

**PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
MARCH 22, 2022 – 7:30PM
HELD AT GOSHEN TOWN HALL AND BY ZOOM VIRTUAL MEETING**

PRESENT: Chairman Don Wilkes, Cynthia Barrett, Lu-Ann Zbinden, Patrick Lucas, Laura Lemieux, and Jim Withstandley (seated).

EXCUSED: William Clinton and Leya Edison

OTHERS: Town Planner and Zoning Enforcement Officer Martin Connor, Mr. and Mrs. Nefic, Mr. and Mrs. Weigold, Scott Olson, Henrita Horvay, Anne Green, Todd Carusillo, Heidi Koenig and Mark Harris

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

The meeting was called to order at 7:30PM. The meeting was conducted in person at Goshen Town Hall and virtually through Zoom and recorded digitally and Jim Withstandley was seated.

- 2. PUBLIC HEARING: Halim Nefic, 270 Sharon Turnpike - Home based business in residential zone, small showroom and office for organic and natural sleep system.** The Commission Clerk read the legal advertisement for the Public Hearing into record. Mr. Nefic spoke and indicated that seminars will be held one time a month and there will be only 5 customers per week by appointment only. Mr. Connor read his memo dated March 17, 2022 into record. The Chairman indicated to Commissioners that it is their responsibility to listen to the Public's concerns and take that into consideration. Ms. Lemieux asked if they will be storing any mattress at the home location for anyone who cannot have them delivered. Mr. Nefic stated No. Ms. Zbinden asked if there would be any signage. Mr. Connor stated that no signage was proposed. Mr. Scott Olson, 127 Shelbourne Drive stated that he is the Chairman of the EDC but he is speaking as a member of the community and not for the EDC. He further stated that the high quality of the application speaks volumes in terms of credibility and it is very clear the applicant is wanting to and prepared to play by the rules. The impact to the town is virtually non-existent. This is an ideal fit and with my full support I come before you to approve this application. Henrietta Horvay, 43 Breguet Road asked if the showroom was strictly for appointments. Mr. Connor stated yes and it would be 5 people per week by appointment only.

IN A MOTION by Mr. Wilkes, first by Ms. Zbinden and seconded by Ms. Barrett, it was VOTED to close the Public Hearing on Home based business in residential zone, small showroom and office for organic and natural sleep system. Motion carries 8:00pm.

3. **READING OF THE MINUTES:** The Commission reviewed the minutes from February 22, 2022, regular meeting. Corrections are attachment 1.

IN A MOTION by Ms. Zbinden and seconded by Ms. Lemieux, it was voted to accept the minutes with corrections. Motion carries.

4. **OLD BUSINESS:**

- A. Halim Nefic, 270 Sharon Turnpike - Home based business in residential zone, small showroom and office for organic and natural sleep system No discussion was had.

IN A MOTION by Mr. Lucas and seconded by Ms. Barrett, it was voted to Approve application for 270 Sharon Turnpike, Home based business in residential zone, small showroom and office for organic and natural sleep system with conditions as stated in Mr. Connors memo dated March 17, 2022 (attachment 2). Motion carries.

- B. Richard Weigold, 59 Old Middle Street - Discuss proposed amendment to Zoning Regulations, Farm Stand Regulation.

Chairman Wilkes stated that several emails were received from local farmers and stated that it may be best that Mr. Weigold meets with them to discuss any concerns that they may have. It was noted that Mr. Thorn was working on setting that up.

- C. **Economic Development Commission** - Discussion of the EDC proposed recommendations. Mr. Olson, Chair of the EDC, made a review of the proposed document dated July 2021 and a discussion was had with Heidi Koenig, Anne Green, Todd Carusillo and the board in regards to the proposal items. Mr. Connor reviewed the process with the Commission if incase they decide to make any of these changes. More questions and discussion was had. It was discussed that the signage size can be tabled but that the EDC would like the other items to move forward. Mr. Wilkes asked what the pleasure of the Commission was. Ms. Zbinden asked if Mr. Connor could write something up. Mr. Wilkes indicated that he is hearing we would like Mr. Connor to do a proposal of the suggested changes and they will review next month.

5. **NEW BUSINESS: None**

6. **ZONING ENFORCEMENT OFFICER'S REPORT:** March, 2022 report was reviewed by Mr. Connor. Mr. Connor also asked the board to think about where they stand on the Cannabis issue. Ms. Clinton stated she would forward the board information from CAZEO that may be helpful.

IN A MOTION by Ms. Barrett and seconded by Ms. Zbinden, it was VOTED to accept the ZEO report. Motion Carries.

7. **CORRESPONDENCE:** Email from Amy Tobin was read into record.
8. **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:** Mark Harris addressed the board and the public on last months meeting in regards to the phone conversation that he had with Mr. Lucas. He stated he had been getting calls to the fact that he had threatened Mr. Lucas. Mr. Harris clarified that he understood that Mr. Lucas's employer was married to Lynette Miller and he wanted to let him know that if he felt his occupation was threatened due to this vote that he does not have to vote. Mr. Lucas also stated that he was not threatened in an manner by Mr. Harris. Mr. Harris also stated that he has much respect for Mr. Lucas and felt that he would vote the way he believed he should.
9. **ADJOURNMENT:**

IN A MOTION made by Ms. Lemieux and seconded by Ms. Zbinden to adjourn the meeting at 8:40PM. Motion carries.

Respectfully submitted,



Lori Clinton
Commission Clerk

Received March 24th, 2022 9:47AM

Attest Darice H. Hare DB
Goshen Town Clerk

Attachment 1



L Clinton <lclinton@goshenct.gov>

P&Z Meeting 3/22/22 7:30PM

LuAnn C Zbinden <LuAnn_C_Zbinden@bd.com>
 To: L Clinton <LClinton@goshenct.gov>

Mon, Mar 21, 2022 at 1:43 PM

Hello Lori,

First, I would like to commend you for doing a nice job on the February Minutes and thank you for adding the e-mail requesting changes to the 01/25/2022 Minutes as Attachment 1. It's helpful to be able to see what changes were requested to the Minutes.

In reviewing the video of the 2/22/22 meeting, I noticed that Laura Lemieux also raised her hand in opposition to including the Affordable Housing Plan in the 2016 POCD previous to the roll call. Patrick and I are the only Commissioners listed in the Minutes as voting "Nay" prior to the roll call. However, you may want to confirm with Laura before making any changes. According to the video, I also seconded Laura's motion to adjourn the meeting under Item # 9.

Mr. Wilkes called the question of all in favor of including the Affordable Housing Plan as part of the 2016 POCD say Yay? No Yay. Nay? Mr. Lucas and Ms. Zbinden. Take Roll Call. Ms. Clinton conducted Roll Call: Mr. Lucas NO. Ms. Lemieux NO. Ms. Zbinden NO. Ms. Barrett NO. Mr. Wilkes NO. Question does not pass.

9. **ADJOURNMENT:**

IN A MOTION made by Ms. Lemieux to adjourn the meeting at 9:03PM. Motion carries.

2nd LuAnn

I was also informed that letters addressed to the P&Z Chairman or P&Z Secretary would be received under Correspondence at the 2/22/22 meeting. However, I don't know how the omission of the receipt of these letters should be documented. Can this omission that occurred during the 2/22/22 meeting be noted in the Minutes of the 3/22/22 meeting? Please advise.

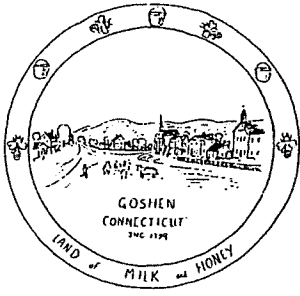
Thank you very much.

Lu-Ann

From: L Clinton <LClinton@goshenct.gov>

Sent: Thursday, March 17, 2022 5:45 PM

To: Cindy Barrett <cbingoshen57@gmail.com>; Don Wilkes <wilkesau@optonline.net>; Jim Withstandley <djwitley@optimum.net>; Laura Lemieux <goshengirl25@gmail.com>; Leya Edison <leya@edisoncoatings.com>; LuAnn C Zbinden <LuAnn_C_Zbinden@bd.com>; Martin Connor <mconnor@goshenct.gov>; Patrick Lucas <patrick.lucas1993@yahoo.com>; Todd Carusillo <1stselectman@goshenct.gov>; William Clinton <clintonwb@hotmail.com>; Anne Green <AGreen47@gmail.com>; Bill Commerford <billcommerford1@netzero.com>;



TOWN OF GOSHEN

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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: Halim Nefic, 270 Sharon Turnpike, Home Based Business in a residential zone – small showroom and office for organic & natural sleep system
Date: March 17, 2022

Halim Nefic, 270 Sharon Turnpike, has filed a Special Permit application for a Home Based Business in a residential zone – small showroom and office for organic & natural sleep system. The Commission accepted the application at their 2/22/22 meeting and set a public hearing for their 3/22/22 meeting. The property is located in the RA-2 Zone where home based businesses may be approved in accordance with the specific requirements of Section 5.6 of the Zoning Regulations below and general requirements for special permit approval per Section 5.3.1 of the Regulations.

5.6.1.3 Requirements

5.6.1.3a. No retail sales shall be permitted on the premises unless such sales are determined by the Commission to be incidental to the primary Home Based Business Use and such sales are specifically limited as a condition of the Special Permit.

5.6.1.3b. The Home Based Business Use may occupy a portion of a Single-Family Dwelling Unit and/or an Accessory Structure on a Lot with a Single-Family Dwelling Unit as specified herein and as determined by the Commission.

5.6.1.3c. A Home Based Business located in a Single-Family Dwelling Unit shall not occupy more than one half of the gross floor area of the dwelling unit. The Home Based Business Use, whether located in a residence or an accessory structure, shall be clearly secondary to the residential use on the Lot.

5.6.1.3d. The Home Based Business Use may occupy an Accessory Building if: i. the location and appearance of the Accessory Building is consistent with the residential character of the Lot and the neighborhood; ii. it can be demonstrated that the type and intensity of the proposed Use in the accessory building will not alter the primary residential character of the lot.

5.6.1.3e. The Home Based Business Use shall be conducted by the resident of the dwelling unit and by members of the family residing on the premises. No more than two non-resident persons shall be employed, full-time or part-time, on the residential lot in association with the Home Based Business Use.

5.6.1.3f. With the exception of permitted signs and required off-street parking spaces, there shall be no display of products or exterior evidence of the Home Based Business

including but not limited to, exterior evidence or storage of goods, supplies or other materials associated with the Home Based Business.

5.6.1.3g. The appearance of the lot and structures on the lot shall not be altered in a manner that would cause the residence to differ from its residential character either by use of materials, construction, lighting, signs or the emission of sounds, vibrations or electrical impulses. The Home Based Business use shall not constitute a threat to the quality of surface or groundwater resources (see Article 6 Section 6.1 - Protection of Surface and Ground Water)

5.6.1.3h. Traffic generated by the Home Based Business Use shall not significantly exceed the volume of traffic consistent with the site and neighborhood. The number of daily vehicle trips associated with the Home Based Business Use, including delivery and pick-up of materials and commodities by a commercial vehicle, may be limited by the Commission as a condition of the Special Permit according to the nature and location of the proposed Home Based Business Use.

5.6.1.3i. No on-street parking spaces shall be permitted in association with a Home Based Business Use.

5.6.1.3j. Off-street parking spaces shall be provided to accommodate the parking needs of the Home Based Business. No additional off-street parking spaces shall be created between the dwelling unit and the street Line. The Commission may limit the number of parking spaces allowed where it is determined it is necessary to control and limit the volume of traffic.

5.6.1.3k. The Commission may require a landscape plan that specifies plantings and locations designed to screen the off-street parking area from view from a public street or neighbor. Landscape screening shall be required if based upon site inspection and public hearing testimony, the Commission determines that such screening is necessary to protect neighboring residential property values and to maintain the single-family residential appearance of the neighborhood.

5.6.1.3l. Events for the purpose of selling merchandise or taking orders shall not be held more often than once per month.

5.6.1.3n. The Use shall not utilize or store hazardous materials, unless the Commission determines that the proposed types and quantities of the hazardous materials utilized or stored will pose a minimum risk to health. Home Based Business Uses which pose a significant threat to water quality shall not be permit.

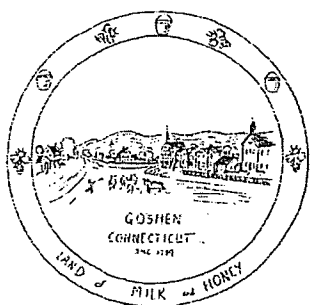
The applicant has submitted a narrative to indicate how their Home Based Business can comply with the provisions of the Regulations. Approval by the Torrington Area Health District has been granted by Richard Rossi, Sanitarian, on 1/31/22. I have met with the applicant and made a site visit to the property.

In reviewing the application, plans and documents submitted my comments are as follows:

1. There is adequate parking on site in accordance with Section 5.6.1.3i and no special screening per Section 5.6.1.3k is required.
2. No signage is proposed in connection with the Home Based Business.

3. No more than one third of the dwelling will be used for the showroom and office.
4. The retail sales must be clearly incidental per Section 5.6.1.3a. I would suggest as a condition of approval that the Commission limit the number of customers visiting the showroom. Their narrative indicates they expect no more than 3-4 per week. I would suggest that the number of customers be limited to no more than five per week and that they be by appointment only. This in my opinion would make the retail sales incidental to the home office use.
5. I would also recommend that seminars held at their house be limited to no more than one per month per Section 5.6.1.3l.
6. With the conditions above, I believe the Commission can make a finding that their proposed Home Based Business complies with the specific requirements of Section 5.6.1.3 and the general requirements for Special Permit approval per Section 5.3.1 of the Regulations.

Cc: Halim Nefic



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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: Activity Report
Date: March 22, 2022

Halim Nefic, 270 Sharon Turnpike, Special Permit application for a Home Based Business in a residential zone: Met with property owner and discussed her application for a home based business – office and small showroom for an organic and natural sleep system. Reviewed the application plans and documents. Wrote a memo to the Commission recommending approval of the Special Permit with conditions.

Richard A. Weigold, Northern Farm & Forestry LLC, 59 Old Middle Street, year-round farmer's market: Met with Mr. Weigold and discussed his proposed plan for the usage of 59 Old Middle Street. He proposes to utilize the main front barn consisting of approximately 1550 square feet each floor as a year-round farmers market and/or consignment market for local producers. At the 1/25/22 Planning & Zoning Commission Meeting, a preliminary discussion with Richard Weigold, Northern Farm & Forestry LLC, occurred regarding his use of 59 Old Middle Street and the 1,550 sq ft barn on his property for a year-round farmer's market and or consignment market for local producers. It was a consensus of the Commission that the present Goshen Zoning Regulations would not allow for such a use. As a Consultant for the Town of Burlington I crafted a Farm Store Regulation that was approved by their P&Z Commission. That Zoning Regulation for a Farm Store was similar to what Mr. Weigold would like to use his property for. The Commission asked that I share Burlington's Regulations for Farm Stores for your review and consideration. I prepared a memo to the Commission dated 2/5/22 outlining the Town of Burlington's Zoning Regulation on Farm Stands. Either Mr. Weigold or the Commission itself could propose a similar amendment to the Zoning Regulations to allow farm stands. Met with Mr. Weigold to refine his proposal and forwarded to Clint Thorn, Chair, Goshen Agricultural Council. Mr. Thorn, referred Mr. Weigold's proposal with Council Members who wrote back to Mr. Thorn with their comments. Discussed their comments with Mr. Thorn and Mr. Weigold. I suggest Mr. Weigold meet with the Council and after doing so submit an application to amend the Zoning Regulations. The Commission can then send the proposal to the NHCOC and set a public hearing.

EDC Review of Zoning Regulations: I attended two meetings of the EDC to discuss the Zoning Regulations regarding business uses in the CB Zone and home occupations. Discussed with their subcommittee members their suggested revisions for the P&Z Commission to consider. I reviewed their suggested changes and recommended they meet jointly with PZC to discuss these recommendations. Any proposed changes would require referral to the Northwest Council of Governments and a public hearing on any Zoning Text Amendments proposed. Discussed proposed recommendations with current EDC Chair, Scot Olsen.

Colby Goshen Gravel Bank, LLC, Turkey Hollow Lane, pre-existing earth excavation operation: Met with owner and potential buyer regarding the status of the pre-existing earth excavation operation. This pre-existing use was properly registered with the Commission and is a grandfathered use in accordance with Section 6.3.6 of the Zoning Regulations.

Action Wildlife Foundation Inc. properties, 337 & 435 Torrington Road: Met with owner and potential buyer of properties to discuss present use and previous special events that have occurred in connection with the existing museum and agricultural uses.

Proposed Amendment Zoning Regulations Section 3.10, Temporary and Limited Moratorium on Cannabis Establishments: I wrote a draft regulation to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes regarding Cannabis Establishments. Referral was made to the NHCOG who had no comment. This temporary and limited term moratorium, if adopted, will provide the Commission with the time necessary, up to one year, to develop regulations if they choose to for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare. The Commission held a public hearing on the moratorium at their 10/26/21 meeting and approved the moratorium their 11/22/21 Meeting. Notified CT Office of Policy & Management of the Moratorium. The Commission should put this item on the agenda to discuss whether they would like to propose an amendment to the Zoning Regulations to either allow or prohibit such uses.

Issued ZP 22-6 to Jim Murtaugh, 460 E. Hyerdale Dr., screen porch addition.

Issued ZP 22-7 to George Johannesen, P.E., for Barry Rosen, 155 E. Hyerdale, in-ground pool/spa

Issued ZP 22-8 to Tony Bregonzio for Damia Shanks, 42 Pond Ridge Rd., in-ground pool.

Issued ZP 22-9 to Briana Smith, 8 Marshepaug Rd., garage

Issued ZP 22-10 to Brian Bejoli, 24 Tyler Ridge Drive, dwelling

Issued ZP 22-11 to Jared Denis, 16 Eli Bunker Rd., barn for agricultural purposes.

Issued ZP 22-13 to Lisa Tarsa, 129 Ashley Drive, dwelling