

March 3, 2021

**Planning & Zoning Commission
Unapproved Minutes
March 3, 2021**

Chairman Graveline called to order the Regular Meeting of the PZC @ 7:10 p.m. The meeting was a Virtual Meeting by videoconference via GoToMeeting as authorized by Executive Orders 7B and 7I. The meeting began with the Pledge of Allegiance.

Attending:

A roll call for attendance was taken by Land Use Inspector, Mary Barton.

Via Online: G. Graveline, A. Havican, M. Dreher, S. Duffany, Ryan Russell, Jim Kollcinaku

Members Absent: Jack Crumb, B. Albert,

Also, in Attendance: Mary Barton Land Use Inspector; Rosalyn Moffo, PZC Clerk; and Town's Attorney Jennifer Yoxall

Correspondence:

Attorney Jennifer Yoxall advised the PZC that she had two concerns that she would be addressing tonight.

1. Generator Housing: Attorney Yoxall advised that after reviewing the plans for Toll Bros. and conversations with the HOA and Land Use Inspector M. Barton, she had become aware that pump station buildings for emergency generators were on the plans but not built. At this time, Attorney Yoxall had notified the Attorney for Toll Bros. Regency at Prospect, Robin Kahn and advised of this concern. Attorney Kahn has since informed Attorney Yoxall that Toll Bros. has acknowledge this oversight and the work request is going out for bid. **2. Compliance with Regency at Prospect Affordability Plan:** Attorney Yoxall advised the PZC that the administrator for Toll Bros. Regency at Prospect is a realtor from Danbury, Mark Nolan. Mark Nolan was approved by the Town of Prospect for administering the Affordability Plan for Toll Bros. in Prospect. Attorney Yoxall stated that though M. Nolan was chosen by the Town to be the administrator for the Affordability Plan, M. Nolan does not work for the Town, but for the unit homeowner. Attorney Yoxall continued that the Affordability Plan is for the 55 Units at Toll Bros. that are deed restricted. Attorney Yoxall continued that she has observed and reviewed the several deeds that had been received by the Town Clerk's Office and noticed in two deeds a difference of language. Attorney Yoxall had spoken with Town Clerk, M. Carrie Anderson and had asked that Attorney Yoxall and M. Barton receive emails when an Affordable unit had been sold. Attorney Yoxall stated that she had requested that Toll Bros. file a declaration regarding the affordable plan requirements. Attorney Yoxall advised that there are approximately 12 units left to sell of the Affordable units. Attorney Yoxall stated that she is seeking change and would like that not only if a home owner sells their unit to a new owner, but also to have the HOA approve and file a declaration on the land records. Attorney Yoxall stated that she had contacted M. Nolan as the Town has not received Certifications that units of the Affordability Plan had been sold. Attorney Yoxall stated that she and M. Barton should be receiving the Certification within 30 days of the sale and a listing for the year by January 31st. Chairman Graveline asked for questions. M. Dreher questioned if a paper trail was available for the deed restricted units. Attorney Yoxall stated that there should be certifications of the sales and these should be sent to M Barton. R. Russell questioned the replacement of M. Nolan should he no longer be available. Attorney Yoxall stated that the Town could appoint someone, but there are not too many people that would want the job. Questions were raised as to the basis for the affordable units. M. Barton stated that the requirements are income, not assets. Chairman Graveline asked for further questions. No other questions were made.

Attorney Yoxall left the meeting @ 7:26 p.m.

2. CFPZA Annual Dinner – To be offered through a Zoom meeting. Two ZBA members, Dave Michaud and Nazih Noujaim have been nominated for their 12-year awards.

Motion made by S. Duffany, seconded by A. Havican to place verbal correspondence on file. **Unanimous.**

Approval of Minutes:

Motion made by A. Havican, seconded by M. Dreher to approve the minutes of 2/3/2021. **Unanimous.**

Public Participation: None

New Business: None

Public Hearing: None

Old Business:

Discussion on Affordable Housing was held on Affordable Housing. M. Barton explained that her office has been collecting data for affordable housing: Re Accessory Living Units, multifamily dwellings etc. M. Barton advised that she had received information from the Assessor's office including 147 units which may not all be legal entities. M. Barton commented on the data and stated that she will be reviewing which entities are legal or non-conforming. M. Barton continued that the multifamily dwelling of 39-41 Waterbury Rd has 13 units which has been purchased; there are other areas with multifamily dwellings on Morris Rd and Rozum Circles and the Mobile Home Park to name a few. M. Barton stated that information will be sent to the D.O.H. to add to the Total of Affordables' in Prospect to include the 55+ units at Toll Bros. Regency at Prospect. M. Barton stated that the Town has a good number of Affordables' that do not meet the definite of Affordable under 8-30g. Prospect has a total of 1.7% of the 10 percent requirement that the State would like each Town to obtain. M. Barton commented on the Desegregate Connecticut momentum that is gaining speed throughout Connecticut and made note that M. Dreher attended and testified virtually at the latest meeting in Hartford on this subject. The discussion continued with M. Barton advising that not all Accessory Living Units are documented. The Zoning Regulations require that the Accessory Living Units should be documented on the land records and updated as to the family members living there every two years. M. Barton stated that not all Accessory Living Units have a family member living at these residences. M. Dreher commented that Desegregate Connecticut wants to eliminate the authority from the local government and have it overruled by the State Government. A. Havican commented on contacting the local representative and advising of his feelings of enforcing Desegregating Connecticut to the small towns. The discussion continued on Toll Bros., the Mobile Home Park, Rental units and the POCD. M. Barton stated that the D.O.H. numbers did not include the 55 units at Toll Bros. Currently Prospect has 56 CHFA home mortgages and 6 rental assistant properties. M. Barton and M. Dreher concurred that this movement is based on what people from cities, not from small towns are looking for. M. Dreher stated that he would like to create a draft of a resolution to be reviewed by the PZC and presented to the Mayor and the Town Council and then forwarded to the State reps advising that each of the Towns should maintain local control and not be forced to have the State govern these areas. M. Barton stated that she would like for the PZC to keep proactive and she will review what data she has.

Text Amendments –

M. Barton advised that she is reviewing and 'redlining' the Zoning Regs for the PZC to review and modify as some areas do not make sense.

Land Use Inspector's Report:

- a. Re: Marijuana Facility: M. Barton advised that she had received a call of a Marijuana Facility and if it would be permitted. M. Barton commented on the Zoning area that it would be allowed in; limiting the number of facilities; retail use. Chairman Graveline commented on the State Limiting the number of shops.
- A. Havican commented on banning to which M. Barton advised that the PZC could put requirements and limits on this action.
- b. Home Occupation – Prescription Drug 'store & sell'. M. Barton stated that she had a call from a disabled Veteran that he would like to 'store and sell' prescription drugs from his home. The PZC questioned a lab to which M. Barton advised that the caller was denied by the Food & Drug Administration. After discussion, the Commission asked that the caller present before the PZC at the next meeting and explain his case.
- c. Toll Bros. HOA – M. Barton advised that the HOA has concerns other than generators, which would include the detention basins. M. Barton stated that Gene McCarthy had fractured his hip; M. Capanna be getting in touch with G. McCarthy on this issue.
- d. Enforcements – 6 or 7 have gone out.
- e. 111 Waterbury Rd – Mitigation Plan in place; a Resolution may be in sight by Spring.
- f. Old Logtown – File all set for Attorney Yoxall. Attorney Yoxall wants to make an airtight case for a court injunction.

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- g. Scott Dr – Cars may be gone by next week
- h. 69 Waterbury Rd – Opened for Business.
- i. Prospect Vet maybe selling
- j. 27 Waterbury Rd has sold.

Motion made by R. Russell, seconded by S. Duffany to place the verbal report of the Land Use Inspector on file.
Unanimous.

Public Participation: None

Adjournment:

Motion made by A. Havican, seconded by S. Duffany to adjourn the meeting. **Unanimous.** The meeting adjourned @ 8:24 p.m.

E. Gil Graveline
PZC Chairman