

Town of Willington
Planning and Zoning Commission
March 19, 2024
Meeting Minutes

A. Call to Order

W. Parsell called the meeting to order at 7:30pm

B. Roll Call/Seating of Alternates

Walter Parsell
Rebecca Sinosky
Andy Marco
Doug Roberts
Bob Shabot
Michael Johansen
Bill Bunnell

C. Applications for Receipt

None

D. Public Hearing

None

E. New Business

1. PZ-24-5: Special Permit Renewal, Section 15 Excavation Sand and Gravel at 66 Navratil Rd. Owner: W. Williams.

Wayne Williams was present to speak on behalf of the renewal.

W. Parsell asked if there was anything different with this application.

M. D'Amato stated that we have not had any correspondence or really anything pertaining to the property. This is an approval that is being kept active, but itself is dormant.

W. Parsell asked W. Williams if the site was dormant.

W. Williams said yes, it is dormant. It is there and we just want to keep it active and our permit in place. It is the same approval conditions as last time.

M. Johansen asked if they were hauling material out.

W. Parsell asked if anything has been brought in out in the past year.

W. Williams said no, not as present.

R. Sinosky motioned to approve the one-year renewal. D. Roberts seconded. All In favor.

F. Unfinished Business

1. Commission Discussion: Home Occupations

M. D'Amato explained that there are two things that had been provided to them. One is the current regulations, and the other is the table we talked about last meeting. This table is structured with the same categories, but with the language from our regulations to show you how they would fit. You will see that some are blank because we do not have anything that would fit there, but you can then look at their criteria. Moving down the list to use restrictions we have language which would limit the use for the certificate of zoning compliance track which we currently have, but we don't have any restrictive language for the special permit type of home occupation. Which is what we've been talking about. Then we have prohibited uses which comes from the definition and it just again says home occupations shall not include, etc. The next row would be allowable uses, this again comes from the definition and includes a lot of things that we probably would never see. It does not necessarily include uses for these that we have or may end up with. The next one would be permitted exterior evidence, one side says shall involve no outside storage, no outside display of goods, materials, or other evidence. The special permit side says there shall be no visible evidence or indication of the operation from outside. This is where there have been some gray areas.

W. Parsell asked what about septic trucks.

M. D'Amato said that at one point in the past, they were told that the sign can't be seen from the road it wasn't considered to be tied to the business.

M. Johansen mentioned that the second it comes down the driveway it can be seen from the road.

M. D'Amato said that there is no way that a septic truck is for single family use, or Triaxle trucks and all those types of equipment.

A. Marco mentioned that we don't want to write them out, they would be in violation right now and we don't want to do that.

M. D'Amato said that the issue is that there has not been a lot of oversight in requiring everybody that has approvals to come back, maintaining compliance with initial approvals, making sure they don't grow too big. The easiest thing to do would be to set a baseline where if there is any concern about where something falls or some issue of how much something they can have, then it would be by special permit. It would put the commission in the position of having to review, but what that means is anything that exists is not going to be all out prohibited because there's a pathway. So, there is a way to build that in.

B. Shabot mentioned that something that needs to be included is that if you have a home business then the property that the business is on should be in character of a residential neighborhood, not the look of a commercial property. The look of the property of a home business can impact the surrounding area.

M. D'Amato said that comes back to exterior evidence. Neither permit track based upon our current regulations would allow for construction equipment to be all over yard, and it wouldn't allow you to have a 150-yard stockpile either. There are a lot of situations where if the business took a photo and brought it in to say that this what I want to conduct on my property, they would not be able to obtain approval. There's no way for them to have gotten here based upon those existing regulations, but yet several of them exist.

B. Shabot asked how that is addressed. There are a few examples where properties have not sold due to occupations next door. Moving forward we need to prevent from happening other parts of town. Hipsky's is an example of a well-kept home occupation, that you can see from the road. They do not have debris piles, they have equipment, but again it is tidy. You wouldn't mind living next to that. They really take care of their business.

W. Parsell mentioned that we can put regulations all over the place and people choose to violate them. Take a look at the deal going on with the old gun shop. It's still on going.

B. Shabot asked M. D'Amato having worked in other towns, what's the best approach to a situation like that. Looking forward how can we prevent something like that from happening.

M. D'Amato explained that something different about Willington's language is that it doesn't provide as much clarity with the scale of operations that are or are not allowed.

R. Sinosky asked if new language should limit the types of business that could be permitted by each type.

M. Johansen asked if you could look at it and write regulations to start chopping off the things saying that residential used properties can't be utilized for stocking piling of non-home use materials. It's not focusing on a specific business, but you can't just stockpile a mountain in a residential neighborhood if it's for commercial use.

W. Parsell said let's say you are a carpenter or something working out of your home under a special permit, you're going to have a certain amount of materials there. It shouldn't look like a lumber yard.

W. Parsell said when you're going to renew if you have people complaining and we have complaints on record then we now have something to talk about. It usually requires somebody saying something.

A. Marco said he is curious, we have never talked about what happens when a business grows to an extent that to a reasonable person would say this kind of belongs in a commercial zone, rather than saying how many vehicles you have. We don't really address that. We want businesses to grow, but that doesn't necessarily mean that they can grow within the acreage that's provided to them.

M. D'Amato said there is a section in the regulations where we have under percent of building use for occupation, for the certificate of zoning compliance is 25% and then for the special use permit its 50%. Then you look below, and it says 50% if it's within an accessory building or the livable floor area of the property. So again, they're not saying anything parked out in back or next to the garage, but underneath it is a category which we don't have standards for but was in that table percent of property used for occupation. So, you could say, which speaks to that exterior element, if you have a vehicle, if you have materials, or whatever we could start thinking of putting something there.

W. Parsell mentioned we have to be careful if you get somebody like the tree removal guy you just mentioned. If he's on a small lot and got 75% of the place tied up with trucks and everything.

A. Marco asked what about non-resident employees. Does that mean on site? Define that one. Say you are a guy that does demolition, and you have a bunch of guys meet you on site. You still have more than two non-resident employees in your business, yet it's a home occupation in a residential as well.

D. Roberts said when you say the percent of building used for the occupation and your talking 25% or 50% of the livable floor area, then you're going inside the building where it's not even visible. I don't even know how this is enforceable. Let's say I am a carpenter and I get a 2,000SF home and I want to convert the whole thing into making cabinets. Why is the town going to have a problem with that. If I build an accessory building and I want to build cabinets, why can't it be 100% of the accessory building.

M. D'Amato said that is the regulation that most frequently creates a rub when people ask or they're talking about or when we're looking at applications. Even some of the ones that the commission has approved that have been new over the years, because 25% if you don't have a large house, it's not a lot.

W. Parsell said at the most its two years, and then asked if the renewing has been done.

M. D'Amato said that was one of things was that a lot of these were done as staff review. So, when he originally started the home occupations were processes as staff renewals, so he's not sure how many of them were originally approved as a special permit. Some of these businesses in town may have only got the special permit and not have come back at all for renewal.

R. Sinosky mentioned that maybe the small zoning compliance occupations can possibly be a 5 year and keep the special permit ones being every 2-3 years.

M. D'Amato said that the biggest issue is that we have to actively pursue those renewals. They do not show up and say they are here to. Only the Sand & Gravel ones do. Everyone else used to get hand drafted letters stating when their renewal date had to be by, and they would get a second reminder. It was essentially back and forth. Now it is done through the permit system, some people are really good with it others aren't.

B. Shabot mentioned there is no limitations on vehicle numbers right now for businesses, and if we had something in writing they would know going in what the limitations are.

B. Shabot said he is just trying to see what feasible to small business. We need to talk to some and see what could work or what could work for most situations.

W. Parsell said for example if you are a tree person you are going to need a bucket truck, woodchipper trailers, pick up trucks, dump trucks, etc...

B. Shabot said the town isn't going to buy a 50-acre plot to be a business park, so we should put it on individuals to understand what type of business they have aspirations for. So that they can find an appropriate size lot in town when they come in.

M. Johansen said if you kind of classify certain things, like if you are doing home delivery of any type of material then you know your going to have x amount of vehicles. No matter it be triaxles or propane trucks, you are going to have x amount of vehicles and you're going to need a certain amount of square footage for those different vehicles.

B. Shabot mentioned that doing that gives the neighbors some breathing room from what's happening on the property. It also gives everybody an opportunity to be a good neighbor.

A. Marco mentioned its like what we do with farms. You have to have 5 acres to have a horse. Maybe something along those lines. You have a two-acre lot you can see two cars and its not so bad, but you start getting to 4 – 6 and it begins to look a busy and cluttered. Maybe something in there about acreage, after about 50 it doesn't matte to much anymore. Vehicle density might be a thing, some of these guys have their triaxle and that's their business. The name is on the side, and it's parked in the yard. Tractor trailers as well.

M. Johansen suggest a bit of classification of how many employees you have. If you have x amount of employees, you can make the assumption that you are going to have possibly x amount of pieces of equipment vehicles for that business to operate. Maybe it can also be tiered with claiming how many employees you actually have per type of business and classification.

B. Bunnell mentioned that with contractors you can scale up and down with manpower. You can't necessarily commit to that.

A. Marco said you can end up with a few trucks or equipment at idle in between work.

B. Bunnell asked what the state does for us with the money they receive for every permit. What is the benefit?

M. D'Amato answered that it is a state statue, we are required to charge \$60 for every land use application. We transmit \$60 and they allow us to keep \$2 as a processing fee, and we do it quarterly.

B. Bunnell said if we're giving permits then ideally, we would be able to enforce certain situations rather than just say oh well. Then the state's being a silent beneficiary for that. They get the money, but they don't have to do anything about it if you have a problem.

M. D'Amato said he believes the money goes to DEEP. There is some language or some information out there as to what it funds.

M. D'Amato said that depending on the type of application and what comes before the commission, we have to prepare legal notices for every public hearing. So, for an application for a special permit that goes before you and is not three or four words, the application fee is in many ways not going to cover our costs. This is because we submit two legal notices up front, and then the notice of decision at the back. These cost around \$100 each then \$80, we then send \$60 to the state. In the end we have around \$300 worth of cost for every special permit application that we see. That doesn't include any time associated with processing. We have to advertise in

the Hartford Courant because we don't have a newspaper that has a substantial circulation, so based upon timing we have to run a full statewide ad which is significantly more expensive.

A. Marco asked if our fees cover our expenses.

M. D'Amato mentioned that it would depend. Like mentioned earlier the costs fluctuate a little bit. So, a special permit fee with the state DEEP fee is \$390, and \$60 goes to the state which brings us to \$330. If we average \$100 per a publication, we are up \$30. The alternative is you start charging \$400, \$500, \$600 you know a project like that is going to spend \$100-\$200 at the health department, then they are going to go for the building permit and they're going to pay 6-8 thousand because that's going to be based on the cost of the project. He has never heard of anybody having any concerns about planning and zoning. In Connecticut we are not allowed to have what they call impact fees; this means we can't say you're going to pay \$25 for a parking space or \$10 per a square foot. We are not allowed to charge fees which escalate based upon the potential impact of a project, so we just set it and they pay whatever.

D. Roberts asked if the state gets the fee if it's a certificate or special use permit.

M. D'Amato said it is for any permit.

D. Roberts stated that they really don't do anything for us for the \$60.

D. Roberts asked if the legal notices are only needed when it has to be a special permit with a public hearing.

M. D'Amato said correct. We don't public notice staff approvals.

D. Roberts asked if you could have tiered permits based on the size of the business and then only have a public hearing if you get complaints within the past year within the cycle.

M. D'Amato answered the special permits are the only ones that he thinks you could bring back in front of the commission. You are never prohibited from having a public hearing. Even with a site plan application you can hold a public hearing. It would just get tricky with what you wanted to do after that. Like if you wanted to modify, I am not sure if you could based upon complaints or something along the lines of if staffed identified potential concerns related to compliance or non-compliance or if non-compliance was documented by staff. Then maybe subsequent renewal would require review by the commission or something like that.

W. Parsell asked what the estimated number of home occupations with special permits there are.

M. D'Amato said he does not know off the top of his head because they had been reviewed administratively. One of the things that are a little bit cumbersome and creates unnecessary work on both sides is the ones like the Sand & Gravel. We have multiple applications that do nothing, they are completely dormant. Nothing gets pulled out of the ground and they have to come back every single year. The regs say that for a 2-year renewal you need a public hearing, so they just do the one year. I think a regulation could be written to allow more flexibility through the amount of time.

D. Roberts said so you can look at the business that have no external evidence. We don't need a hearing. They could potentially get a longer permit.

W. Parsell asked how many complaints we've gotten about home occupations in the last few years.

M. D'Amato that one of the things that we have heard a couple of times both persistently from one person about a business but others also about other businesses is that some of these folks is the early morning idling of the triaxle vehicles and trailers with low boys and all those these to run down the road every morning. The complaints that come the most are they start so early they are hearing them. Unfortunately, we have to tell them we have no control over when they enter and exit the site. It's been years since we have gotten anything, but this was recent.

A. Marco said he is hung up on the no visible evidence language.

M. D'Amato said he will pull together a list of approvals for the next meeting.

W. Parsell agreed, it will give us a sense of what it was originally supposed to be and maybe we'll see something that we know isn't quite that now. It will give a nice perspective of what going on.

B. Bunnell mentioned that when they were looking at doing the warehouse, they were going to use plantings to make it less visible from the road. What if we were to use that idea for places that have been in town for awhile that do have a lot of equipment. They could use some plantings and kind of create a buffer on the road, and it wouldn't be a big investment.

W. Parsell said that seeing what other towns say about what percentage of property can be used for a home occupation, see if they have any text to see the same with vehicles just to get a perspective. I am hesitant to burn people who have been here for a long time, sure we can certainly correct things going forward. It can't be a free for all, but we don't want to discourage businesses.

M. D'Amato said that another thing he's done in previous towns is get a list from the accessor and sort of plot it out onto a map to get an idea of the places that are currently reporting as a business.

G. Approval of Minutes:

March 5, 2024 – R. Sinoski motioned to approve. W. Parsell seconded it. All in favor.

H. Correspondence

None

I. Public Participation (items not listed on the agenda)

None

J. Staff Report/Discussion

1. CROCG Regional Planning Commission Appointment

M. D'Amato said this was brought up two meetings ago. We have a seat on the CROCG commission. They followed up to ask if there was anybody interested in representing Willington. Its four meetings for the year and they are done via zoom. Let me know if anyone is interested.

K. Adjournment

W. Parsell adjourned the meeting at 8:40pm

Respectfully submitted by Evelyn Delaney – Asst. Zoning Agent