

PLANNING AND ZONING COMMISSION  
TOWN OF SOUTHTON  
DECEMBER 15, 2020

The Planning & Zoning Commission of the Town of Southington held a public hearing and regular meeting on Tuesday, December 15, 2020 via WebEx teleconference. Robert Hammersley, Chair, called the meeting to order at 7:00 pm.

The following participated:

Robert Salka, Jeff Gworek, Susan Locks, Christina Volpe & Peter Santago

Alternates: Theresa Albanese & Caleb Cowles

Staff:

Robert Phillips, Director of Planning & Community Development  
James Grappone, Ass't Town Engineer

Absent: Commissioner James Macchio  
Alternates Joe Coviello & Stuart Savelkoul

The Chair seated Alternate Theresa Albanese in place of James Macchio for this evening's meeting. A quorum was determined.

The Pledge of Allegiance to the American Flag was recited by everyone participating being led by Kayleigh Phillips.

A Moment of Silence was observed by everyone.

ROBERT HAMMERSLEY, Chair, presiding:

APPROVAL OF MINUTES

Regular Meeting of December 1, 2020

Mr. Salka made a motion to approve as presented. Ms. Locks seconded. Motion passed unanimously on a voice vote.

PUBLIC HEARING

A. Brian Teske, home occupation application for retail sales of pistols, revolvers, rifles and ammunition and other items allowed per FFL7. Orders to be taken online and shipped via UPS or USPS, property located at 362 Mill Street, in an R-12 zone (HO #78)

MINUTES ARE PREPARED SUMMARY STYLE. PLEASE REFER TO THE VIDEO ON LINE TO HEAR THE FULL 55-MINUTE PRESENTATION.

Attorney Gregory Miller, PO Box 680, West Redding, CT 06896, presented on behalf of the applicant, Brian Teske. This is not an application for a retail permit. There was some confusion on that. The application says: wholesale, internet, only. The clarify, we are not seeking to do retail sales there. The plan is to run a wholesale business out of the facility to use it as an accessory use. There are a couple of these already approved in the town.

This is a business that is absolutely invisible. There are no signs. We don't expect people coming in and out. Maybe every day or two there may be a shipment with UPS or FedEx. Absolutely nothing that would impact the nature of the neighborhood.

(Inaudible interference.)

The nature of the business is essentially gunsmithing. The items would be sent over to him, modified as necessary. Typically shipped back. On rare occasions, perhaps a few times a week, somebody might come by and drop something off and a scope will be put on. Some modification will be made. Mr. Teske has always done some reloading, as many people do, and he would intend to continue to do that. In the future he may be seeking to sell some ammunition, but once again, those sales would be on a wholesale basis, typically dealer to dealer.

As people come in, another dealer would call up and say we need the following. He would produce those and they would go into a box and he would put them in his car and deliver them someplace else.

What we have here is something that clearly falls within the realm of an accessory use. He will use approximately 144 to 200 sf of space within the basement of his home. There is a separate entrance that he can go through and over to his driveway. This is a single-family home with a detached garage.

We are not looking to run a large retail operation. It is a small amount of space in his basement where in his spare time he's going to have some activity and do it from home.

ATF has been through this already and they have advised us that they're good with the application other than the fact it has to be approved by P & Z.

We could respond to questions.

Discussion on the HO regulation. The stipulations that must be adhered to were discussed for approval. (Showed the regulation on the screen.)

Discussion on the security, storage and handling for firearm related activities. Mr. Teske elaborated in detail. Three entrances to the home were described noting the door specifically for the basement around the back of the house. There is a heavy-duty gun safe, as well, where everything will be stored. As a stipulation, ATF will require before issuing the license, an alarm system be installed and the applicant stipulates to that. Discussion.

On line sales only to FFL dealers was confirmed.

Discussion on why this is not cottage industry and is home occupation under special permit.

The process from customer order to customer ship, along with inventory of storage was described. The part would be ordered, the modification made, serial number recorded and then the weapon would be returned right away to the owner. When something is shipped to the applicant, the item is logged into the book, and then it would go inside of his firearms safe unless he is working on it that day. Incidental screws, things of that nature which cannot cause harm to anyone may be there in the shop but we are dealing with very very small quantities here. If an individual has a particular scope they want mounted, it would be shipped over, logged into the book, into the safe. He'll take it out onto his work bench, do the work on it. Goes back into the safe. When the UPS truck arrives, it'll have to be securely boxed. It gets logged out of the book. The ATF themselves will do an inspection of the premises before they issue the license. They come into the home, inspect the safe, inspect the alarm and discuss all regulations including safe storage.

Discussion.

No finished goods inventory is stored at the premises. The item is ordered wholesale, modify it and if there is storage it would be work in process. When the work is completed it is shipped.

Discussion.

It could happen in the future wherein you know people are buying things and you buy them to have it in inventory so you can use it, but it is not the plan. We are not a stocking dealer. The plan here is to do custom work. Come in, it gets modified, and then go back out. It could be possible there would be something finished in the safe, but we are not having a website which says we have 100 guns in inventory. The plan here is to do custom gunsmithing and perhaps some reloading.

Discussion.

Random inspections of such a business are performed by the ATF, fairly regularly, every year or two.

Discussion.

The home occupation permit says the sale of crafts and antiques. Are antique or crafted firearms going to be handled here? Attorney Miller went over the stipulations in the Home Occupation Regulation which were met. No objectionable noise, no interference with radio or television, does not provide a health or safety hazard. Does not generate pedestrian or automobile traffic. Enumeration E was discussed further. (Does not create a health or safety hazard.) The very object referred to here could be a health or safety hazard as there is no alarm system, yet, guaranteeing a safe environment at this point.

Enumeration J was discussed. We are not going to take finished goods. The firearm is only coming in and modified. It is not going to be resold.

The UPS and FedEx delivery to the premises was discussed with a particular notation on package theft. Maybe a stipulation should be there is no package is left at a particular location where there is access to trespassers.

The shipper and receiver must be federally licensed.

Packages do require a signature.

Applicant must physically take possession of the item.

UPS has security protocols.

Cleaning of guns is not something we are really planning on. But it is conceivable a person could call and say they have a firearm that is not working and could they bring it by. Those are basically done the same day. Not something we're planning on but we would like to be able to do.

Discussion.

Neighborhood contact was discussed. Letters were sent out with verification to the four adjoining neighbors inviting them to join this meeting and comment. In cases like this you try to keep a very, very low profile as part of your security. No signs or anything indicating a business on the premises. The number of firearms here is not different from what you would see in a typical home or common home.

Traffic coming in and out in a very quiet area is noticeable. The applicant advised Mill Street is the opposite of quiet. It is a main drag from Route 10 to 229.

Discussion about how this kind of operation applies to the town's regulations and what is permissible under the home occupation.

No retail sales here, just modifications to the item.

Discussion.

Consistency with what was approved in the past was discussed noting specific applications: 258 Jude Lane (July 25<sup>th</sup> Minutes).

Discussion on the reloading of ammunition. The concern is with there being no alarm system or fire alarms as well. Would that be part of the alarm system required by the ATF before a license is issued? Black powder storage in the house is a risk to the homeowner and the neighbors. Attorney Miller stated on the record there will be both a fire and alarm system. Before issuing, the ATF requires P & Z sign off. They'll speak to the Chief of Police and the Fire Marshal.

Further discussion of there being a problem with the ammunition and black powder storage at the house. The applications in the past have been approved for fire arm sales and not for reloading and storing of ammunition. Would the applicant be willing to separate that out and not include that as part of this application? That's a problem.

Attorney Miller clarified there'd be no black powder. The only thing utilized would be smokeless powder which cannot explode. If it burns, it basically just flashes. Goes off in a matter of seconds. The ATF has regulations for powder storage. Any homeowner in town can reload right now as long as the amount of powder that's stored is not large. We are talking about a couple of cans of powder, not a large amount. This is very much in line with the fire hazards that require no approval from P & Z at all. Reloading is done by countless people across the community. We will provide on the record right here that we understand the approval is subject to approval by the Fire Marshal that this is safe to the extent he had an objection, (only certain amount of powder or stored in a fire proof box), these are all standard things he will do and it is simply a step to having the license issued we would have to complete. I hate to specify that he is agreeing not to do something which he could do without any zoning approval if he was doing it for his own use. The concern is understood with a large amount of powder storage. We would absolutely not have black powder on the facility.

Discussion.

The Chair reiterated some of the points made during the public hearing. He noted the state, federal and other local entity guidelines the applicant must adhere to. Each entity needs to approve before you can operate this service at that location. Once the ATF is satisfied all agencies are satisfied with this, they'll issue the license, but not beforehand. Discussion of the particular entities involved and the procedure followed.

Discussion of whether or not the State of Connecticut approves this application for issuance. It is noted the Chief within Southington has a copy and the ATF speaks to him before issuance of the permit.

Customization of any equipment would be in conformity and adherence to State, Federal and local law.

Limiting the amount of visits for the purposes of any of this, be it a transfer of equipment or looking at a piece of equipment on behalf of somebody who has requested that would not be opposed by the applicant.

Discussion.

Discussion of the previous applications similar to this that were granted and both being different than this. The similarity is we are talking about different aspects of firearms. Three very, very different things. Mr. Phillips explained those two were also special permits. The cottage food industry is only for some kind of a unique outline that was passed licensed through DCP instead of the health department. The firearms would never fall under that.

Discussion.

(Those in the public who would like to speak in favor of the application.)

None this evening.

(Those in the public would like to speak in opposition to the application.)

None this evening.

The applicant said that he has lived in town for 42 years. My career, I've worked for Colt Firearms and Smith & Wesson, both for a period of time. I'm familiar with firearms and have been around them my whole life. This is like second nature to me. People that don't have that much experience with pistols and revolvers and long guns, it is scary to them. If this is what you do, it's as safe as anything else out there. That's all I have to say.

Hearing no objection, the Chair closed the public hearing.

## BUSINESS MEETING

A. Brian Teske, home occupation application for retail sales of pistols, revolvers, rifles and ammunition and other items allowed per FFL7. Orders to be taken online and shipped via UPS or USPS, property located at 362 Mill Street, in an R-12 zone (HO #78)

Mr. Santago said the points making regarding “J” on finished goods. We are taking in finished goods here, modifying them and sending them out. And, also the spirit and intent of home occupations seems to be about making something from scratch. I don’t know if this fits the spirit and intent of the regulations as written.

Do we need the fire department first to say things are okay or can we ask for that or within this process do we say okay and then the fire department acts? The Chair said because the public hearing has been closed, anything the fire department can give us actually could not be taken into consideration at this point.

Mr. Santago reiterated he didn’t know if this fits the spirit and intent of the reg as written and in deed, I think taking in a finished good and doing something to it and sending out a different finished good, I don’t know if that fits this. The other firearm related things were indeed different than this. Not the same thing.

Discussion about our regulations not having anything that specifically speaks to this. If this is something we want to continuously approve, it should be included under the HO. Right now, we are approving these without any comments towards firearms sales where clearly the HO outlines things like crafting and millinery. There is no reference to firearms and such a serious thing. Precedent is being set when we approve these things without anything to back it within the regulations. It needs to be taken very seriously.

Ms. Volpe made a motion to deny the application because we don’t have any regulations that outline this type of home occupation.

No second to the motion.

Mr. Salka made a motion to approve HO #78 with the stipulation this is depending on state, federal and local agency approvals as well as with a maximum of ten visits per week to this particular address. Ms. Locks seconded.

Mr. Gworek clarified the max ten visits would not include UPS deliveries or deliveries of product but just personal visits dropping off. Mr. Salka confirmed that is correct.

Security systems would be part of the state and federal regulations for approval by the ATF. However, that could be included in the motion as an amendment to ensure that it is part of it.

Mr. Salka amended his motion to include the two alarm systems are in place prior to approval for issuing the license. Ms. Locks reseconded.

Ms. Volpe pointed out we are setting a precedent going forward. If you feel uncomfortable this evening on making a decision you might be faced with that yet again and have a harder time than you did tonight. I strongly encourage we review our regulations and amend. We have now had three applications for this in the last two years. I encourage the adding of regulations when it comes to the sale of fire arms in residential area.

Mr. Salka agreed and said Mr. Santago can take that under advisement when they look at the review of our current regulations to include. There should be something in there outlining this type of sale.

The Chair also agreed there should be some clarity. Mr. Santago should note that and bring it in front of his group to discuss. Ms. Volpe, as a commissioner, can offer changes to the regulations, as well.

Motion passed 6 to 1 on a roll call vote with Ms. Volpe opposed.

B. Eleni Real Estate, LLC, site plan modification application for a two-story office/retail building, property located at 1615 West Street, in the WSB zone, parcel size 2.13 acres (SPR #1802) tabled from December 1

Continue on the table to the next meeting.

C. Jack's Family Donuts, LLC, site plan modification application to allow the following: extending the drive thru lanes to the rear of the property, moving the menu boards and call box to the rear of the site, relocating the dumpster, adding an additional menu board and call box and adding a prepay hut, property located at 1825 Meriden Waterbury Turnpike, owned by Southington Development Partners, LLC, parcel size 1.19 acres, in a B zone (SPR #1770.1) tabled from December 1

The Chair noted a new site plan was filed that addresses the concerns raised at the last meeting. Jim Cassidy, PE presented on behalf of the applicant. I can share my screen and show the revisions made working with the Town Engineer addressing some of the commission's concerns.

(Screen shared)

The proposed extension of the drive thru lane was noted. We are proposing to move the menu boards to the rear of the property and adding an additional menu board and call box. The brown square is a prepay hut to allow for improvement of expediting customers going thru the drive thru lane and provide additional queueing within the drive thru lane.

At the last meeting you had a concern about the proposed rear entrance driveway. There was a concern that people circulating in the driveway for the movie theater would enter into this driveway and try to cut into the queue for this menu board here (indicating). We proposed two things to hopefully address that issue.

1. The driveway is going to have two signs posed inside of it saying: Do Not Enter/Exit Only. That's for patrons of the store.

2. People sometimes try to buck signs and sneak in anyways, we are proposing to install an additional island. A narrow 4' wide island, raised, with concrete curbing around the entire perimeter. It is located in such a way so that if someone tries to come thru this rear driveway, they would actually have to jump the island. Hopefully, they won't do that as we are going to have some low level planted evergreen shrubs in it. They'd be forced to go around the entire circumference of the building to get back to the lane.

I believe this addresses the town engineer's concerns. He did have a couple of additional comments which he provided to us. He wanted to ensure that whatever landscaping we did within this

island didn't obstruct the line of sight. I responded to his email this afternoon. The comments confirmed the landscaped island would not cause line of sight issues. I've indicated we're looking at planting some type of evergreen shrub, a juniper or yew, within that island that only grows to a height of 2'.

In addition, there was a concern the landscaped island curbing should be painted so it is highly visible. The owner would prefer not to paint the curbing like a bright yellow. We feel the curbing is concrete so it is going to be a very light gray, almost white. And, it is sitting on black pavement with a big contrast between the two. It should be highly visible and aesthetically pleasing. And, we have the landscaping within the island. With the two, this island is going to be very visible.

Another comment was to confirm the soil conditions and percolation tests at the proposed drywell. The drainage for this new drive thru is handled by a drywell. On November 30<sup>th</sup>, we actually went out and dug a test pit in the area of the drywell. Explained at 9'10", the soils were fine or medium sand. I did not do a percolation test on that date at the bottom because of the weather. As a condition of approval, we would be willing to dig a bigger hole prior to construction and run a percolation test in the bottom of the hole. If we find it to be slower than 5 minutes per inch, we can modify the size of the system to include an additional drywell with full storage capacity. We can do that during construction and we'll take that as a condition of approval.

I'll answer any questions.

Mr. Grappone had nothing to add. I thank him for addressing the comments and I agree with his responses.

Mr. Salka also thanked the applicant for working with staff. They've done a nice job. They answered everyone of our questions and resolved the questions I had. Thanks for that.

The Chair agreed.

Discussion regarding existing trees and tree protection. Tree removal and replanting was discussed.

A motion to approve SPR #1770.1 with the stipulation that the applicant will run a percolation test and remediate if necessary, as noted in the Minutes and stated by the applicant was made by Mr. Salka. Ms. Albanese seconded. Motion passed 7 to 0 on a roll call vote.

ROBERT SALKA, assuming the Chair:

D. Mount Southington, site plan modification application to remove existing ski school building and replace with 2,820 sf two story building, property located at 396 Mount Vernon Road, parcel size 98.91 acres, in a R-80 zone (SPR #1809)

Tabled to the next meeting waiting for wetlands action.

E. Town of Southington, site plan application for the demolition of existing pump station building, concrete pad, equipment and appurtenances, and construction of a new precast pump station,

related controls, concrete pads, fencing, stormwater management facilities and landscaping, Plantsville Pump Station, property located at 8-6 South Main Street, in a CB zone (SPR #1810)

Tabled to the next meeting for wetlands action.

F. Release of \$6,000 E & S bond, Fibre Optic Plus, LLC, 30 Industrial Drive (SPR #1756)

Ready for action. Ms. Locks made a motion to approve. Mr. Santago seconded. Motion passed unanimously on a voice vote.

G. Release of \$8,000 E & S bond, Midconn Properties, LLC, 39 Birch Street, (SPR #1773)

Ready for action. Ms. Locks made a motion to approve. Mr. Santago seconded. Motion passed unanimously on a voice vote.

H. Release of \$11,970 E & S bond, Wendy's 1799 Meriden Waterbury Turnpike SPR #1779)

Ready for action. Ms. Locks made a motion to approve. Mr. Santago seconded. Motion passed unanimously on a voice vote.

MINUTES ARE PREPARED SUMMARY STYLE AND YOU MAY REFER TO THE VIDEO ON LINE TO HEAR THE FULL 27-MINUTE PRESENTATION.

I. Request for informal discussion with the Commission regarding 349 & 387 Marion Avenue and applicability of Section 4-01.1 RIGHT OF WAY of the Southington Subdivision Regulations

Mr. Phillips introduced the item. He sent out the section in question to the commission yesterday for review ahead of time with the material the potential developer supplied. Mr. LePage is on this call.

Bill LePage, 172 Flanders Street, Southington explained. We submitted a letter and you all have that and I won't read it again. That summarizes what we are looking for. We have a parcel, if we can design it properly, we would submit for subdivision approval. It is three parcels, merging them, and we would attempt to have a subdivision of 11 to 12 lots which is a nice little area.

The first 226' would not have the full 50' ROW. Beyond that there is plenty of room to have the 50' road. There is a provision, in the letter submitted, as to which part of the subdivision regulations it might be allowed under.

It's Section 4-01.1. Right of Way. Mr. Phillips read the regulation. He pointed out this is a subdivision regulation and those regulations typically only apply in the case of a subdivision application. There is a real question about the applicability of this to begin with. (He read into the record Section 4-01.1, Right of Way)

*The width of the ROW of any street shall be not less than 50'. The minute width of a ROW in a nonresidential area shall be determined at the time of development but shall not be less than 50'. Streets shall be graded for their total width in conformance with the approved typical section and to lines and grades as shown on the approved plan and profile drawings as set forth in the subdivision regulations as adopted by the Town Planning & Zoning Commission. And, the typical cross sections and standards included there.*

I emphasize this sentence which I think is the crux of the point:

*The Commission may vary the provisions of these design standards regarding the width of ROW and the width of roads to permit the municipality to connect streets within areas which are substantially built up at the adoption of these regulations.*

Now, to go back to what I originally said about the applicability, if the developer proposes a subdivision, of course, that's when this would apply when reviewing the subdivision for conformance with the regulations. That last sentence is really the one that I think the commission needs to focus in on here.

Mr. LePage explained his rationale for asking for this is that we have a 24' roadway which would allow for a sidewalk and a snow shelf, green area of grass. A typical subdivision would have a 50' road width and you would have 13' to work with for a sidewalk and grass area. Within the R-40 zone, a 28' road, you'd have 2' less than a feeder street.

If you have a 30' wide road, you only have 10' left. We would have with this little piece of property, the first 226', we'd have 9.5' on both sides. Only 6" less than what would be on the feeder strips.

It definitely seems workable and it is only for that first section.

I guess you have waived it here and there, but if we have sidewalk on one side, only for the first 226' than it wouldn't even be noticeable.

We're trying to get a feel of commission if this would be an appropriate use. Everything in that area is already developed and it is not as if we were buying acreage where you would put a 50' road in on 300 or 400- or 500-foot frontage. There was a house on this property years ago that was torn down. Presently there is two lots and 5 acres out in back that belongs to Marion Avenue Associates, the industrial building just to the west of this property.

It's a good use of the property and it wouldn't be landlocked which is residential and there is no way of getting into it. I'm not saying it's a hardship but for the fact they can't use it for any other purpose.

We are just trying to get a feel of commission prior to going to full design on a road which is a fairly complex undertaking.

Ms. Albanese asked if there were other subdivisions similar to this application where we have approved subdivisions with less than the 50'? Mr. Phillips was not aware of any in his tenure of 7+ years. If it were, it would require a waiver which is a supermajority vote, 5 affirmatives rather than 4 on this board. It would take some real research and I'm not sure I could uncover that answer.

Mr. Santago said the regulation is pretty clear to him: 50' is 50'. I read the last sentence almost as a needless grandfather clause rather than a direction. To me, it's 50'. I don't think it is subject to interpretation the way it's written. I think it's 50'. I'm not reading much leeway in that.

Mr. LePage commented the entire area was developed prior to zoning. Explained.

Discussion of what comprises the lot and what is on it now.

There is no possibility of adding to the property after discussions.

We thought the provision would allow for the commission to determine the 24' can fit pretty well, added Mr. LePage. It is only the snow shelf that would be diminished and it wouldn't be diminished at all if we put sidewalk only on one side of the first 226'. There are no sidewalks now on the front of the area on Marion Avenue.

Discussion.

ROBERT HAMMERSLEY, resumed the Chair:

There is 47.5' on the frontage that intersections with Marion Avenue. The radius to the west would be offset from the radius on the right, or east, would allow traffic to flow in and you would increase the width of the road. Exiting would be the opposite effect. Explained.

Mr. Grappone noted from a design standpoint there are several reasons for the 50' ROW being in the regulations. The biggest concern would be from a utilities standpoint. In most instances, the primary and secondary power line are usually off the road which is the reason they wanted an additional 10' above and beyond the 50' ROW. I would be willing to work with Mr. LePage and his design professional, but I think from a maintenance standpoint, our department would have a concern with not only setting a precedent on reducing road widths 50' but we'd like to look at it further.

Discussion.

Mr. Phillips stated staff are agents of the commission on interpreting the regulations on a day-to-day basis. Ultimately, the interpretation of the regulations lies with the PZC. In this case with the subdivision regulations, you are wearing your planning hat. IF it was a zoning reg and I made a decision, it could then be appealed to the ZBA. With a subdivision regulation wearing a planning hat, there is no recourse for that. The potential developer wants your input on your interpretation of the regulation.

I didn't believe this was a regulation that allowed for a broad interpretation continued Mr. Phillips. I thought it was pretty specific. Explained.

That's why we're here and it is your call.

The Chair noted Mr. Santago brought up the 50' is there for a reason. And, Mr. Grappone brought up the reasoning behind that. I tend to agree with those positions confirmed the Chair.

This is just an informal discussion no formal action on the matter. There is not going to be a vote for anything like that.

Discussion of having a straw vote and where Mr. LePage was at this point.

Discussion about doing a private driveway.

Mr. Salka agreed the regs say 50’.

The Chair felt Mr. LePage had a feel for where the commission stands.

#### ADMINISTRATIVE ITEMS

- Regulations Review Committee Update and Discussion

The committee is meeting tomorrow, December 16<sup>th</sup>. It is beginning with Sections 2 & 3. If any commissioner wants to write something up and send it to the committee for consideration, that would be appreciated.

- Authorization for Administrative Review: F & F Concrete, site plan modification application to construct a 2,650 Sf building addition, property located at 110 West Main Street, in an I-2 zone, parcel size 7.6 acres (SPR #1774.1)11

Mr. Phillips advised this is simple. You may recall it was a proposal for about a 2,600-sf addition on the north end of their main building. You determined it was suitable for administrative review and approval which is what we did.

Now, they are in for a similar sized addition on the southern side of the building. Because of what we did on the north end, it made sense to get administrative approval for the south end.

We can't approve it and issue an approval letter as staff until they get through the wetlands commission. We would hold off until that report is in to staff.

Otherwise, we are happy to do it from an administrative level.

No objection to having it handled administratively.

MINUTES ARE PREPARED SUMMARY STYLE AND YOU MAY REFER TO THE VIDEO ON LINE TO HEAR THE FULL 13-MINUTE PRESENTATION.

Mr. Phillips had a question for the commission as far as a policy and potentially regulation creation at some point. This has to do with existing structures that are in a required setback. Say for example it is a one-story structure and they want to add a second story or more in a vertical direction, straight up without encroaching into the setback any further than they already are.

Towns in this state would not consider that a variance situation. They look at it from a two-dimensional standpoint in the setback. But others look at it from a three-dimensional standpoint which is any development within the setback in X, Y & Z directions would require a variance.

Case law has no definitive answer. It's not been litigated as far as which one is the right way to look at this from a variance perspective.

This came up recently again. The question is: As a matter of policy, do we want to look at variance requirements only for two dimensional measurements or three-dimensional measurements.  
Discussion.

Discussion of which direction the PZC wants to go in going forward.

Mr. Salka, Ms. Volpe and Mr. Cowles offered their opinions noting beautiful vistas and privacy issues, also having this regulation enacted prior to the state overstepping their bounds on the planning & zoning side of equation.

Mr. Santago and Ms. Locks said to get ahead of this, I think would be prudent. Proactive in supporting the three dimensional at this time.

Mr. Phillips said we are all heading in one direction: Three dimensional. More control than less control.

Ms. Albanese agreed with the majority of the folks.

Mr. Gworek echoed all comments said.

The Chair agreed he didn't want views blocked.

#### ITEMS TO SCHEDULE FOR PUBLIC HEARING

Nothing this evening.

#### RECEIPT OF NEW APPLICATIONS

Nothing this evening.

#### ADJOURNMENT

Mr. Salka made a motion to adjourn which was seconded by Ms. Volpe. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 9:10 o'clock, p.m.)