

JUL 11 2018

Town of Colebrook
Planning and Zoning Commission
July 9, 2018 Colebrook Town Hall
6:30 pm Regular Meeting
Minutes

COLEBROOK TOWN CLERK

Present: Regular members were Chairman Ed Lord, Ed Allen, Chuck Buchanan, and Jim Bickford. Alternate member Jane Vasaturo sat for the absent Jim Millar. 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.

Approval of Minutes:

Minutes from June 11, 2018 were presented. Two changes were made in the wording in the third paragraph of old business. "She seemed to remember..." was changed to "she indicated she remembered..." Also the word "rambled" was changed to "spoke".

Chuck made a motion, seconded by Ed A., to approve minutes as amended. The vote to approve was unanimous.

New Business:

The wetlands minutes of 6/19/18 were presented and discussed. An unsigned survey from Robert Green, Engineer/ surveyor was shown to Wetlands but later taken back. Mr. Green did confirm on record that the entire excavated area was within the ten acre parcel known as parcel two on the land records. It was noted that the Wetlands Agency did not lift the cease and desist order.

Old Business:

Continuation of discussion regarding 337 Colebrook River Rd. Attorney Cusick discussed Estoppel with the Commission and presented several cases. The Commission had been unaware of the town purchasing from the site in the past. It was also the general consensus of the Commission that the previous ZEO's decision may have been based on bad or no evidence.

Attorney Cusick talked further about natural expansion verses permissible intensification. There was also talk of manifestation of intent and demonstrational intent.

Also discussed was the lot itself regarding three distinct and separate parcels as recorded and never combined into one parcel. The Commission also

questioned whether the fact that wetlands were violated in the expansion affects the credibility. It was pointed out that there is no grandfathering for wetlands.

The Commission generally agreed that although based on very limited information by previous ZEO in 2011, the property owner acted in good faith, that he was grandfathered.

This then led to a lot of discussion regarding regulating a nonconforming operation, which most agreed with. Also discussed was borrow pit verses processing, and the operational site now as opposed to the intent in 1956. Attorney Cusick reminded the Commission that the burden of proof is on the property owner. A question also came up whether a bond can be required for a nonconforming use. Also touched on was the infringement onto a neighbor's property.

ZEO report:
See attached

There being no other business, a motion by Ed A., seconded by Chuck, to adjourn the meeting was made. The motion was approved unanimously. The meeting was adjourned at 8:09p.m.


Michael J. Halloran