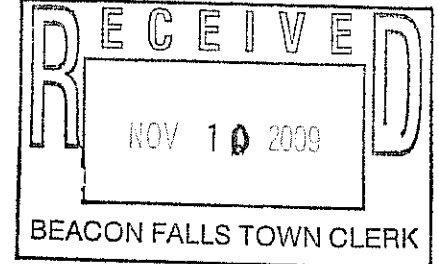


TOWN of BEACON FALLS  
*Connecticut*

Planning and Zoning Commission

Regular Meeting Minutes  
Oct 15, 2009  
Draft Minutes Subject to Modification



Present: Vice Chairman Vitale, Commissioners, Chadderton,  
Burns, Hinman, Fitzpatrick and Fernandes.  
Absent: Chairman McDuffie, Commissioners, Betkoski and Trzaski.

I Call to Order

Vice Chairman Vitale called the regular meeting of the Beacon Falls Planning and Zoning Commission to order at 7:59 P.M.  
The pledge of Allegiance was recited.

II Approval of Minutes

A motion to approve the minutes of the Sept 17, 2009 regular meeting as corrected was made by Comm. Fitzpatrick and 2<sup>nd</sup> by Comm. Chadderton.  
All in favor.

A motion to approve the minutes of the public hearing for application P-2009-179, PARD #3 Modification as submitted was made by Comm. Chadderton and 2<sup>nd</sup> by Comm. Hinman. All in favor.

III Comments from the Public

Bill Taylor from Subway came forward and an informal discussion was held regarding a possible future drive thru at 94 North Main Street. he was informed by the commission that a drive thru is not currently allowed. Vice Chairman Vitale asked if there were any other comments from the public and no one came forward.

IV Zoning Enforcement Officer Report

The Z E O submitted a written report which showed that he issued 6 certificates of zoning compliance, 16 site inspections, 2 cease and desist orders and 8 plot plan reviews. Brian mentioned to the commission that he has received a couple of phone calls regarding Windmills and the possibility of installing them. He mentioned that there are no regulations in place at this time. Brian Miller will bring information to next months meeting. After a brief discussion, a motion to accept the report as submitted was made by Comm. Chadderton and 2<sup>nd</sup> by Comm. Hinman. All in favor.

V Town Engineers Report

The Town Engineer was in attendance and submitted a verbal report. He noted that it has been quiet with the exception of Wyhndam Homes, and he

also noted that the repairs on the Depot Street Bridge will commence soon. A motion to accept the report as given was made by Comm. Fitzpatrick and 2<sup>nd</sup> by Comm. Burns. All in favor.

VI Town Planner Report

Brian Miller stated that a public informational workshop was going to be held 2 weeks from tonight on the Naugatuck River Corridor Study.

VII Comprehensive Plan of Conservation and Development -State

Brian Miller told the commission that the revisions have not yet been submitted to the state.

IX Old Business

1) Chatfield Farms – Jay Metcalf submitted a request for a reduction of bond to a performance bond. Town Engineer, Jim Galligan will check into and make a recommendation to the commission next month.

2) Meridian Property Mgmt LLC – (Comm. Betkoski excused himself) Fred Stank came forward and noted that the temporary C.O. for 94 North Main Street (bakery) was set to expire on Nov. 8, 2009. A discussion followed which talked about the needed changes to the site and the need to obtain a permit for the sign on the premises – it appears to have been put up without a permit. A motion was made by Comm. Chadderton and 2<sup>nd</sup> by Comm. Fernandes to have the applicant return next month with the Modified site plan map, with modifications clearly stated. All in favor. The bond reduction will be addressed at next months regular meeting.

X New Business

1) Naugatuck River Corridor Study – Workshop to be held in 2 weeks.

2) PARD #3 Modifications – P-2009-179 – A motion to approve modifications as proposed, with an effective date of October 22, 2009 was made by Comm. Fernandes and 2<sup>nd</sup> by Comm. Burns. 5 in favor. 1 abstention.

X New Applications

No new applications

XI Correspondence and Payment of Bills

A motion to pay bills as submitted was made by Comm. Fitzpatrick and 2<sup>nd</sup> by Comm. Hinman. All in favor.

XII Petitions from Commissioners

No petitions

XIII Adjournment

A motion to adjourn was made at 10:06 P.M. by Comm. Fitzpatrick and 2<sup>nd</sup> by Comm. Hinman. All in favor.

\*\* An audiotape of these minutes is available at the Town Clerk's office.

Respectfully Submitted,

*Mary Ellen Fernandes*

Mary Ellen Fernandes  
Clerk, 18 Oct 2009

**ZONING ENFORCEMENT OFFICIAL  
MONTHLY REPORT  
OCTOBER 2009**

**SITE INSPECTIONS: 16**

**PLOT PLAN REVIEW: 8**

**CERTIFICATE (S) OF ZONING COMPLIANCE ISSUED: 6**

WYNDHAM HOMES	2 FIELDSTONE LANE	HOME
WYNDHAM HOMES	4 DOGWOOD LANE	HOME
GABE FUSCO	100 NORTH MAIN STREET	ADDITION
BILL CARDOW	25 COOK LANE	DECK
LEN MARK	141 SOUTH MAIN STREET	SIGN
DON MACDONALD	210 COLD SPRING ROAD	FENCE

**CEASE AND DESIST ORDERS ISSUED: 2**

MICHAEL SIROWICH	153 MUNSON ROAD	DRIVEWAY
GREG PIACENTINI	151 MUNSON ROAD	DRIVEWAY

This is one driveway shared between two back lots. From the maps on file this driveway is in the correct place. The survey pins show this part of this driveway is on yet another landowner's property and the five (5') foot setback has been encroached upon on other parts of the driveway as well. The parties involved can not reach an agreement or land swap, and apparently do not wish to sit down and discuss the issue. The case is now in the hands of our attorney.

- 1) TIME IS RUNNING SHORT SOON THE ASPHALT PLANTS WILL BE CLOSING! THE PROJECT APPROVED ON NORTH MAIN STREET BY THIS COMMISSION AT THE REGULAR AUGUST MEETING SEEMS TO HAVE STALLED. MARIO HAS UNTIL NOVEMBER 8<sup>TH</sup> OF THIS YEAR, AS PER THE TEMPORARY C. O. THAT WAS ISSUED, TO COMPLY WITH ALL THAT YOU HAVE ASKED. TONIGHT IS HIS LAST NIGHT FOR YOU TO GIVE FINAL SITE PLAN APPROVAL. IF THIS IS-NOT DONE I WOULD HOPE THE COMMISSION WOULD START PROCEEDINGS TO PULL THE BOND, SO THE TOWN WOULD BE ABLE TO GET THE PROJECT COMPLETED BEFORE WINTER.
- 2) THE COMMISSION NEEDS TO DECIDE TONIGHT HOPEFULLY IF IT WANTS TO ALLOW WINDMILL TYPE GENERATORS IN TOWN. I HAVE HAD 4 CALLS ON THE POSSIBILITIES OF INSTALLING THEM, AND AS OF TODAY WE HAVE NO REGULATIONS ON THEM. SECT 11 PAGE 34 SEEMINGLY ALLOWS FOR ANYTHING UP TO FORTY FEET HIGH. SECTION 7.3 PAGE 12 DOES NOT INCLUDE WINDMILLS. SECTION 7.4.3 PAGE 13 NEED RULING FROM COMMISSION WOULD WINDMILLS AND OTHER ITEMS NOT LISTED FALL UNDER THIS RULE? WHAT IS THE INTENT OF THIS RULE?

NOV 10 2009

- 3) AS I SEE IT RIGHT NOW A WINDMILL IS A STRUCTURE AND THUS ALLOWED IN TOWN UP TO FORTY FEET TALL TO THE TIP OF THE BLADES AT THE HIGHEST POINT OF THE REGULAR ROTATION. IF HE WANTS TO GO HIGHER A CASE CAN BE MADE THAT ALL HE WOULD HAVE TO DO IS INCREASE THE SETBACK 2 FEET FOR EVERY FOOT OR FRACTION OF A FOOT HE WANTS TO GO HIGHER. I WOULD ALSO STIPULATE THAT NO MATTER HOW HIGH OR WHAT THE SETBACK IS SUPPOSED TO BE, THE WINDMILL MUST BE LOCATED TEN (10) FEET PLUS THE HEIGHT OF THE UNIT AWAY FROM ALL ADJOINING PROPERTY LINES, SO THAT IF IT WERE TO FALL OVER IT WOULD NOT DROP ON ANYONE ELSE'S PROPERTY.

RESPECTFULLY SUBMITTED

*Brian Herb CEO*

BRIAN HERB, CEO

NOV 10 2009