

TOWN OF GOSHEN
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES
TUESDAY APRIL 23, 2024 - 7:30PM

1. **CALL to ORDER:** The meeting was called to order at 7:32 by Chairperson Jon Carroll.

2. **ATTENDANCE:** Lu-Ann Zbinden Vice Chairperson, Patrick Lucas(Z), Cindy Barrett(Z), Jerrold Abrahams(Z), Jim Withstandiey (alternate) Jared Denis (alternate), Shilo Garceau, and Chairperson Jon Carroll.

OTHERS: Town Planner and Zoning Enforcement Officer Martin Connor. Spencer Musselman new Planning Officer and Janelle Mullen new Zoning Officer. Todd Carusillo First Selectman, Garret Harlow Public Works Supervisor.

Jon Carroll said he and other commissions such as Inland Waterland's had asked to be involved with the candidate selection and he is disappointed he was not part of the process, and they did not have their voices heard.

3. **PUBLIC HEARING: None**

4. **READING OF THE MINUTES:** Tabled minutes from February 27, 2024; March 26, 2024.

Lu-Ann Zbinden submitted a marked up copy of the 21 page February 27, 2024 Minutes to Lori Clinton, as included in the agenda. In the future only the motions will be filed within 48 hours and the testimonies can be done later.

Janelle Mullen asked if all meetings are transcribed as that is unusual unless legal counsel requires it. Chair Jon Carroll says that meetings are not to be transcribed and asks the Commission if they would like transcripts.

Todd Carusillo says the Town uses a 45 day retention period and the videos and recordings of the minutes are archived. The town is obligated to retain and maintain these per state statues on Library archives.

Janelle Mullen states the State Law legally requires video to be kept for 5 years and made available to the public with a simple FOI request such as an informal email. The town would have 4 days to respond to request and state how long it would take to provide the recordings.

Spencer Musselman stated that in Litchfield, a longer meeting and similar zone changes was four pages. He noted that it was highly unusual to have this many pages in meeting minutes.

Janelle Mullen suggested that she and Spencer Musselman provide the Commission with a list of all correspondence and will circulate the list in advance in the meeting, so the numbers and dates are clear and accurate.

Spencer Musselman said typically just a summary of resident statements are included in public comments.

Patrick Lucas motioned, and Cindy Barrett seconded, to accept the minutes of February 27, 2024, as amended by Lu-Ann Zbinden. It was voted unanimously to accept the motion.

Lu-Ann Zbinden motioned, and Shilo Garceau seconded, to table the review of minutes of March 26, 2024, to the next meeting, it was voted unanimously to accept the motion.

Jon Carroll was to meet with Marty Conner and Lori Clinton to discuss process for the meeting and minutes and apologized that this did not happen. Jon Carroll states that he will now get together with Spencer Musselman and Janelle Mullen to decide how they will delegate tasks.

5. **NEW BUSINESS:**

A. Attorney Charles R. Ebersol, Jr., proposed amendment to Article 3, Section 3.3.2 of the Zoning Regulations, add new Section 3.3.2.10, artist studio.

Letter from Attorney Ebersol dated April 23, 2024, re: Amendment to Section 3.3.2.10 of the Goshen Zoning Regulation to allow an Artist Studio in RA2 and RA5 zone. It will be site specific and require a Special Permit.

Marty Conner asked the Commission to accept the document and place it on the agenda for public hearing. Jon Carroll noted that the commission can delay the public hearing if they choose.

Lu-Ann Zbinden motions to accept the proposed amendment to Article 3, Section 3.3.2 of the Zoning Regulations, add new Section 3.32.10, artist studio and set the public hearing for Tuesday May 28, 2024. Patrick Lucas seconded. All voted in favor.

Janelle Mullen noted that when a combined commission such as Planning and Zoning makes a regulation change, it must pass a two part test as the Planning Commission AND the Zoning Commission, reviewing the POCD and making sure it aligns with the health and safety and welfare of the town.

6. OLD BUSINESS:

Discuss and review agenda distribution and attachment procedures. Plan of Conversation and Development (POCD). Review of 2017 POCD Chapters 1-4.

It was noted the plan is out of date and statutes have changed. The Commission discussed gathering new data and notifying the town that input is requested and valuable. There are many avenues to gather information such as the AG council, Conservation Commission, and Housing trust. More than one public opportunity should be allowed for input. The last time Planomatic held a Community Forum that was attended by 110 people.

Discussion on Statute 8-30 G, regarding a percentage of housing that must be affordable to reduce the density of housing requirement.

The P&Z Commission will review the POCD. **Cindy Barret made a motion to read and review the P&Z 2017 POCD pages 13-24. Lu-Ann Zbinden seconded, and all voted in favor.**

7. ZEO REPORT

Marty Connor, provided a brief review of the Activity Report dated April 23, 2024, see attached.

Lu-Ann Zbinden motioned to accept the report, Cindy Barret seconded, and it was voted unanimously to accept.

The address in the second paragraph, first sentence should be 190 Sharon Turnpike. Marty reviewed plans with Public Works for the proposed public works building.

Colangelo 24 Benjamin Lane: The public hearing notice was not mailed on time therefore it was delayed to May 16, 2024.

Justin Whatley 97 Sharon Turnpike: Discussion of an addition and a new outer building that was approved many years ago. Due to the culvert, the approval was automatically extended to 8/15/31. Inland Waterlands will do an extension first then it will go to P&Z. The site plan will need approval from the Commission within 65 days. Chairperson Jon Carroll and the Commission discussed tabling it until the next meeting.

Janelle Mullen and Spencer Musselman informed the Commission on the laws and regulations pertaining to time limits and agrees the Commission has 65 days.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:

Patrick Lucas motioned to add Goshen PPW to the agenda (7A) at 190 Sharon Turnpike. Lu-Ann Zbinden seconds and the motion passed unanimously.

Jim Strub, attorney at Secor, Cassidy & McPartland, on behalf of the town of Goshen provided a review of statutory procedural items. He said that the P&Z when reviewing a site plan application, must act strictly in Zoning capacity without public policy or planning concerns. The Commission has 65 days from receipt in which to decide on the site plan. The public hearing process has a different schedule. If an applicant complies with all provisions, the commission cannot legally reject the application. He thanked the Commission for its time.

Goshen PPW - 190 Sharon Turnpike: Garret Harlow, Public Works Supervisor, discussed the proposal for a backup plan for Public Work's storage. The land is 13.626 acres, and the development is in an open field area behind an existing house. Drawings of the proposed building and site plans were shown and reviewed.

Chair Jon Carroll asks for the Inland Waterlands Commission approval letter. Marty Conner responded that the building is smaller and has been previously approved by Inland Waterlands. Jon Carroll then asked Spencer Musselman what he would do, and Spencer Musselman said to ask Inlands Wetlands for the letter. Changes reduced the building from eight bays to six bays or a reduction by approximately forty feet. The lights will be on a sensor and as it would be a storage facility, it is not expected to be used during evenings and weekends.

Jon Carroll asked Garrett Harlow to provide a narrative of what is going to occur at this building for the next meeting. Cindy Barret recommends big plants for maximum barrier from view.

Janelle Mullen asks what is the procedure for approval of site plans? Per Jon Carroll the P&Z does NOT check to ensure all the requirements for Zoning and Planning are met. Janelle recommended that the P&Z commission follow their procedures. Article 4 is strict on whether an applicant is compliant. Sections 4.3.1/4.3.2 should be

reviewed meticulously line by line. For example, the commission cannot require plants over and above what the regulations require. Spencer Musselman noted that the lighting and landscaping details should be in the site plan. Janelle Mullen notes that setting up a public hearing is not required, and it must be stated why it is being done so the future is consistent as the town is setting a precedent.

The Commission discussed the probable number of attendees as this subject has a lot of public interest.

Lu-Ann Zbinden makes motion for a public hearing for Goshen PPW - 190 Sharon Turnpike on May 28th 7:30 pm, the place to be determined. It was seconded by Shilo Garceau, and all voted in favor and the motion passed.

The P&Z Commission will ensure they arrange for the appropriate space for the number of people expected.

9. CORRESPONDENCE None

10. PUBLIC COMMENT (2 minutes per person only regarding matters pertaining to P& Z Commission):

Todd Carusillo, First Selectman stated that P&Z Chair Jon Carroll's comments at the beginning of the meeting were inappropriate, and that Jon Carroll was in fact notified for interview meetings. Jon Carroll for P&Z has not responded to emails in three weeks. Todd did not appreciate being smeared by Jon Carroll. Jon Carroll said he emailed Todd Carusillo, Todd Carusillo said he did not receive an email from him

George Parrell, Goshen resident, offered to help and be involved in Plan of Conversation and development (POCD) and recommends that a budget be established.

Sarah Leonard noted that 190 Sharon Turnpike was not on the agenda and should not have been reviewed at this meeting and feels it shows a lack of transparency. She said she appreciated the public hearings and has not seen the needs assessment from Garret Harlow yet.

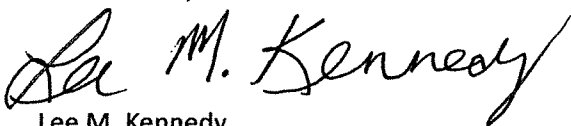
Mariss Wright said 190 Sharon Turnpike was not on the agenda and is disconcerted about the lack of transparency. She noted Garret Harlow and Todd Carusillo were present when this was previously discussed. She said a notice to adjacent property owners would be appreciated. She thanked the Commission for the hearing and all they do.

Todd Carusillo, an ex-officio commission member spoke again. The Board of Selectmen voted last week to have the attorney and Garret Harlow at this meaning. Marissa Wright was at that meeting and there was a notification, and she knows this. Todd Carusillo described the plan for 190 Sharon Turnpike as a backup plan and already have Inland Wetlands and Torrington Health approvals. They are seeking P&Z approval to be ready in case the preferred plan falls through. The preferred plan is to place a building behind the Firehouse. If the preferred plan is approved, then 190 Sharon Turnpike would be sold or used in another way.

11. ADJOURNMENT

At 9:20 pm Lu-Ann Zbinden made motion to adjourn, Shilo Garceau seconded. and it passed unanimously.

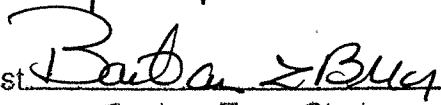
Submitted by

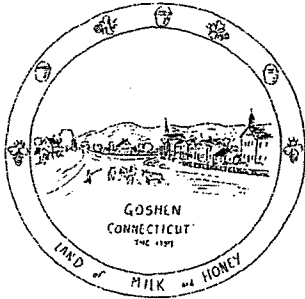


Lee M. Kennedy

Commission clerk

Received April 25, 2024 @ 1:47 P.M.

Attest 
Goshen Town Clerk



TOWN OF GOSHEN

42A NORTH STREET GOSHEN, CT 06756-0187
PHONE 860 491-2308 x 232 FAX 860 491-6028

**Martin J Connor, AICP, Town Planner/Zoning and Inland
Wetlands Enforcement Officer**

To: Planning & Zoning Commission
From: Martin J. Connor, AICP
Subject: Activity Report
Date: April 23, 2024

Attorney Charles R. Ebersol Jr., Proposed Amendment to Section 3.3.2 of the Zoning Regulations, add new Section 3.3.2.10, Artist Studio: I met with Sculptor, Sabin Howard and his Real Estate Agent, Andrew Murphy, regarding property at 777 North Street. Mr. Howard would like to use the two agricultural barns as artist studios for his sculpturing artwork. He lives in Kent and doesn't want to construct a dwelling on the property so he couldn't apply for a home-based business. An Artist Studio is not a principal use allowed in the RA-5 Zone where the property is located. I suggested that he could submit an amendment to the Zoning Regulations to allow such a use by Special Permit. Mr. Howard hired Attorney Ebersol, who I met with. Attorney Ebersol has submitted an amendment to the Zoning Regulations that would add a new category and definition, Artist Studio, to Section 3.3.2. I recommend that the Commission accept the proposed Regulation Amendment and set a public hearing for their 6/25/24 meeting. I believe the proposed Regulation Revision can be found to be consistent with the Economic Development Section of the 2016 Goshen BOC.

Town of Goshen, 190 North Street, construct a Town of Goshen building for storage by Public Works: I met with Garrett Harlow, PLA Supervisor, Public Works, regarding a proposed building for the Public Works Department to store equipment and materials. The building has been downsized from a previous application that was subsequently withdrawn. The new building has been shortened in length from 160' to 125'. Per Section 3.3.1.5, the proposed use is a permitted use in the RA-2 Zone. Only Site Plan Approval is required. The Town has previously received TAHD and Inland Wetlands Approval for the larger Building. The proposed building meets the setback and height requirements. The application was submitted 4/19/24 after the agenda was prepared and needs to be voted onto the agenda. I recommend that the Commission receive the application and review it at their 6/25/24 meeting. The application should be reviewed using the Site Plan criteria, Section 4.3 of the Regulations. The Commission has 65 days to review the application since it requires only Site Plan approval as a permitted use in the RA-2 Zone.

SHARON TURNPIKE

5/28/24

Alan C Rothfeld & Laura Colangelo, 24 Benjamin Lane, house addition – no zoning permit: Investigated a complaint that an addition was constructed at 24 Benjamin Ln. without the necessary building, zoning, and TAHD approvals. Met with Bill Colby, P.E., who is representing the owner. Made a site visit. A-2 Survey was requested. I met with Mr. Colby and reviewed the survey. The addition requires a requires ZBA approval under Section 2.4.3 b of the Regulations for an addition to a non-conforming structure. Mr. Colby filed a Special Permit ZBA application on behalf of the owners. A Public Hearing on the Special Permit is scheduled for the 5/16/24 ZBA Meeting.

Justin Watley, Goshen J. W. Tractor, 97 Sharon Turnpike, construct addition and new building: Met with project Engineer, Bill Colby, P. E., and owner regarding Special Permit Site Plan approval previously granted. Due to COVID legislation allow his Inland Wetlands and Site Plan approvals to be extended to 8/15/31.

Housatonic Council, Boy Scouts of America, Camp Strang, 278 West Side Rd, replace dining hall. Met with architect on-site and discussed replacement. Since the new building will be larger than the existing hall and will require Site Plan approval from PZC. Architect working on the plans.

Issued ZP # 24-04 to Joanie Wedler, 2287 School Hill Rd., construct shed.

Issued ZP # 24-05 to Peter Conroy, 104 West Street, construct 3 accessory buildings – barns.

Issued ZP # 24-07 to Ed & AJ Building & Remodeling, 277 East Hyerdale Dr., construct dwelling with attached garage and deck.

Issued ZP # 24-08 to Lorraine Lucas, 21 Bartholomew Drive, remove existing garage and carport and construct new garage.

Issued ZP # 24-09 to Marc McCarthy, 405 West Hyerdale Drive, construct new dwelling with attached garage.

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April 23, 2024

Martin Connor
Goshen Planning & Zoning Commission
42A North Street
Goshen, CT 06756

RE: Amendment to Section 3.3.2 of the Goshen Zoning Regulations

Dear Marty:

Thank you for pointing out that there is already Subsection 3.3.2.9 and that therefore my proposed Artist's Studio amendment should be 3.3.2.10. Attached please find a corrected proposed amendment.

Sincerely,



Charles R. Ebersol, Jr.

CREjr/sdc

Enclosure

**PROPOSED AMENDMENT
TO SECTION 3.3.2 OF THE GOSHEN ZONING REGULATIONS**

Amend Section 3.3.2 SPECIAL PERMIT USES to add the following new subsection:

“3.3.2.10: ARTIST’S STUDIO FOR PERSONAL AND/OR BUSINESS USE. As used herein, Artist’s Studio is defined as work space for an artist or artisan practicing one of the fine arts or skilled in an applied art or craft.”

