

MINUTES

TOWN BETHANY CONNECTICUT
PLANNING AND ZONING COMMISSION
PUBLIC HEARING @ REGULAR IN PERSON MEETING @7 P.M.
WEDNESDAY, December 1, 2021.

Acting Chairman, Alex Hutchison called the regular meeting of the Planning and Zoning Commission to order at 7:03 p.m. Acting Chairman Hutchison called roll and acknowledged Alternate Member, Nancy Held-Sheehe was sitting as a voting member for the meeting.

The following Commission Members were present:

Donna Shea, Member/Secretary
Robert White, Member
John Corbo, Member
Brad Buchta, Alternate Member
Alex Hutchison, Vice Chair – Acting Chair for this meeting.
Nancy Held-Sheehe, Alternate Member
Karen Muller, Alternate Member

Absent:

Kimberly McClure Brinton, Chair

Also, present were:

Hiram Peck, Planning Consultant, Lina Frazer, Zoning Enforcement Officer, and Donna Cahill, Court Reporter.

BILLS

It was moved by Member White and seconded by Member Shea to approve the payment of \$125.00, for the court reporting services rendered at this public hearing meeting on December 1, 2021, by Donna Cahill *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.*

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

CORRESPONDENCE AND APPROPRIATE COMMISSION ACTION.

The following are items either being submitted to the Commission for formal receipt and appropriate action or discussion with the Commission.

- **PUBLIC ACT 21-29: Memorandums provided by Town Counsel Vincent Marino concerning Accessory Dwelling Units (ADUs). The communication included the following attachments, dated October 6, 2021.**
 - Final- 2021 Deadline Summary- Approval Expiration.
 - Final 2021- Legislative Summary Updates- Land Use and Public Meetings.
 - Public Act 21-29- highlighted

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- Document mailed to Town Clerk Will Brinton and hand delivered to the Land Use Department on November 29, 2021. Ref: Town of Hamden Planning and Zoning Department – Proposed Town of Hamden Zoning Regulation Text Amendment Temporary Moratorium on Cannabis Establishments.
- Commission Meeting’s Calendar Schedule Jan 2022 – Jan. 2023- dates for review and approval.

NEW BUSINESS

The following are items either being submitted to the Commission for formal receipt and appropriate action or discussion with the Commission

1. **1051 Amity Road- Patricia Gonzales.**
 - a. Appl# 2021-18: Construction of breezeway to Accessory Apartment

The commission agreed to table this item for consideration until after the public hearing for Application# 2021-17, being the construction of the accessory apartment at 1051 Amity Road was settled.

2. **9 Munson Road- Janis Copes.**
 - a. Appl# 2021- 19: 36 x 72” aluminum frame sign mounted on building

The applicant was not present for the meeting and the Commission addressed their questions to ZEO, Lina Frazer and Town Planner, Hiram Peck. It was determined the sign would be mounted on side of the building facing Munson Road and would use the previously existing bolts. Acting Chairman Hutchison asked if there was motion to approve Appl# 2021- 19. Member Shea moved and Member Corbo seconded. Member White then asked for information relating to the maximum sign size allowed in the Zoning Regulations. Member Shea withdrew the motion to approve Appl# 2021-19 until this information could be obtained.

PUBLIC HEARING

At 7:19 p.m. Acting Chairman Hutchinson called the public hearing to order. Roll call was taken.

PRESENTATION, COMMISSION DISCUSSION, AND COMMENTS:

1. **200 Litchfield Turnpike – Kristen Iannucci/Happy Homes Dog Care and Training, LLC.**

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

 - Ms. Iannucci was present to speak before the Commission and present the proposed scope for Appl. #2021-16 and the property at 200 Litchfield Turnpike.
 - Ms. Iannucci is purposing a personal residence and office in the existing house and building a structure in the back of the property for the purpose of expanding her dog boarding and training business, currently being operated in Woodbridge.

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- Ms. Iannucci presented plans that illustrated a large building which would be used for housing the dogs in her care and indicated an outdoor area where the dogs would be allowed for daily exercise.
- Ms. Iannucci expressed a desire to be a mindful and respectful neighbor and business owner, taking special care to address noise concerns associated with dogs. Ms. Iannucci referenced videos she had previously provided to the Commission and several decibel studies involving dog barking. Additionally, Ms. Iannucci purposed building a privacy fence and adding landscaping to further reduce any noise.
- Ms. Iannucci informed the Commission a majority of the property is surrounded by land owned by the Regional Water Authority. There is one direct neighbor, and Ms. Iannucci stated the dogs would be kept approximately 235ft from that property line.
- The Commission addressed questions, including her planned hours of operation, maximum number of dogs in her care at one time, and what a typical day would entail. Ms. Iannucci responded that she anticipates hours of operation to be 7:00 a.m. to 6:00 p.m., and approximately 40 dogs as a maximum number of animals on the property.
- Member White clarified for the record that this hearing was for the approval of land use and may require a special permit as the property is zoned residential and not for commercial purposes.
- Town Planner, Hiram Peck clarified the Special Permit Application Regulations for the Commission and reminded those present that a Special Permit stays with the land. Mr. Peck also indicated that while there are no specific regulations relating to this type of business the Commission would be establishing and setting the guidelines for this permit.
- Mr. Peck also stressed that due to the residential zoning status of this property the support of the neighbors is significant.

There being no further questions from the Commission, Acting Chairman Hutchison asked if anyone from the public would like to speak on behalf of the application. The following spoke:

1. Margaret Otzel from 196 Litchfield Turnpike
2. Ezra Wetmore from 192 Litchfield Turnpike

Acting Chairman Hutchinson asked for a motion to close the Public Hearing for 200 Litchfield Turnpike at 8:01 p.m. Member Corbo moved to close the Public Hearing and Member Shea seconded. ***Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.***

Acting Chair Hutchison noted that the Commission has 65 days to take action on this application.

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PUBLIC HEARING

2. **1051 Amity Road- Patricia Gonzalez**
 - a. Appl. # 2021-17 – Accessory Apartment. (ZBA Variance approved Nov. 8, 2021)
 - Patricia Gonzalez and Kyle Culbertson presented the scope of the Appl. #2021-17 as being the purposed construction of an accessory apartment at 1051 Amity Road to be used as an in-law residence. Ms. Gonzalez informed the Commission the building is under 1000sq and thus in compliance with zoning regulations.
 - ZEO, Lina Frazer informed the Commission that QVHD has approved the location of the construction and the Zoning Board of Appeals approved a setback variance for this application on November 8, 2021.
 - Ms. Gonzalez expressed that the exterior appearance was meant to compliment the current building's aesthetic.
 - The Commission reviewed the plans and confirmed that the structure would be a single floor and would tie into the existing septic system.

There being no further questions from the Commission, Acting Chairman Hutchison asked if anyone from the public would like to speak on behalf of the application. No one from the public spoke.

Acting Chairman Hutchinson asked if there was a motion to close the Public Hearing for 1051 Amity Road at 8:13 p.m. Member White moved to close the Public Hearing and Member Shea seconded. *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.*

PUBLIC HEARINGS DISCUSSION BY COMMISSION

1. **200 Litchfield Turnpike – Kristen Iannucci/Happy Homes Dog Care Training, LLC.**
 - a. Appl# 2021-16 – Home Occupation Permit for Change of Use from Adult Daycare to Happy Homes Dog Care Training, LLC.
 - Town Planner, Hiram Peck refamiliarized the Commission with the Special Permit Application Regulations and suggested the Commission apply these standards to the any questions associated with Application #2021-16.
 - Member Shea asked if it was possible to see the physical property and Mr. Peck clarified that the Commission could visit the property with permission of property owner as individuals but not as a Commission.
 - Members of the Commission agreed to work with the current property owners for those that wanted to view the site.

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- Acting Chairman Hutchinson suggested tabling any decision on granting a Special Permit for a business to operate in the residentially zoned lot associated with Application #2021-16 to the January 2022 meeting.

Acting Chairman Hutchinson asked if there was a motion to table any decision for Appl. #2021-16 to the January 2022 Regular Meeting. Member Corbo moved to table the discussion of a Special Permit and Member Shea seconded. *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.*

2. **1051 Amity Road – Patricia Gonzalez.**
 - b. Appl# 2021-17 – Accessory Apartment.

- The Commission, having no additional questions or comments and all application materials being in order, agreed to approve Appl. #2021-17 for an Accessory Apartment.

Member White moved to approve Appl. #2021-17 for an Accessory Apartment at 1051 Amity Road and Member Corbo seconded. *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.*

The Commission then addressed and reviewed the plans for Appl. #2021-18 (Under Current Business)- construction of the breezeway to the Accessory apartment at 1051 Amity Rd.

3. **1051 Amity Road - Patricia Gonzales.**
 - c. Appl# 2021-18: Construction of breezeway to Accessory Apartment

- The Commission reviewed the plans for the breezeway with Town Planner, Hiram Peck.
- Member White suggested that as a point of clarification, that the breezeway remind part of the main residence in the interest of building codes and square footage regulations.

Member White moved to approved Appl. #2021-18 for the construction of a breezeway with the condition it remain part of the main residence and Member Corbo seconded. *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.*

COMMISSION AND STAFF REPORT, DISCUSSION, AND APPROPRIATE ACTION

1. **Affordable Housing Committee Update.**
 - Member Hutchinson informed the Commission that there was no update on the Affordable Housing Committee at this time.
2. **Plan of Conservation and Development (POCD) Update.**
(No Action Needed Tonight)
 - Town Planner, Hiram Peck informed the Commission that due to a conflict he would not be able to attend the December 8, 2021, meeting and suggested the meeting be rescheduled for January. The Commission agreed to reschedule but did not set a date for the January meeting.

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4. **SCROG Update.**

- Member Shea informed the Commission that she attended the November SCROG meeting in place of Chairman Brinton.

5. **Planning and Zoning 2022 Meeting Schedule**

- The Commission reviewed the purposed meeting schedule for 2022, being the first Wednesday of the month and no scheduled meeting for August 2022.

There being no conflicts with the purposed 2022 Regular Meeting Schedule, Acting Chair Hutchison asked if there was a motion to approve. Member Shea moved and Member Corbo seconded. *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson.* **Unanimous approval.**

ENFORCEMENT OFFICER'S REPORT & APPROPRIATE COMMISSION ACTION.

• **49 & 51 Deerfield Lane- Flood Light concerns.**

ZEO, Lina Frazer informed the Commission of an issue involving a flood light at 51 Deerfield Lane. The light is pointing directly at 49 Deerfield Lane's property and is in violation of the Town Lighting regulations. Ms. Frazer sent the regulations to the property owner at 51 Deerfield Lane and no change has been made. Mr. Peck suggested the next steps should include a letting from Town Counsel to the property owner.

• **135 Pole Hill Road- Anonymous complaint on the appearance of the property-farm.**

ZEO, Lina Frazer informed the Commission of an anonymous complaint regarding the appearance and fencing at 135 Pole Hill Road. The property is used as an organic farm and is known to Commission. Mr. Peck counseled that in lieu of a blight ordinance the Commission could only write a letter asking the property owner to please refine the appearance of the property. Acting Chair Hutchinson suggested, and the Commission agreed that with no regulations being violated, this was outside the scope of the Commission.

• **34 Ann Drive- Anonymous complaint- Owner is operating rental of recreational vehicles (RVs) and repairs on site.**

Ms. Frazer informed the Commission of an anonymous complaint regarding the property at 34 Ann Drive and the possibility that the owner is operating a recreational vehicle repair and distribution shop. The Commission discussed the regulations associated with operating a business out of a private residence. It was determined that the Commission can not proceed until the complaint is recorded.

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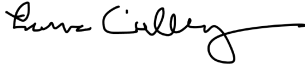
POTENTIAL ACTION ON ANY AGENDA ITEMS

- **Approval of the November 3, 2021, Meeting Minutes:**
Member Held-Sheehe noted a correction in the spelling of Commission Member Karen Muller from Karem Muller. Member Corbo moved to accept the amended minutes of the November 3, 2021, Regular Meeting and Member White seconded.
Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.

ADJOURNMENT

There being no further business to come before the Commission, it was moved by Commission Member Shea and seconded by Member Held-Sheehe to adjourn the regular meeting at 9:25 p.m. *Voting for: Held-Sheehe, Shea, White, Corbo, Hutchinson. Unanimous approval.*

Respectfully submitted,



Laura Callery,
Town Minutes Clerk.