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By Linda Amerighi at 8:07 am, Jun 14, 2021

SHARON PLANNING AND ZONING COMMISSION

Draft until approved at the next regular meeting

A regular meeting of the Sharon P & Z Commission was held on June 9, 2021 at 5:30PM at the Town Hall. Present were regular members Hall, MacMillan, Lynn, Rand and Prindle; alternates Wilbur, Moskowitz and Loening; Land Use Administrator (LUA) Casey, Attorney Edward Fitzpatrick, Attorney Taryn Ramey, Bruce James, Pamela Moulton, Gary Olsen, Scot Samuelson, Daniel ,Jamie Reich, Kathleen Marlowe, Mason Lord, Mara Fizdale, Attorney Ward Mazzucco, and the secretary.

Chairman Prindle called the meeting to order at 5:30.

Mr. Rand made a motion to adopt the agenda as presented, seconded by Mrs. Lynn, with all in favor.

It was stated that for the hearings, the hearing procedures are on the back table. If you wish to speak, please state your name and for the public comment section, limit comments to 5 minutes and no repetitive information. Also comments should be brief and pertain to the original complaint.

Hearings: 91 Main Street – accessory apartment: LUA Casey stated this property is located in the Commercial Zone and the owners have changed the Uses previously. This application was warned as an Accessory Apartment but it really is for a Residential Conversion under Section 7.2.c of the Regulations. This complies with the Plan of Conservation & Development. Mrs. Hall stated that she finds it troubling that Uses keep changing and then when there is a hearing, they do not attend. The hearing is where they are to answer questions and if they do not appear shortly, she feels that the application should be tabled until the next meeting (July 14). As no one appeared, Mrs. Hall made a motion to table the application until the next regular meeting, seconded by Mr. MacMillan, with all in favor.

3 & 15 Joray Road: Motel & Country Inn - The application is for a wedding venue. With the documents submitted, it was confusing as to where the access would be as the Assessor tax maps are not current. Mr. MacMillan obtained information from the Assessor's Office which showed different information than what Mr. Olsen submitted - #3 is a 9.1 acre parcel and #15 is a 36.31 acre parcel. Until the parcels are clarified to show what Mr. Olsen actually owns, the Commission can't make a decision. Also the Commission needs proof that Mr. Olsen has a right-of-way to #15. He will have to do some research in the Land Records. A site plan is also required that should show the access way, location of the tents, parking, etc. Mr. MacMillan made a motion to table this application until the next regular meeting in order to get clarification of property ownership and access way. Attorney Fitzpatrick spoke on behalf of abutting property owners. He reiterated that a site plan is required by the Regulations, the application is incomplete and the Use is not appropriate under the Regulations. Mr. James questioned conditions on approvals and the enforcement of them. LUA Casey stated that the Commission can place conditions on an approval and she monitors these. With no further public comments, Mrs. Hall seconded the motion, with all in favor. The hearings were closed at 6:03. They were taped and are available at the Town Hall.

Public Comment – Keeler Road residents – Attorney Ward Mazzucco was present representing neighbors of the Almquist property. The Almquist's are holding Shakespeare productions on their property for three specific weekends in June without any application being submitted to this Commission. Attorney Mazzucco offered that the Use must be applied for in order for the productions to proceed and a special exception would be required. He is making sure that the proposal follows the procedures in the Regulations. The event is for 11 Shakespeare productions throughout June at a price of \$25 per car. He reviewed his letter submitted to LUA Casey requesting a Cease & Desist Order be

issued. He passed out information highlighting sections of the Regulations where he feels an application, site plan etc. are needed, although in his opinion, the Regulations do not allow for this Use on the Almquist property – the only potential section allowing the Use would be Special Exception – Outdoor Recreational with no fees. The Commission's Attorney letter addressing the issue was reviewed and he addressed the issues that he disagrees with. On behalf of the neighbors, he requested that the Regulations be followed and that the ZEO is allowed to issue a Cease & Desist Order and that one be issued. He asked that the Commission vote to have the ZEO issue the Order tonight. Mason Lord, a landowner near the site, stated that he has no problem with what the Almquist's are doing. Other property owners on the road spoke against the events: Mara Fisdale, Kathleen Marlowe, Scot Samuelson and Jamie Reich. Attorney Mazzucco asked that a vote on this issue be done tonight. As this is not on the agenda, Mrs. Hall made a motion to add the vote to the agenda, seconded by Mrs. Lynn, with all in favor. This will be done first under New Business.

Mrs. Lynn made a motion to accept the 5/12/21 minutes as written, seconded by Mr. Rand, with all in favor.

The permits issued since the last meeting were: Paul Held – add deck and enclose portion; Peter Anderson – construct garage with 2nd floor storage; DKM Partners LLC – construct addition; Joshua Thompson – replace barn; Harsha & Merra Marti – construct deck addition with hot tub; Cybele & Brooke Loening – place shed; David Levinson – construct 2 story addition; Theo Spencer – construct screen porch; and Sherman Palmer – place gazebo.

Old Business:

No action taken on fire protection item.

Attorney Manasse had withdrawn his request pertaining to Stewart Hollow Road. Attorney Byrne has been reviewing this but has not issued any opinion. LUA Casey stated that she could get this opinion verbally but feels this issue will arise again so the written clarification should still be obtained. This issues here are safety and the cul-de-sac. The Commission agreed.

New Business:

Keeler Road – in order to have discussion, Mrs. Lynn made a motion to issue a Cease & Desist Order, seconded by Mr. Rand. Mrs. Lynn offered to see how the event goes for one time and then see what happens. The traffic and the amount of cars could be a safety issue. The LUA was told that parking will be on the property. Mrs. Hall offered: the Use presented is temporary; thought of during the pandemic; the plays are during the day so no lights and there is no amplification; there presentations are only through June; the owners could ask for a Special Exception but those approvals go with the land and one has not been asked for nor granted; it is not unusual to allow a temporary use without a permit; traffic is concern; this weekend of performances needs to happen and if there is a major problem with traffic, then the Commission would decide what happens. It was reiterated that there is no way these events go on beyond June without an application and approval. Mr. MacMillan offered that the Commission should follow what their Attorney has advised. Ms. Loening was concerned that there is a fee for entrance. If this weekend performances are allowed to happen, what is the process after that if the Commission is looking for data and needs to make a determination on the issue? The Recording Secretary offered that the Chairman can call a special meeting for this issue. After further discussion, Mrs. Lynn and Mr. Rand withdrew their motion, with all in favor. Mr. Rand made a motion not to Issue a Cease & Desist Order with the stipulation that the Commission gives consideration to the safety issue with first performances this weekend regarding traffic and the amount of cars, seconded by Mrs. Lynn, with all in favor.

Hearings: as both hearings were tabled until the July 14, 2021 meeting, there was no discussion.

The Commission compiled the list of items to begin working on at Planning Sessions. The first Session is set for June 23, 2021 at 5:30PM. The list will be sent to the members along with the minutes.

LUA:

A workshop with Attorney Byrne should be scheduled. The members will make the effort to look at the Almquist events over the weekend themselves. There is a major concern with the traffic and if there is a major problem, it needs to be addressed sooner rather than later. Mr. Prindle, as Chairman, set a Special Meeting for Monday, June 14, 2021 at 5PM to review the weekend evidence on Keeler Road and take any action deemed necessary.

With nothing further, Mrs. Hall made a motion to adjourn, seconded by Mr. MacMillan, with all in favor. The meeting was adjourned at 7:35.

Respectfully submitted,

Tina Pitcher, Recording Secretary

Special Meeting: Monday, June 14 5PM

Planning Session: Wednesday, June 23 5:30PM

Next Regular Meeting: July 14 5:30PM