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Town of Stafford
Planning & Zoning Commission
Special Meeting
January 7, 2021
Virtual Meeting via Zoom Technology

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6 pages

Members Present: Dave Palmberg, Chair
 Rich Shuck
 Ron Houle
 Cindy Rummel
 Chris Joseph, Alternate

Also Present: David Perkins, Zoning Enforcement Officer
 Wayne Williams and Lynn Godin, Skyline Quarry

Public Hearing

Wayne Williams (Skyline Quarry), 110 Conklin Road, Map 61, Lot 80, Zone AA/AAA Earth Removal/Blasting Renewal application in accordance with Section 7.2 of the Zoning Regulations.

Dave Palmberg, Chair, opened the public hearing at 7:02 p.m., establishing a quorum with Ron Houle, Cindy Rummel, Rich Shuck and Dave Palmberg. (Note: Chris Joseph arrived a little later after the quorum had been established).

Wayne Williams and Lynn Godin attended the public hearing. David Perkins said he met with Wayne Williams earlier in the week and they drove through the quarry. He said the status of the quarry is mostly unchanged. He noted he provided a profile of the quarry in Commissioners' packets. The right edge of the survey indicates where a small portion of rock has been taken out. David Perkins said he met with the fire marshal and he had no issues. There have been no formal complaints about the quarry, which has been in operation since the 1950s or earlier.

Ron Houle asked how often the quarry needs to be renewed and if staff can simply handle it. David Perkins said the renewal is every three years and he was following the Zoning Regulations in holding a public hearing. Cindy Rummel asked if all the neighbors had been notified. David Perkins said they had and there were no inquiries or responses.

Wayne Williams said if there is ever a complaint, he encourages people to reach out to him to address them. Dave Palmberg and Rich Shuck both attested to Wayne Williams' attentiveness to issues when each of them served as the ZEO in Stafford.

There were no questions or comments from the public. Ron Houle made a motion, seconded by Rich Shuck, to close the public hearing at 7:09 p.m. All were in favor. Motion carried.

Agenda:

1. Call to order and establish a quorum
2. Discussion and possible decision on public hearing item.
3. Zoning Citation Ordinance Discussion
4. New Business
5. Adjournment

1. Call to order and establish a quorum.

Dave Palmberg called the meeting to order at 7:10 p.m. establishing the same quorum as in the public hearing.

2. Discussion and possible decision on public hearing item.

Rich Shuck made a motion, seconded by Ron Houle, to approve the Earth Removal/Blasting renewal application of Wayne Williams (Skyline Quarry), 110 Conklin Road, Map 61, Lot 80, Zone AA/AAA in accordance with Section 7.2 of the Zoning Regulations for the three-year period effective January 22, 2021 through January 22, 2024. All were in favor. Motion carried.

3. Zoning Citation Ordinance Discussion

Dave Palmberg noted his recommended addition to the proposed ordinance, which makes a provision for elderly and/or disabled residents. This was sent to Commissioners earlier in the day. He took this wording from a similar ordinance in Rocky Hill.

He said he would also like to have a copy of the Blight Ordinance included so that people will be able to see what is covered under it and the difference in terms of violations. Dave Palmberg said he read the minutes from the Special Town Meeting from September 27, 2018 and said there seemed to be some confusion between Blight and Zoning violations. He said there was no mention about asking cited residents to provide a plan to come into compliance and that it needs to be understood that the ZEO can waive fees if a good faith effort is being made to do so.

Dave Palmberg said the way the ordinance is written right now, the hearing officer must make a decision at the end of the hearing and he would prefer the ordinance be written so that the hearing officer is able to take a certain amount of time if needed, such as up to ten days, to review the materials presented, digest them and make a decision. There was consensus that this seemed reasonable.

The discussion was opened to the public. Stacey Joseph of 5 Collette Road West said she hoped to go through the minutes and address each person's concern. Dave Palmberg noted that Chris Joseph had said they had audio of that meeting, but they did not get it from him. Stacey Joseph said she didn't end up providing the audio because she felt the minutes of the meeting were excellent, so it wasn't necessary.

Stacey Joseph addressed some of the comments. She discussed the section in the minutes where David Perkins outlined the citation procedure. She said some residents complained that people were not given an opportunity to rectify a situation, so she felt it was necessary to put that opportunity in stone in the ordinance. David Perkins said he never writes a cease and desist order without first reaching out to the people involved. He said sometimes in these days where people only have unpublished cell numbers, it is difficult to reach people by phone, so he often will reach out with an introductory letter to try to initiate a discussion.

Stacey Joseph said she felt more should be done to encourage neighbors to work things out amicably between each other rather than involving the town. Dave Palmberg explained that the ZEO does not get involved until they are contacted with a complaint. Once that happens, they are required to act. Rich Shuck said often complaints result in the ZEO learning that both parties are in violation of the regulations. He said often there are conflicts between neighbors and one or the other turns to the town to resolve the issue.

Dave Palmberg said that as a ZEO his first recommendation to the complainant is to ask if they have reached out to their neighbor. However, if the ZEO is contacted, they have no alternative but to investigate the complaint. He said the wording about providing the opportunity to rectify a situation is already outlined in the ordinance. He said it is pretty liberally worded.

David Perkins explained the zoning citation process. He noted that the person receiving the complaint has the opportunity to get into compliance voluntarily. Dave Palmberg noted also that fees do not start to accrue for some time, so the person who receives the complaint has ample time to work out a remedy. Dave Palmberg went on to explain the appeals process to have a third party hearing officer listen to both sides of the story.

Stacey Joseph said she felt it was unfair that fines would accrue during the period when the person receiving the complaint is waiting for their hearing. Rich Shuck explained that this is no different than what would happen in a civil violation before a judge. He said a person can take the gamble that they will win their argument or submit a plan showing how they will rectify the situation.

Dave Palmberg said there is no fee to appeal a citation. He said he understands people should have the right to do what they want on their property, but that should not extend to where it negatively impacts one's neighbors, and that is the purpose of zoning regulations.

Stacey Joseph said she did not like the idea of frivolous citations, giving an example where someone was told to convert their mother-in-law apartment back into its original state. She said the townspeople have already voted on this issue and they said, no. She said the townspeople wanted smaller government. She questioned why the PZC would want to put the power in the hands of one person. She said David Perkins is a good ZEO and reasonable, but the next ZEO might not be.

Rich Shuck provided a hypothetical where a neighbor puts up a large barn right on their neighbor's property line and proceeds to open up an illegal, dance hall that is noisy all night and keeps everyone up. The neighbor should have some recourse. Stacey Joseph suggested if they had severe concerns about health and safety, they could make a list and address them, but she did not like the idea of universally applying rules to people without knowing about their personal situations.

Dave Palmberg asked if there were any other questions or concerns. Cindy Rummel asked if the latest draft was the final one. She said there were a couple of sections that seemed to be repetitive of prior items. Dave Palmberg said this reminded him to mention that Section E references a police officer and refers to Section B. He said the wording should not be police officer, but rather ZEO or issuing officer.

David Perkins said he will look this all over and then submit it again to Attorney Ken Slater for review. He asked Cindy Rummel to mark up the redundancies and get them to him as well.

Chris Joseph said that for him the primary issue is with, for example, being fined for not asking permission to put up a deck on their property. David Perkins said in those types of instances, if he found an already-built deck met zoning regulations, he would simply remind the property owner that they need to get a permit. Dave Palmberg said this type of thing could end up becoming an issue later with the building official or the assessor.

Dave Palmberg reiterated that the purpose of this ordinance is not to make money for the town but to find a way to get compliance so that people's actions do not negatively impact their neighbors. David Perkins agreed. He said often he is dealing with nuisances and not just violations---such as barking dogs or wandering chickens. He said he has no desire to play social administrator between neighbors.

Rich Shuck said the ultimate goal is to get compliance and what all ZEOs want is simply to be able to work with people to that end. He said cease and desist orders involve a lot of paperwork. Dave Palmberg agreed saying it is like preparing for a court case.

Chris Joseph expressed concerns that if this went through that the PZC would end up restricting residents more and more. Rich Shuck noted that a neighbor can do the exact thing and take people to court.

David Perkins gave an example of a neighbor who has multiple commercial vehicles all over the nice subdivision they live in, which ends up being offensive to the neighbors. This person does not have a commercial business. However, they don't have a regulation on these types of things, so in his opinion, this person can keep their commercial vehicles. Chris Joseph said he knows David Perkins is reasonable, but he is fearful that the next ZEO might not be. He said he used to live in a restrictive town and moved to Stafford specifically because it was not.

Rich Shuck said this is just a tool for the most egregious violations, for people who refuse to work with the ZEO. He said their goal is to keep things out of court.

David Perkins brought up Dave Palmberg's earlier suggestion to allow the hearing officer a ten day postponement of a decision. He said according to state statutes, the hearing officer is supposed to render a decision the same day. He said he supposed a hearing officer might be able to say his/her decision is to make a decision within ten days, but he would need to check with Attorney Slater. Cindy Rummel said she believed a decision and a deferment are two different things. Dave Palmberg said he would want the ordinance to abide by whatever the law states.

Stacey Joseph asked for a clarification if the ordinance would be for confrontational issues only. David Palmberg said that is only his interpretation, and said that might be difficult to define. Stacey Joseph said she saw this as less as tool as coercion and if they are going to allow such an ordinance, it should have some parameters such as applying to abutting neighbors only and requiring that complaints cannot be anonymous.

Dave Palmberg asked that David Perkins revise the draft ordinance to take in what has been discussed this evening and they will continue the discussion to the next meeting.

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4. New Business.

There was no new business. Dave Palmberg asked David Perkins to include an approval of the December minutes in the next agenda.

5. Adjournment.

Ron Houle made a motion, seconded by Cindy Rummel to adjourn the meeting at 8:09 p.m. All were in favor. The January 7, 2021 meeting of the Stafford Planning & Zoning Commission was adjourned at 8:09 p.m.

Respectfully submitted,

Annie Gentile

Annie Gentile
Recording Secretary