

**PLANNING & ZONING COMMISSION
SPECIAL MEETING – MINUTES
OCTOBER 26, 2021 – 7:30PM
HELD AT GOSHEN TOWN HALL AND BY ZOOM VIRTUAL MEETING**

PRESENT: Don Wilkes, Cynthia Barrett, Lu-Ann Zbinden, Patrick Lucas, Laura Lemieux, William Clinton, Leya Edison, and Thomas Carey

EXCUSED:

OTHERS: Town Planner and Zoning Enforcement Officer Martin Connor, and members of the public Robert Valentine (exofficio), Dawn Wilkes, Bob & Dawn Grosclaude, Scott Fraher, Michael Golison, Patty Sandus, Lorraine Lucas, Don Lucas, Paul Collins, Lucia Miller, Marty Harris, Mark Harris, Doreen Deary, Judi Armstrong, Michael Exstein, Max Exstein, Jeanna Sadowski, Peter Kujawski, Craig & Dee Spring, Todd Carusillo, Janet Hooper, C Sander, D Carey, L Miller, and F Komisar. Via Zoom James Martin, Heidi Koenig, Henretta Horvay, Karleen Cordeau, Jim Withstandly, Dexter Kinsella, Jim Murtaugh, Audbi, Adam, 860-491-3679, 860-689-6189, Cathlren Vlasto, Allan, Ed Budzyn, and Joyce Mowrey

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

The meeting started at 7:29PM. The meeting was conducted in person at Goshen Town Hall and virtually through Zoom and recorded digitally.

- 2. PUBLIC HEARING: To place a Temporary and Limited Moratorium on Cannabis Establishments** Public Hearing began at 7:29pm and Chairman Wilkes reviewed directions of Public Hearing and asked if anyone would like to comment. Mr. Mark Harris, 33 Sandy Beach Road spoke in favor of the Moratorium. Lori Clinton read the Public Hearing Notice. Audrey Blondin, 174 Shearbrook Drive spoke in favor of the Moratorium. Karleen Cordeau, 43 Rock Wall Court began to speak on a report from Conquest and Chairman Wilkes called a point of order that this was not related to the Public Hearing topic. Ms. Cordeau stated she will withhold comments on the topic of cannabis. Chairman asked if there were any more comments.

IN A MOTION by Mr. Wilkes, first by Ms. Zbinden and seconded by Ms. Barrett, it was VOTED to close the Public Hearing on placing a Temporary and Limited Moratorium on Cannabis Establishments. Motion carries.

- 3. READING OF THE MINUTES:** The Commission reviewed the minutes from August 31, 2021, regular meeting. Following corrections made:

A. Date of Special Meeting Minutes should be August 31, 2021 and not September 2, 2021.

B. Section 3B: Correction of spelling - Discontinuance to Discontinue.

C. Section 4A: Correction of spelling - Spensor Albano to Spencer Albano; statues to statutes.

IN A MOTION by Ms. Lemieux and seconded by Ms. Zbinden, it was VOTED to accept the minutes as amended. Motion carries.

4. **NEW BUSINESS:**

A. **Dawn Grosclaude, 276 Sharon Turnpike - Home based business in a residential zone, Home Hair Salon Business:** Mr. Connor stated that Ms. Grosclaude is applying for a Special Permit which will require a Public Hearing. Chairman Wilkes asked if she would like to add anything and Ms. Grosclaude went into detail of what she plans and why. Mr. Connor stated that approval from Torrington Area Health approval will be needed at Public Hearing.

IN A MOTION by Mr. Lucas and seconded by Ms. Zbinden, it was VOTED to set a Public Hearing date for 276 Sharon Turnpike home based business on November 23, 2021. Motion carries.

B. **Consideration to include the Affordable Housing Plan (AHP) as part of the 2016 POCD and set a Public Hearing Date:** Mr. Valentine began to give a overview of the AHP when Ms. Edison stated point of order that there is a conflict of interest with Mr. Harris, Mr. Wilkes, Ms. Barrett and Mr. Valentine when Chairman Wilkes read the statement from the Town of Goshen Attorney and then stated that Ms. Edison's point of order is out of order. Ms. Edison attempted to respond and was informed that she was an unseated member and unable to speak. Ms. Edison objected and Mr. Valentine continued with his overview and encouraged the board to adopt the plan but to have a vigorous debate and the need for a Public Hearing. Chairman Wilkes asked for more discussion. Ms. Edison asked if she could discuss and was again told no by the Chairman. Audience member then asked to speak and was informed that the Public Hearing portion of the meeting was over. Ms. Barrett asked what the commissions thought would be an appropriate time for a Public Hearing. Ms. Zbinden stated that since this is such an important topic that perhaps the January 25, 2022 meeting would be an appropriate time. Ms. Barrett agrees with that date. Mr. Connor stated the POCD was adopted in 2016 and went into explanation of setting the Public Hearing and detail of what the adoption means.

IN A MOTION by Ms. Zbinden and seconded by Ms. Bennett, it was VOTED to set a Public Hearing date for Consideration to include the Affordable Housing Plan as part of the 2016 POCD on January 25, 2022. Motion carries.

Mr. Valentine made a few additional comments on the AHP and POCD.

5. **OLD BUSINESS: None**
6. **ZONING ENFORCEMENT OFFICER'S REPORT:** Mr. Connor reviewed ZEO's report and gave a brief update with a correction of to 2 trailers on 1 address. Other address is on Hageman Shean Road.
7. **CORRESPONDENCE:** None
8. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:** Legal response provided by Ms. Edison to be reviewed. Chairman Wilkes introduced the item on the agenda and Ms. Edison asked if she could speak at this time and the Chairman replied yes you are on the agenda. Ms. Edison stated that this was required for her to do and with her own funding. Chairman Wilkes disagreed with that statement and a short discussion was had. Ms. Edison read to the commission the Legal Response from her retained attorney. Ms. Edison claimed that the proper Legal Notices were not done for the October 5, 2021 Board of Selectmen meeting, or for the Consideration to include the AFHP as part of the 2016 POCD from tonight's meeting. Ms. Edison had stated that the Board had voted on the AHP and Mr. Lucas called point of order informing her that the Board did not vote on the AHP, but voted to set a Public Hearing date for the AHP. Ms. Edison stated I stand corrected. More discussion was had. Mr. Carey began to comment and Chairman Wilkes called the point of order and stated that he was not seated and could not speak. More discussion was had. Ms. Edison began to speak on AHP and a survey conducted by Conquest. Chairman Wilkes called the point of order that that has nothing to do with the legal response that is on the agenda. Ms. Edison disagreed. Motion was put on the table.

IN A MOTION by Chairman Wilkes and seconded by Ms. Lemieux, it was VOTED to limit debate to 3 minutes on the Affordable Housing Plan. A roll call vote was called: Mr. Lucas Abstain, Chairman Wilkes Yes, Ms. Zbinden Abstain, Ms. Lemieux Yes, Ms. Barrett Abstain. Motion does not carry.

Ms. Edison continues her comments and concerns on the AHP. Ms. Edison said she will close with that when she was informed the motion did not pass and she can continue to speak as needed. Comments were made by the public attending the meeting that comments should be made open to the public and Ms. Edison agreed with that. Ms. Edison continued with her comments and suggested that this should be open for others to give comments. Ms. Clinton (secretary) commented that she would like to make a comment and has already been given

permission to do so prior to the meeting. Ms. Clinton was met with resistance from both the public and Ms. Edison. Ms. Barrett commented that the board should be following the rules of the commission. Mr. Connor spoke on the topic of Public Hearings. As Mr. Connor was speaking, Chairman Wilkes asked Ms. Clinton if she would like to waive her comments. Ms. Clinton responded No. She had prior permission from the Chair to speak on a topic under Other Business Proper to Come before the Commission that another member of the public had submitted and they were given permission to speak and had spoken. Ms. Clinton continued with her comments in regards only to Section 2 of the Legal Response that pertained to her scope of involvement with the board as staff. Ms. Edison responded to the statement by remembering the March 23, 2021 conversation being different. Chairman Wilkes read the conversation to Ms. Edison. Ms. Edison stated she felt that Mr. Connor was on equal footing with the Chair because of an article that she had received from Mr. Connor stating the roles of the Commissioners and that they could not speak to one another but they could speak with him. She then stated that she learned that this was not correct during a town held seminar that Mr. Hennick spoke at and she learned differently. More vigorous discussion and debate was had on this topic.

9. **ADJOURNMENT:**

IN A MOTION made by Ms. Zbinden to adjourn the meeting at 8:30PM.
Motion carries.

Respectfully submitted,



Lori Clinton
Commission Clerk

Received Oct. 28, 2021 @ 3:01 PM
Attest Barbara Z. Breen
Goshen Town Clerk

Todd Carusillo	196	Hagerman - Sham	Rel
Patricia Hooper	217	Sharon Trgk Goshen	06756
C. Sander	304	WEST SIDE RD	" "
D Carey	40	Birchwood	" "
L. Miller	35	Rockwood Ct	
F Komisar	115	E Hyemale Dr	

RORABACK & RORABACK

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WILLARD A. RORABACK (1883-1928)
CHARLES P. RORABACK (1923-1964)
JAMES W. RORABACK (1927-1964)

October 26, 2021

Mr. Robert P. Valentine
First Selectman
Town of Goshen
42A North Street
Goshen, CT 06756

RE: October 19, 2021 Letter from Greene Law, P.C.

Dear Bob:

At your request we are writing to provide our thoughts on the letter dated October 19, 2021 you received from Gary J. Greene.

We note that the letter does not address any application before the Goshen Planning & Zoning Commission.

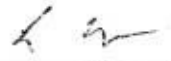
We concur with Attorney Greene's assertion that there is no universal definition of the concept "conflict of interest." The determination of the existence or non-existence of a conflict of interest is based on the facts presented on a case-by-case basis. In the absence of an application before the Commission, we are not aware of any set of facts which prevent a case for analysis.

Attorney Greene suggests that there are no appropriate "checks and balances" within Goshen's town government. We have not encountered any statutory or case law which identifies the legal precept of checks and balances. Elections provide the ultimate checks and balances for town governance. Voters can and do seat and/or unseat their elected officials.

Finally, with respect to the First Selectman's interactions and communications with other town agencies and officers, we point out that pursuant to C.G.S. §7-12a, "the first selectman ... shall be the chief executive officer of ... [the] town and shall be an ex-officio member, without vote, of all town boards, commissions and committees"

Sincerely,

Roraback & Roraback

By: 

Charles E. Roraback

CER:bdf

This is in regards to the Legal Response Section 2 Governance of the Commission, submitted by Commissioner Edison

On many occasions you have accused staff of giving direction to Commissioners and the Chair of P&Z, taking direction from the 1st selectman and setting the agenda. You have offered no proof to any of these accusations. You have stated that you would provide it but you have yet to do so. However, you do continue to inform the towns people that this is happening. This is slander and harassment.

On September 8th and October 24th, you were sent clear proof that Staff (Mr. Connor) did not direct you on what to do during the March 23, 2021 meeting. This proof was the link to the recording and it was transcribed. I can either read that or play it for you.

On May 21, 2021 you accused staff (myself) again of this. Your words "My understanding is that you are employed by the Commission as a secretary. You do not have the authority to direct any actions to any Commissioner. It would be best in future to leave such actions to the chair." I would be happy to read the entire chain of emails that clearly states I was letting you know that what you had stated you would do and provide me at the March 23, 2021 meeting was not sent to me so that it can be included on the agenda. I would be more than happy to play that portion of the meeting as well since it clearly states what you said you would do. So again, no direction given. It was a reminder of what you clearly stated you would do so that I could complete my job.

As far as staff taking direction from the First Selectman, I have nothing on that because it never happened. Again, if you have proof of this accusation then please bring it forward so it can be addressed. If not then what you are stating is slander.

And last you have accused staff of setting the agenda. We do not. The agenda is based off of applications that come in to be accepted and approved by P&Z. Anything else that is added is at the approval of the chairman. I have plenty of documentation backing that up. When I make an accusation of any type I make damn sure I have documentation to back it up. Not just my opinion. Do you have any proof indicating that staff has set the agendas?

With this all being said I hope that this clears up any question that staff is going against By-laws, articles 5&6. I will be submitting a complaint of harassment in regards to Commissioner Edison's actions with the First Selectman of the Town of Goshen and Chairman of P&Z to go on record. I do understand that since you are an elected official you cannot be held accountable for this action of harassment, other than at the ballot box. Just one quick note, Staff works with Zoning Board of Appeals and Inland Wetlands and as of this evening has had no complaints of staff doing as Ms. Edison has accused the staff of doing.

Signed,

Lori Clinton, Commission Clerk