

Town of Colebrook  
Planning and Zoning Commission  
September 10, 2018 Colebrook Town Hall  
6:30 pm Regular Meeting  
Minutes

Present: Regular members Chairman Ed Lord, Ed Allen, Chuck Buchanan, Jim Millar, Jim Bickford, and alternate member Jane Vasaturo. ZEO Michael Halloran and Land use Attorney David Cusick sat at the table also.

Chairman Ed Lord called the meeting to order at 6:30 and a quorum was established.

Agenda review:

Jim B. asked to review a portion of the wetlands meeting dated 6/19/2018 regarding confirmation from Bob Green, Engineer, that gravel operations were only done on the second parcel of 337 Colebrook River Rd. Two minutes of the meeting were viewed beginning at minute 58.

Approval of Minutes:

Minutes from August 13, 2018 regular meeting were presented. Jim M. made a motion, seconded by Ed A., to approve minutes as amended. The vote to approve was unanimous.

Public Comment:

None.

New Business:

There was discussion of a proposed food service, Barbeque by Chris at 204 Stillman Hill, Norbrook Brewery. The Commission reviewed the conditions of approval dated 8/3/2017, specifically #5 which states "Food service to the public shall be limited to light snacks." The Commission was in total agreement what was meant by light snacks based on previous minutes and notes in file, including a business plan. There was also discussion about food services in a residential zone. It was agreed that the owners should come in with some sort of plan for further discussion to modify the Special Exception.

Old Business:

Continuation of discussion regarding 337 Colebrook River Rd. Chuck brought in information regarding noise levels of crushing and gravel operations. He spoke about how OSHA and MSHA will measure decibel levels. Dave Cusick noted the wind turbine history, and the disagreements over where the decibel level should be measured, at the house or the property line.

As agreed at the last meeting in August, Attorney Cusick presented a draft motion for discussion;

This matter (1) commenced in 2017 in response to complaints made about an ongoing sand and gravel operation at 337 Colebrook River Road (The “Premises”) owned by Fletcher Smith and Pete Hodgkinson (The “Owners”) and (2) is before the Commission pursuant to Article XIV of the Colebrook Zoning Regulations which Authorizes the Commission or the Zoning Enforcement Officer to inspect and examine premises to determine whether any condition found to exist therein or thereon violates the Zoning Regulations, including violations involving the grading of land or the removal of earth.

The Owners of the Premises claim that such sand and gravel operation is a legally nonconforming use, and was determined to be such by the then ZEO, Karen Griswold Nelson, and by this Commission on September 20, 2011. The minutes of such meeting indicate that (A) at that time there was a “borrow pit” being operated on the Premises with an “open site” of approximately 1.3 acres, and (B) the Commission’s consensus was that the finding by the ZEO “that the operation was pre-existing to zoning and is grandfathered as a “borrow pit” and did not require permitting to continue to operate in the same fashion as currently found was correct.”

The current ZEO, Michael Halloran, has provided the Commission with deeds indicating that the Premises currently consist of three pieces or parcels of land with the First Piece estimated to contain 20 acres, more or less; the Second Piece to contain 10 acres more or less, and the Third Piece to contain 7 acres, more or less, as set forth in that deed recorded in Volume 74 at Page 658 of the Colebrook Land Records. The deeds further indicate that the Premises have been comprised of the same three pieces or parcels since before Zoning Regulations were adopted in Colebrook, effective August 2, 1956. The current ZEO has also indicated to the Commission that Bob Green, the Owners’ surveyor and engineer, told the Colebrook Wetlands Agency that the area of excavation was all on the Second Piece.

Based on the foregoing, the Commission:

1. Finds that the Owners' sand and gravel operation constitutes a legally nonconforming use only on that portion of the Premises described as the Second Piece as described above, which use is as a "borrow pit" can continue to operate in the same fashion as existed on September 20, 2011;
2. Confirms that the sand and gravel operation on the Second Piece as described above nonetheless can and should be regulated by the Commission pursuant to Article XII of its Zoning Regulations (Excavation of Earth Materials), with those standards and conditions described in such Article, including, but not limited to, approval of the following with respect to excavated areas: final grades, finished heights, horizontal alignments, restoration and debris removal.

After more discussion regarding the draft, Jim M. moved to approve the motion in its entirety as presented. Jim B. seconded and the vote to approve was 4-1 with Jim M., Jim B., Chuck and Ed L. voting to approve, and Ed A. voting no.

#### Bills and Correspondence:

Minutes of the Wetlands meeting from August 21, were reviewed as well as a letter from Joyce Hemingson to the CT Siting Council involving the wind turbines.

#### ZEO report:

Brief discussion about Michael Parent of 244D Colebrook River Rd. and concerns raised about State Police being called in absence of threat, with the appearance of favoring one side of a family dispute.

There being no other business, a motion by Jim M., seconded by Jim B., to adjourn the meeting was made. The motion was approved unanimously. The meeting was adjourned at 7:40p.m.

Michael J. Halloran