

# PLANNING AND ZONING COMMISSION

## Regular Meeting Minutes October 18, 2018 Draft Minutes Subject to Modifications

Present: Vice Chairman B. Giglio, Commissioners J. Burns, P. Hinman, D. Taylor and R. Starkey.  
Absent: Chairman K. McDuffie, Commissioners D. Setaro, Cal Brennan and R. Jurzynski.

### **I CALL TO ORDER**

Vice Chairman B. Giglio called the Regular meeting of the Beacon Falls Planning and Zoning Commission to order at 7:31 P.M. The Pledge of Allegiance was recited and the legal notice was read into the minutes.

### **II APPROVAL OF MINUTES**

A motion to approve the minutes from the Sept. 20 , 2018 regular meeting as submitted, was made by Vice Chairman B. Giglio and 2<sup>nd</sup> by Comm. P. Hinman. All in favor.

### **III COMMENTS FROM THE PUBLIC**

Vice Chairman B. Giglio asked if there were any comments from the public and Elliott Fuller, 35 Chatfield Drive asked about the final paving and why is was not done. He noted that he was present at last months meeting and was under the impression that he would have an answer this month. Vice Chairman B. Giglio told Mr. Fuller that Chairman K. McDuffie was checking into that and Kevin was not able to be here tonight. He will ask Kevin to contact him.

Sergio Felix, Pinesbridge Road, came forward and asked why the Planning and Zoning Commission is not enforcing the regulations as far as NEJ is concerned. He also stated that he had asked to be added to the agenda. He said that he is being affected by Section 42 of the Zoning Regulations and that for the property to be used as a warehouse, a special exception is needed. He asked if the commission had looked into that. Vice Chairman B. Giglio stated that it is being looked into. Mr. Felix stated that there are many requirements and one of them is a screen between their property and residential. They have taken down the tree barrier that existed. Mr. Felix states that they are not allowed to use the property as a warehouse. Because the building was not continuously used as a warehouse, it is a nonconforming use. Vice Chairman B. Giglio asked for clarification of what Mr. Felix was saying. Based on what Mr. Felix is saying, they would have to get a special exception and then comply with all of Section 52. Vice Chairman B. Giglio asked Mr.

Felix about the issue of the truck noise and traffic and the fact that action has been taken. Mr. Felix said no action for that issue, it is all for their expansion. Mr. Felix says that the board has not addressed any of his issues. Vice Chairman B. Giglio confirmed that Mr. Felix had met with the 1<sup>st</sup> Selectman and with the officials of NEJ.

Mr. Felix confirmed that he had. He was told that a plan would be made and he would be informed in 1 week. He has not heard anything as of yet. Mr. Felix also stated that had his issue been addressed, he would not have looked further into the regulations regarding the compliance of NEJ.

Vice Chairman B. Giglio asked Mr. Felix “what it is that NEJ has not done, that you are looking for them to do?”. Mr. Felix replied, “to stop the noise and use the lot as allowed”. As he understands it, the plan is to use the lot even more, as a parking lot for the trailers. Mr. Felix says that the activity kept going until the construction started. He understands that business needs to be in town, but feels that there should be a balance. Businesses should have to conform to the regulations just as residential has to. Vice Chairman B. Giglio noted that the advice of the Town Land Use Attorney states that the use is allowed. Vice Chairman B. Giglio noted that Mr. Felix may want to have his attorney contact the town land use attorney and discuss it.

Vice Chairman B. Giglio asked 3 times if there were any comments from the public and no one came forward.

#### **IV ZONING ENFORCEMENT OFFICERS REPORT**

The ZEO was present and submitted a written report which showed 6 certificates of Zoning Compliance and 1 Blight Citation.

A motion to accept the report was made by Comm. B. Starkey and 2<sup>nd</sup> by Comm. P. Hinman. All in favor.

#### **V TOWN ENGINEER REPORT**

The Town Engineer was not present and did not submit a written report.

#### **VI COMPREHENSIVE PLAN OF CONSER. AND DEVELOPMENT**

No activity.

#### **VII OLD BUSINESS**

1) Chatfield Farms – No Activity

2) Pond Spring – No Activity

3) C. Edwards - Pent Road / Tiverton – No Activity

4) Section 71 – proposed amendment to zoning regulations – A motion to approve the proposed amendment (71.3) to Section 71 of the zoning regulations was made by Comm. B. Starkey and 2<sup>nd</sup> by Comm. P. Hinman. All in favor.

#### **VIII NEW BUSINESS**

None

#### **IX NEW APPLICATIONS**

None

**X CORRESPONDENCE AND PAYMENT OF BILLS**

A motion to approve payment of bills was made by Commissioner R. Burns and 2<sup>nd</sup> by B. Starkey. All in favor.

**XI PETITIONS FROM COMMISSIONERS**

Comm. R. Starkey commented again about the safety of the structure of the Smith house located on Burton Road. He has mentioned in the past that he feels that someone will get hurt, as kids are on the property. Vice Chairman B. Giglio made a motion to send a letter regarding this matter to the building inspector, 2<sup>nd</sup> by Comm. R. Starkey. All in favor.

**XII ADJOURNMENT**

A motion to adjourn at 8:05 P.M. was made by Comm. J. Burns and 2<sup>nd</sup> by Vice Chairman B. Giglio. All in favor.

Respectfully submitted,  
Mary Ellen Fernandes  
Clerk, Oct 21, 2018