

**PLANNING & ZONING COMMISSION
REGULAR MEETING – MINUTES
MAY 26, 2020 – 7:30PM
BY ZOOM VIRTUAL MEETING**

PRESENT: Don Wilkes, Laura Lemieux, Patrick Lucas, Cynthia Barrett, Lu-Ann Zbinden, and Alternates Will Clinton, and Thomas Carey

EXCUSED: Leya Edison

OTHER: Town Planner and Zoning Enforcement Officer Martin Connor, AICP, Mark Harris, Bob Valentine

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

Don Wilkes called the meeting to order at 7:30PM. Meeting was conducted virtually through Zoom and recorded digitally.

2. PUBLIC HEARINGS: None

3. READING OF THE MINUTES:

The Commission reviewed the minutes from the March 24, 2020 regular meeting.

IN A MOTION by Ms. Zbinden and seconded by Ms. Barrett it was VOTED to approve the minutes from the March 24, 2020 meeting. Motion carries.

4. OLD BUSINESS: None

- 5. NEW BUSINESS: A. CGS 8-24 Referral on proposed Highlands Grant and conservation easement for Town property located at 1097 East Street North and adjacent property.** First Selectman Bob Valentine discussed the Highlands Act. This act allows the Town of Goshen to apply for dollars to essentially put a conservation easement on the 2 parcels on East Street North, 1097 and adjacent property equaling 95 acres+/- . The land was originally purchased under Town Ordinance Title 67-Land Preservation monies. The intent of the application for the Highlands Grant, as discussed at a prior Town meeting, is to recoup some of the dollars spent on the purchase of that land. The Board of Selectmen applied for the grant which totals \$131,500, based on the conservation value of the property. The Board of Selectmen would like to take the proposal to accept, which is now an approved grant, in lieu of a conservation easement on the entire 95+/- acres. This proposal meets a substantial amount of the 10 points for the Plan of Conservation and Development and Open Space plan. With the pandemic causing an inability to hold a Town Meeting, the Board of Selectmen wanted to get the CGS8-24 referral, with the hope of having a Town meeting soon so as to get the Townspeople to weigh in on the conservation easement and grant. The goal is to get the Board of Finance and Townspeople to have the grant monies put into the Land Preservation fund so as to be able to purchase other properties. Ms. Zbinden asked about the restriction of the conservation in perpetuity. Mr. Valentine stated the intent, being that the land was purchased with land preservation-open space funds, was to have it be in perpetuity. The easement would be in favor of the State of Connecticut, who manages the Highlands dollars. Mr. Connor stated that it would be a conservation and public recreation easement. Mr. Valentine stated that he thought the Conservation Commission has done a wonderful job putting trails on the property and it is well used. Mr. Connor read his recommendation into record. Mr. Carey prompted further discussion on the property inquiring about Torrington Water Company land that is nearby the Town property in question. Discussion on classifications of land and the preservation

properties on those lands followed and the returning of the funds into the Title 67-Land Preservation fund, as well.

IN MOTION by Mr. Carey and seconded by Mr. Lucas it was **VOTED** to approve the recommendation as drafted by Mr. Connor for the easement, to the State DEEP as presented. Further discussion by Mr. Carey on the clarification that the monies that are received from the grant are provided for the use of open space and not for general funds. Mr. Valentine clarified that the Board of Finance has been amendable. It has always been the intent that the monies are used for land preservation not for general fund. The Board of Planning and Zoning would like to see that the funds received from the grant are returned to the Title 67-Land Preservation fund. Motion carries.

B. Commerford's Zoo- Mr. Connor spoke to Timmy Commerford about the prospect of the farm opening up to the public as a petting zoo type setting. With the Covid-19 pandemic, the fairs and events that the animals are usually brought to are being canceled. As a means to offset the loss of income and fund the animal feed, they would like to open up for animal viewing and perhaps pony rides and/ or elephant rides. They are a farm and it could be determined that that would be appropriate as a continuing farm use. Mr. Carey noted that he had no objections and that is a great idea in this time to support the community and local businesses at a time that everyone is struggling. The only concern is parking to be on the property and not on the highway. Ms. Zbinden mentioned following State guidelines about social distancing. Mr. Connor discussed that with Mr. Commerford. The Board was in favor of this venture.

6. ZONING ENFORCEMENT OFFICER'S REPORT:

Mr. Connor reviewed his report dated May 23, 2020. Discussion on the proposed lot line revision to the property at 59 Torrington Road. Mr. Carey inquired about the feasibility of revising the lot lines. Mr. Connor stated that there are easements that can accommodate revisions and that the TAHD would be involved to make determinations. 4 Old Middle Street has had activity. Mr. Connor is seeing quite a few zoning permits and a couple of houses.

7. CORRESPONDENCE: None

****New Business-** Mr. Valentine returned to the meeting and inquired about the members present. Mr. Carey is seated as an alternate at this time, as all regular members are seated. Discussion on Mr. Carey's status followed. Mr. Lucas restated the motion on the CGS8-24 referral, to approve the recommendation as drafted by Mr. Connor for the easement, to the State DEEP as presented with a second by Ms. Zbinden. Motion carries.

8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION: None

9. ADJOURNMENT:

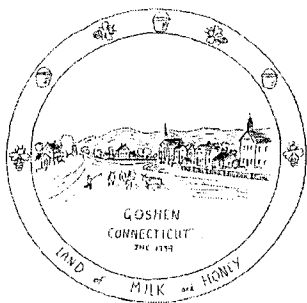
IN A MOTION made by Ms. Zbinden and seconded by Ms. Lemieux, to adjourn the meeting at 8:17PM.

Respectfully submitted,
Erin Reilly
Commission Clerk



Received June 2, 2020 @ 2:31 P.M.

Attest Barbara X Breen
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: May 23, 2020

8-24 Recommendation Referral on proposed Highlands Grant & Conservation Easement for Town Property located at 1097 East Street North and adjacent property: Met with 1st Selectman and discussed 8-24 referral for Town Property at 1097 East Street North and the adjacent Town property. The State of Connecticut Department of Energy & Environmental Protection's (DEEP) as part of the "Highlands Project" has proposed the purchase of a Conservation and Public Recreation Easement and Agreement from the Town for Town Property at 1097 East Street North and the adjacent Town property, both parcels totaling 95.48 acres for \$131,500. The terms of the agreement are described in a letter to the 1st Selectman from DEEP dated 4/30/20 and in the Conservation and Public Recreation Easement and Agreement, Survey and deeds. I reviewed the proposal and 2016 POCD. Wrote a memo to the Commission recommending that the Commission make a favorable recommendation to the Board of Selectmen to grant the Conservation Easement on these two Town properties as it meets the priorities for protecting open space for conservation and passive recreation per the 2015 Open Space Plan and the 2016 Town of Goshen Plan of Conservation and Development. Granting the Conservation Easement will permanently protect these Town properties for conservation and passive recreation.

Proposed Lot line revisions, between 1st, 2nd, & 3rd Parcels, 59 Torrington Road: I met with Kenneth Hrica, P.E., Hrica Associates, LLC, and reviewed lot line revisions between the 1st, 2nd, & 3rd Parcels at 59 Torrington Road. I also discussed the lot line revisions with Chris Sanders, President, Goshen Housing Trust and Richard Rossi, TAHD. This will allow the Goshen Gas and Convenience store to be on a separate lot so that the remaining parcels can be sold to the Goshen Housing Trust. The lot line revisions are shown on a map titled, "Property Survey Boundary Line Adjustment Map Prepared For 6645 Village Market Place, LLC, 59 Torrington Road – Rte 4, Goshen,, Connecticut," by Hrica Associates, LLC, dated 5/13/2020. The map has also been submitted to the Torrington Area Health District for their review. Provided an approval from the Torrington Area Health District is granted this map may be filed on the Goshen Land Records as it does not create and Zoning violations. I wrote a letter to Mr. Sanders regarding this lot line revision.

Charles Olsen, 4 Old Middle Street, Special Permit for a change of use from office/retail (main building) to restaurant use – 1st floor: The Commission granted approval of the Special Permit provided TAHD approval obtained for septic and well. TAHD approval is still outstanding. I have discussed the approval with both owner and tenant. I suspect the COVID 19 Pandemic has slowed the process.

Joel Baum, 60 Sandy Beach Rd., Shed no permits: Wrote enforcement letter to owners who built a shed in violation of shoreline and side yard Zoning setbacks. Discussed violation with Mr. Baum. Depending on results of survey may need Special Permit approval for locating an accessory building within 50-75 ft of shoreline.

Deborah L. Monda, 21 Tamarack Lane, Accessory Apartment, conversion of single family dwelling: The Commission approved the Zoning Permit for the conversion. I issued ZP 02-20 for the project. Construction now underway.

Alfred Wright & Peter Fay, Illegal Construction Equipment yard, Sharon Turnpike, Tax Assessors Map 06-008-076: Wrote enforcement letter to owners asking that several pieces of construction equipment and commercial van for sale be removed from property within 30 days. Most of equipment was removed owner and owner requested additional time to remove remaining equipment. Two pieces still remain. A Cease and Desist will need to be issued.

Patricia A. Studley, 12 Sunset Drive, Occupied Trailer & Junkyard: Received complaint from Public Works Supervisor that a occupied trailer and junk was located in the Town right-of-way at the end of Sunset Drive. I investigated complaint and sent letter requesting voluntary compliance. Vehicles have been moved outside of the Town right of way and some clean-up has occurred. Wrote follow-up letter citing junk pile remaining and television set next to utility pole. Took photos on 3/14/20. Still in violation 3/21/20. I requested that the Town Attorney write her a letter.

Joseph LaRose for Patricia LeShane, 62 Cottage Grove Rd. construct, additions: Met with builder and owners and to discuss addition to a non-conforming dwelling. Made site visit. A Special Permit application has been filed with the ZBA. A public hearing was held on 9/19/19 and the special permit approved. Zoning permit issued. Site visits made to the property to check on soil and erosion controls.

Sara Wright, 3748 Hall Meadow Road, construct dormer addition: Met with builder Scott Winn, regarding dormer addition begun without the required, building, TAHD and zoning approvals. Site visit to the property. Wrote report to ZBA. Special Permit approved by ZBA. Zoning permit issued. Construction underway. Made site inspections.

Issued ZP 20-3 to Richard Binkowski, 93 Weldon Ct., deck addition

Issued ZP 20-4 to Joseph Mentasti, 49 Cornwall Drive, construct dwelling

Issued ZP 20-5 to Jose Martinez, 3533 Hall Meadow Rd., construct shed

Issued ZP 20-6 to John Hula, 78 East Street North, construct shed.

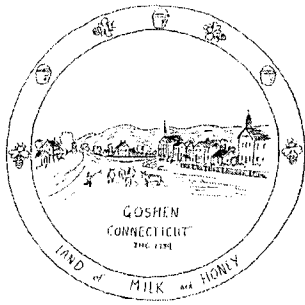
Issued ZP 20-7 to Shannon McMorrow, 236 Bartholomew Hill Road, construct dwelling and shed

Issued ZP 20-8 to 6645 Village Market Place, LLC, 59 Torrington Rd., signage

Issued ZP 20-9 to Howard LaBrecque, 101 Sherbrook Dr., deck addition

Issued ZP 20-10 to Peter Bernard, 88 North Street, front porch

Issued ZP 20-11 to Jeffrey Blackwood, 554 Shelbourne Dr., shed



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

To: Planning & Zoning Commission
From: Martin J. Connor, AICP
Subject: 8-24 Recommendation Referral on proposed Highlands Grant & Conservation Easement for Town Property located at 1097 East Street North and adjacent property
Date: May 23, 2020

The Goshen Board of Selectmen have requested that the Planning & Zoning Commission make a favorable recommendation on the State of Connecticut Department of Energy & Environmental Protection's (DEEP) proposed purchase of a Conservation and Public Recreation Easement and Agreement from the Town for Town Property at 1097 East Street North and the adjacent Town property, both parcels totaling 95.48 acres for \$131,500. The terms of the agreement are described in a letter to the 1st Selectman from DEEP dated 4/30/20 and in the Conservation and Public Recreation Easement and Agreement, Survey and deeds. The Town maintains ownership of the properties but accepts the terms of the proposed Conservation and Recreation Easement in favor of CT DEEP. In 2018 the Planning & Zoning Commission made a favorable recommendation to the Board of Selectmen that the Town purchase the property at 52.48 acre parcel at 1097 East Street North that was adjacent to the 41 acre Town property. The Goshen Conservation Commission has actively been monitoring these properties and has created trails for passive recreation. A parking area and picnic area has been constructed at 1097 East Street North so that the properties trails and pond can be used for passive recreation.

The current referral is from the Selectman is in accordance with Connecticut General Statutes Section 8-24. (See Section 8-24 below.)

"No municipal agency or legislative body shall (1) locate, accept, abandon, widen, narrow or extend any street, bridge, parkway or other public way, (2) locate, relocate, substantially improve, acquire land for, abandon, sell or lease any airport, park, playground, school or other municipally owned property or public building, (3) locate or extend any public housing, development, redevelopment or urban renewal project, or (4) locate or extend public utilities and terminals for water, sewerage, light, power, transit and other purposes, until the proposal to take such action has been referred to the commission for a report. Notwithstanding the provisions of this section, a municipality may take final action approving an appropriation for any proposal prior to the approval of the proposal by the commission pursuant to this section. The failure of

the commission to report within thirty-five days after the date of official submission of the proposal to it for a report shall be taken as approval of the proposal. In the case of the disapproval of the proposal by the commission the reasons therefor shall be recorded and transmitted to the legislative body of the municipality. A proposal disapproved by the commission shall be adopted by the municipality or, in the case of disapproval of a proposal by the commission subsequent to final action by a municipality approving an appropriation for the proposal and the method of financing of such appropriation, such final action shall be effective, only after the subsequent approval of the proposal by (A) a two-thirds vote of the town council where one exists, or a majority vote of those present and voting in an annual or special town meeting, or (B) a two-thirds vote of the representative town meeting or city council or the warden and burgesses, as the case may be. The provisions of this section shall not apply to maintenance or repair of existing property, buildings or public ways, including, but not limited to, resurfacing of roads."

In deciding whether to make a favorable recommendation to the Board of Selectmen to accept the grant from DEEP for granting the Conservation to CT DEEP, the Commission should refer to the 2015 Goshen Open Space Plan contained in the 2016 Town of Goshen Plan of Conservation and Development. See below page 9 from the POCD.

In 2015 the Goshen Conservation Commission updated their 2001 Open Space Plan. The complete plan can be viewed online at the Town's website. At the August 25, 2015, Planning & Zoning Commission Meeting the Conservation Commission presented its updated Plan to the Commission. The Planning & Zoning Commission unanimously voted to accept the Plan for inclusion in the updated Plan of Conservation and Development. The link to the 2015 Goshen Open Space Plan:

http://www.goshenct.gov/sites/goshenct/files/file/file/final_osp_2-24-16.pdf

The major goal of this Open Space Plan (OSP) is to maintain and foster the rural character of Goshen. Open space is a critical element of that character. Past open space plan recommendations have been enacted through town ordinances and land use regulations and have resulted in an increase of open space. For example, the 1984 OSP proposed amending subdivision regulations to allow for open space. This document proposes additional actions for possible implementation by town bodies. It also stresses the importance of supporting the Goshen Land Trust, as well as providing conservation options for private landowners who wish to keep their land open and free from development. The northeast section of Goshen west of Rt. 272 is mostly comprised of large parcels of undeveloped land that abut each other. Some of this land is also adjacent to undeveloped land in Norfolk and Torrington. Together this is a massive, largely forested, wilderness area. The goal should be to have all of these large parcels permanently preserved as open space. Presently, in NE Goshen, only the State's Wildlife Management areas, CT Audubon land, the town property on East St. North, the Anstett Farm, Ivy Mountain State Park, and John Minetto State Park are

permanently protected. A long-term goal should be to connect Goshen's open spaces. All types should be considered - state, land trust, and town, including subdivision open spaces. It could also include green spaces in adjoining communities. This will prevent open space fragmentation and will provide additional opportunities for a more extensive hiking system. In addition, it could result in greater access to scenic views and historic sites. Our goal is for Goshen to have 21% of its land permanently protected open space. This reflects the State of Connecticut's goal. An additional goal is to preserve and protect environmental resources, such as wetlands, streams, and wildlife habitat. Furthermore, efforts should be made to increase public awareness of our open space and its environmental, recreational, economic, and scenic preservation value.

Open Space Prioritization per the 2015 Open Space Plan

The following list is not meant to be all inclusive nor is the numbering meant to be in order of priority:

- 1. Land abutting protected land*
- 2. Land abutting water company land*
- 3. Land along stream corridors*
- 4. Watershed land*
- 5. Wetlands*
- 6. Land with historic importance*
- 7. Land with scenic vistas*
- 8. Land that is part of a large un-fragmented block of land*
- 9. Land abutting existing town land*
- 10. Land for recreational use*

In reviewing the open space priorities contained in the 2015 Open Space Plan it clearly meets most of these priorities. It abuts protected land, water company land, is part of a large un-fragmented block, abuts town land, contains wetlands and would be exceptional for recreational use which is what the current owner uses the land for. In my opinion the Planning & Zoning Commission should make a favorable recommendation to the Board of Selectmen to grant the Conservation Easement on these two Town properties as it meets the priorities for protecting open space for conservation and passive recreation per the 2015 Open Space Plan and the 2016 Town of Goshen Plan of Conservation and Development. Granting the Conservation Easement will permanently protect these Town properties for conservation and passive recreation.