chair Hutchinson attended the October 2021 Southern Central Regional Council of Governments (SCROG) meeting as the Bethany Planning and Zoning representative.
- The meetings are held once a month, in North Haven and attendance is both in person and zoom. This meeting provides a good opportunity to connect with other planning and zoning counterparts from other towns
- Vice Chair Hutchinson informed the Board that the majority of the October 2021 agenda was given to the discussion of the Cannabis Zoning Regulations issue.
- Additionally, Vice Chair Hutchinson communicated that the RPC is conducting an Affordable Housing survey and they have received approximately 3,000 responses.
- Vice Chair Hutchinson reported at the SCROG meeting that the Commission has begun work on the POCD and was informed that SCROG requires a copy 60 days in advance of any Public Hearing. Mr. Peck indicated he was prepared to handle the timeline and any communication for the Commission in this matter.
- The Commission then set a representative for next 5 months of SCROG meeting:
  - November 2021- Kim Brinton
  - December 2021- John Corbo
  - January 2022- Rob White
  - February 2022- Nancy Held-Sheehe
  - March 2022- Donna Shea

### 2. HOPP BROOK/BEACON FALLS UPDATE

- ZEO, Lina Fazer updated the Commission regarding the Hopp Brook/Beacon Falls development issue and provided email documentation for the Commission to review.

## ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commission Vice Chair Hutchinson and seconded by Commission Member Corbo to adjourn the regular meeting at 8:21 p.m. *Voting for: Brinton, Shea, White, Corbo, Hutchinson. Unanimous approval.*

*Respectfully submitted,*



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*Laura Callery,  
Town Minutes Clerk.*