



Town of Hamden
Planning and Zoning Department

**Hamden Government
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September 15, 2020

MINUTES: THE PLANNING & ZONING COMMISSION, Town of Hamden, held a Public Hearing and Regular Meeting via Zoom teleconferencing technology on Tuesday, September 8, 2020 at 7:00 p.m. with the following results:

Commissioners in attendance:

Brack Poitier, Chairman
Joe McDonagh, Vice-Chair
Robert Roscow
Paul Begemann
Robert Cocchiaro
Joseph Banks
Michele Mastropetre
Ted Stevens, Sitting for Vacancy
Shanae Draughn, Sitting for Vacancy

Staff in attendance:

Dan Kops, Town Planner
Tim Lee, Assistant Town Attorney
Genevieve Bertolini, Stenographer
Natalie Barletta, Clerk

Mr. Poitier opened the meeting at 7:00 p.m. The clerk read the Public Hearing items into the record. The Commission and staff introduced themselves. Mr. Poitier reviewed the meeting procedures.

A. Public Hearing

1. Zoning Regulation Amendment #20-0977
Application to Amend the Zoning Regulation regarding Adult Oriented Entertainment, Sections 622.4, and 830
Hamden Planning and Zoning Commission, Applicant

Mr. Kops read his report recommending approval of the application.

Mr. McDonagh asked it looked like there was a change in the adult media section, but couldn't not see what those changes were. Mr. Kops answered that he could not find it. Mr. McDonagh pointed out that there is a mark in the margins that indicated that a change was made, but the change itself wasn't present. Mr. Stevens added that he saw that as well. Mr. Kops said that he didn't make any changes in that section.

Mr. Roscow asked when the original regulations were approved. Mr. Kops answered in 1999.

Mr. Cocchiaro asked what the definition of the term "juicebar" was. Mr. Kops answered his understanding is that there are various connotations of juice bars, but he understands it as a gym selling juices. However, Mr. Kops said that he realizes that there is slang terms for juice bars, describing uses that would not be allowed.

Chairman Poitier asked what a non-alcoholic juice bar was. Mr. Kops answered that non-alcoholic juice bars were selling fruit juices but no alcohol.

Ms. Mastropetre wanted to clarify what zones would the businesses be allowed to operate. Mr. Kops said that they would be any zone that allows service zones, which are T-3, T-4, and T-5 Zones.

Mr. Cocchiario said that he can't get on board with the idea of juice bar just being a place you can get a juice at a gym, and because of the topic we're discussing, a juice bar would be an exotic dance club that doesn't serve alcohol. Mr. Cocchiario expressed his concerns about juice bars coming into town, and added that the Commission needs to be clear that this is not an exotic dance club. Mr. Kops said right now under our current regulations, Hamden does not allow any kind of night club. Mr. Cocchiario stated that nationwide there is news of juice bars going in, and towns are trying to fight them. Mr. Cocchiario added that he was concerned that with this, the Commission would be opening the door for them to come into town.

Mr. Banks said that he was wondering if these establishments would not be allowed anyways with the rest of the regulations as they currently read. Mr. Banks added that there is ambiguity of what juice bar means, and if it was nudity, it would be prevented by the rest. Mr. Cocchiario added that he agreed, but he would rather not get into that gray area. Mr. McDonagh said that he was looking it up online, and the definition is very vague, which is an establishment that serves fresh juices. Mr. McDonagh added that he understands Mr. Cocchiario's point of view, but added that he doesn't want to close the door on something appropriate as well. Mr. Stevens said that while the Commission wants people to sell juice, the Commission doesn't want to have adult entertainment and create ambiguity.

Mr. Begemann said that he thought there are two meanings, and then suggested defining the term along what Mr. Kops said was his understanding of what a juice bar is. Mr. McDonagh said that he would be comfortable with that, but would want to amend that and create an establishment at a later time.

Mr. Roscow asked if the Commission was making comments about the regulations in general. Chairman Poitier said he would like to hear what the public has to say.

Mr. Kops asked if anyone had any comments in favor of the application.

Victoria Fortier addressed the Commission. Ms. Fortier said that her husband, Wes Fortier, wants to open his tattoo shop in Hamden, which would be beneficial to their family, since his current shop is in Waterbury. Ms. Fortier added that her husband has a huge clientele, and hopes to bring his business to Hamden.

Wes Fortier addressed the Commission. Mr. Fortier said that he is a life-long Hamden resident, but opened his tattoo shop in Waterbury because of the zoning regulations. Mr. Fortier said that he wanted to see these changes to be closer to home and his family. Mr. Fortier pointed out that the outlook on tattoos had changed drastically over the past 20 years, as most shops look like an art gallery, and times have changed a lot. Mr. Fortier added that he is looking for the opportunity to work closer to home, and his business will thrive there, especially with the colleges in the area, friends, family, and clients.

Laura Usowski addressed the Commission. Ms. Usowski said that she has been a tattoo artist for 20 years, and has co-owned Lovecraft tattoo for ten. Ms. Usowski said that she is definitely in favor of the application, because it would allow her business to move. Ms. Usowski added she agrees that tattooing has completely changed, as she's grown to do breast reconstruction tattooing. Ms. Usowski added that this application will help her have more opportunities in the town.

Councilman Brad Macdowall addressed the Commission. Mr. Macdowall thanked the Commission for taking the time to hear the public testimony. Mr. Macdowall added that he would like to extend a thank you to those who has put their hard work into this. Mr. Macdowall added that this an overdue change, and the Town needs to look at ways to be more business friendly. Mr. Macdowall then said he wanted to say there is support for this, and individuals want to see that there is an overwhelming support for this.

Andrew Conrulli addressed the Commission. Mr. Conrulli said that he is a homeowner in Spring Glen, and is one of the sons of Hamden and supports local businesses. Mr. Conrulli commented that he definitely wants to see local people who stayed in Hamden grow their business, and added that tattoo studios today are now considered art centers. Mr. Conrulli added that are so many health standards, and tattoo parlors are a place filled with professionals to have artwork done and to make people happy. Mr. Conrulli continued that Connecticut is known for having world famous artists, and Hamden misses out of that. Mr. Conrulli added the community appreciates that, and is in support of other studios coming into Hamden as well.

Chairman Poitier asked if anyone wants to speak against this application. There were none.

Chairman Poitier asked if anyone else would like to speak.

Mr. Roscow said that he guessed that he approved the first version in 1999, and added that this new version by Mr. Kops strikes everything but exotic rubs, and activities that are pursuant to licenses by the State of Connecticut. Mr. Roscow stated that it was bought up that these activities are bought up by the state of Connecticut, and added that he has a major problem with the nude. Mr. Roscow said that he researched the definition of nudity, and has tried to call the department of consumer protection, as he was trying to find out what these businesses are. Mr. Roscow added that he thought that until the Commission finds out what these personal businesses are, the Commission should hold off on passing this. Mr. Roscow then stated that without identifying what these businesses are, with nude or partially nude being spelled out, he can't support any of this. Mr. Roscow then added that another concern that he had was the Town has both male and female zoning enforcement officers, and they can inspect any time that they want when a business is open. Mr. Roscow then added that if a person of the opposite sex sees this, he doesn't want to put people in this type of situation. Mr. Roscow added that it opens Pandora's Box, unless it is distinctly defined. Mr. Roscow concluded that he thinks that a list of terms need to be listed in writing.

Mr. Kops said that he still didn't understand what Mr. Roscow meant, as those regulations haven't been touched. Mr. Kops repeated that the only proposed changes were sensitivity studios, modeling studios, juice bars, and tattoo parlors. Mr. Kops also pointed out that there have been no issues for the most part. Mr. Kops concluded that he wasn't sure what the issue that Mr. Roscow is raising that will be affected by the proposed amendment. Chairman Poitier added that he understands that the Commission wants more detailed language in the regulations. Mr. Banks said that in regards to the issue that Mr. Roscow brought up, the rest of the Zoning Regulations provided an opportunity to reject those types of applications.

Ms. Mastropetre asked when using the term of brothel, if those types of establishments were illegal. Mr. Kops said that they were. Ms. Mastropetre said that she knows that the Regulations spell out what's under the adult video section, and all the Commission is working to remove is modelling studio, tattoo parlors, body painting studio, and she added that she is not sure the Commission has to spell anything else out.

Mr. Roscow asked what a personal service business is.

Chairman Poitier asked what the difference is between a person working as a model for Paier Art School what is the difference between a person working for Paier Art School, and this. Mr. Roscow said that he wasn't against this, but added that the Commission would need to spell it out.

Mr. Banks said that he thinks that the Commission is being overly specific and thinks the text needs to be kept general when discussing nudity and sexual acts.

Mr. McDonagh added that the Commission is not addressing the concerns that Mr. Roscow brought up, since the Commission is not addressing 98 percent of it, and he'd like to focus on that.

Mr. Roscow said that when looking at the Zoning Regulations in the region, this is the largest section of the Zoning Section of any municipality.

Chairman Poitier asked Attorney Lee for his advice. Attorney Lee said that the Commission should try to focus on what is before tonight.

Chairman Poitier then closed the public hearing.

B. Regular meeting

1. Zoning Regulation Amendment #20-0977

Application to Amend the Zoning Regulation regarding Adult Oriented Entertainment, Sections 622.4, and 830

Hamden Planning and Zoning Commission, Applicant

Mr. McDonagh made a motion to approve the changes of the zoning regulations per the town planner's memo with two changes to leave in the word juice bar the adult establishments as it is consistent with the Comprehensive Plan and the Plan of Conversation and Development with an effective date of September 16, 2020. Ms. Mastropetre seconded, but pointed out that the memo was dated September 8th, not 9th. A roll call vote was taken, and it passed with one abstention from Mr. Roscow.

The following zoning regulation amendment was approved:

622 Adult Oriented Establishments

622.1 Purpose

The intent of this Section is to regulate adult-oriented establishments that are customarily not open to the public generally, but only to one or more classes of the public, thereby excluding any minor by reason of age. These establishments, as defined in **Section 622.4** and further defined in Hamden Town Ordinance, affect the public health, morals, safety, and general welfare of the community and include, but are not limited to, one or more combination of these types of businesses that are indicated in **Section 622**. Considering the potentially serious objectionable operational characteristics of adult-oriented establishments, special regulations of these uses are necessary to ensure that no adverse effect is will contribute to the blighting or downgrading of the surround neighborhood.

622.2 The primary purpose of this Section are to:

- a. Protect and preserve the health, safety and welfare of the patrons of such establishments;
- b. Prevent a concentration of these uses in one area of a building;
- c. Protect the public health, morals, safety and general welfare of the citizens of Hamden;

- d. Regulate and prohibit the carrying on, within the Town of Hamden, of any trade, manufacture, business or profession, that it, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to or constituting an unreasonable annoyance to those living or owning property in the Town of Hamden; and
- e. Protect and preserve the quality of life for the citizens of Hamden especially its children.

622.3 Consistency with Federal and State Law

- a. The United States Constitution and the Connecticut State Statues grant the Town powers, especially police power, to enact reasonable legislation and measure to regulation and supervise “Adult-Oriented Establishments,” as hereinafter defined, in order to protect the public health, morals, safety and welfare.
- b. It is not the intent of the Planning and Zoning Commission, in enacting this regulation, to deny to any person rights to speech that are protected by the United States of America and/or the State Constitution, nor is it the intent of the Planning and Zoning Commission to impose any additional limitations or restrictions on the contents of any communicative materials, including sexually oriented films, videotapes, books and/or other materials.
- c. Further, by enacting this Regulation, the Planning and Zoning Commission does not intent to deny or restrict the rights of any adult to obtain and/or view any sexually oriented materials protected by the United States of America and/or the State of Constitution, nor does it intend to restrict or deny any constitutionally protected rights that distributors or exhibitors of such sexually oriented materials may have to sell, distribute or exhibit such materials.

622.4 Relevant Definitions

For the purpose of this regulations, the following will define and explain certain words use. Where a question arises to the precise meaning of the word, the Planning and Zoning Commission shall determine the meaning of the word, giving due consideration to the expressed purpose and intent of this regulation. Other words use in these Regulations shall have the meaning commonly attributed to them.

In addition to the terms in Article VII, the following definitions pertain specifically to Section 622:

Adult-Oriented Entertainment shall include, whether as a primary use or an accessory use, without limitation, adult bookstore, adult cabaret, adult media outlet, adult motion-picture theater, adult mini-motion-picture theater, adult news racks, adult novelty, adult personal service, adult retail establishment, and adult video arcade, and further means any premises to which the public, patrons or members are invited or admitted, and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls, separate from the common areas of the premises, for the purpose of viewing adult-oriented motion pictures, or any premises wherein any entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect, and from which minors are excluded by virtue of age. An “Adult-Oriented Establishment” further includes, without limitation, premises that are so physically arranged as above and are used such as whether advertised or represented as an adult entertainment studio, exotic dance studio, encounter studio, juice bar or any other term of like import.

Adult Media Outlet shall mean a business, whether as a primary use or accessory use, engage I the barter, rental or sale of items consisting of books, magazines, periodicals, other printed matter, pictures, slides, records, audiotapes, videotapes, compact discs, motion pictures, films or other media, if such business is open to the public, patrons or members, or if a substantial or significant portion of such items are

distinguished or characterized by an emphasis on the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas,” (See below for definitions) and which excludes minors by virtue of age.

Adult Bookstore shall mean an establishment that has as a principal activity, whether as a primary use or accessory use, the sale or barter of books, magazines, newspapers or other printed material, videotapes, video discs and motion-picture films or tapes, pictures, slides, audiotapes, videotapes on compact discs that are characterized by their emphasis on portrayals of human genitals and pubic areas or acts of human masturbation, sexual intercourse or sodomy, which establishment excludes minors by virtue of age.

Adult Mini-Motion-Picture Theater shall mean an enclosed building, or portion of said building, with a capacity of 50 or fewer persons, having a principal activity, whether as a primary use or accessory use, the presenting of material characterized by emphasis on portrayals human genitals and pubic regions or actions of human masturbations, sexual intercourse, or sodomy for observation by patrons therein in individual viewing booths, and from which minors are excluded by virtue of age.

Adult Cabaret shall mean an establishment licensed to serve food and/or alcoholic beverages, which features nude and/or partially nude dancers, go-go dancers, exotic dancers, strippers or similar entertainers, and from which minors are excluded by virtue of age.

Adult Novelty Business shall mean a business, whether as a primary use or accessory use, which has as the principal activity the sale of devices or stimulated human genitals designed for sexual stimulation and from which minors are excluded by virtue of age.

Adult Personal Service Business shall mean a business, whether as a primary use as accessory use having as a principal activity a person, while a nude, partially nude, or fully clothes, providing personal services for a person of the same or other sex, on an individual basis in an open or closed rooms, and which excludes minors by virtue of age. It includes, but it is not limited to the following activities: exotic rubs. It does not include activities performed by persons pursuant to, and in accordance with licenses issued to such persons by the State of Connecticut.

Adult Video shall mean any place to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting, describing or relating to “Specific Sexual Activities” or “Specified Anatomical Areas,” and whereby excludes minors by virtue of age.

Adult Entertainment shall mean any exhibition of adult-oriented motion picture, live performance, dance or dance of any type, which has a significant or substantial portion of such performance any actual or simulated performance of “Specified Sexual Activities” or exhibition and viewing of “Specified Anatomical Areas,” removal of articles of clothing or appearing unclothed, pantomime, modeling, or other personal services offered customers, and from which minors are excluded by virtue of age.

Partially Nude shall mean having any or all of the following bodily parts exposed: buttocks, genitals, pubic area, or female breasts

Primary Use shall mean a use accounting for more than 25% of a business stock in-trade display space, or floor space, or movie-display time per month.

Secondary Use shall mean a use accounting for less than 25% of a business stock in-trade display space, or floor space, or movie-display time per month.

Employee shall mean any and all persons, including independent contractors, who work in or at, or render services directly related to the operation of, an adult-oriented establishment.

Minor shall be deemed to refer to a person under the age of 18 years.

Operator shall mean any person, proprietor, shareholder, general partner or limited partner who holds 20% or more of the shares or partnership interest in any business operating, conducting or maintaining an “Adult-Oriented Establishment.”

Specified Sexual Activities shall mean:

Human Genitals in a state of sexual stimulation or arousal;
Acts of human masturbation, sexual intercourse, or sodomy; and
Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

Specified Anatomical Areas Shall mean:

Less than completely and opaquely covered:
Human Genitals, pubic region;
Buttocks;
Female breasts below the point immediately above the top of the areola; and
Human male genitals in a discernible turgid state, even if completely opaquely covered.

Sexual Activities as used in this Regulation is not intended to include any medical publications or films or bona fide educational publications or films, nor does it include any art or photography publications that denote at least 25% of the lineage of each issue to articles and advertisements dealing with subjects of art or photography, nor does this definition apply to any news periodical that reports or describes current events and that, from time to time, publishes or shows photographs or depictions of nude or semi-nude persons when describing cultures in which nudity or semi-nudity is indigenous to the population.

Obscene Material or Performance is obscene to minors if it depicts a prohibited sexual act and, taken as a whole, it is harmful to minors. For purpose of this “harmful to minors” means:

That quality of any description or representation, in whatever form, of a prohibited sexual act, when it predominately appeals to the prurient, shameful or morbid interest of minors;

It is patently offensive prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

Taken as a whole; it lacks serious literary, artistic, educational, political or scientific value for minors.
Prohibited Sexual Act means erotic fondling, nude performance, sexual excitement, sadomasochistic abuse, masturbation or sexual intercourse.

Child Pornography means any material involving a live performance or photographic or other visual reproduction of a live performance that depicts a minor in a “prohibited sexual act”.

Regulated Uses

Regulated adult-oriented establishments include, but are not limited to the following:

- a. Adult Bookstore
- b. Adult Cabaret
- c. Adult Entertainment
- d. Adult Media Outlet
- e. Adult Mini-Motion-Picture Theater
- f. Adult Motion-Picture Theater
- g. Adult News wrack
- h. Adult Novelty
- i. Adult Personal Service
- j. Adult Retail Establishment
- k. Adult Video Arcade
- l. Business a/k/a:
 - i. Encounter Studio
 - ii. Exotic Dance Studio
 - iii. Juice Bar
 - iv. Or any other term of like impact

Permitted

Adult-oriented establishments, whether as a primary use or an accessory use, as that term is defined in Section 622 and further defined in the Hamden Town Ordinances, which definition may be amended from time to time, shall be permitted in the Manufacturing (M-) Zone, subject to Special Permit and Site Plan One-Year Approval, to be renewed annually. Adult-oriented establishments shall be restricted to one use per building. The following restrictions in addition to conditions set forth in **Section 718** shall apply:

- A. Such establishments shall be a minimum of 100 feet from public, parochial or private schools, daycare centers, public parks, (including the Farmington Canal Greenway), playgrounds, recreational lands, or other areas where numbers of minors regularly travel or congregate in any zone, municipal boundary lines, residentially zoned property or libraries and 1,000 feet from other adult-oriented establishments.
- B. For the purposes of this section, distances shall be measured in a straight line, without regard to intervening structures, from the nearest portion of the building containing or proposing to contain an adult-oriented use, to the nearest boundary of the use herein specified.
- C. Nor shall any establishment be located within 100 feet of the property line of any church, convent, monastery, synagogue, mosque or similar place of worship or cemetery.
- D. Pursuant to Section 718, such establishments shall be subject to Special Permit and Site Plan approval by the Planning and Zoning Commission, for a limited period of time, not exceed one year with annual renewal required. The following site specific criteria shall apply:
 - I. All exterior signs shall comply with Section 550 and no exterior sign shall contain any photographic or artistic representation of specified anatomical areas as defined in the Hamden Town Ordinance.
 - II. All building openings, entries, windows, doors shall be located covered or screen in such a manner as to prevent view into the interior of the building from any public right-of-way or adjacent properties.
 - III. No adult-oriented use shall be established in any building of which any part is used for residential purposes.

- IV. No residential use shall be established in any building of which any part is used as an adult-oriented establishment.
- V. Stairways, sloping or rising paths and building entrances and exits shall be well illuminated. No spotlight type fixtures attached to the building are permitted.

Adequate site lighting shall be provided to ensure the safe movement of persons and vehicles and for security purposes.

Exemptions

The provisions of this Section shall not apply to nor shall they prohibit the following uses and activities performed by persons pursuant to, and in accordance with, licenses issues to such persons by the State of Connecticut.

- a. Treatment by a licensed chiropractor, a licensed osteopath, a Connecticut-licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;*
- b. Electrolysis treatment by a licenses operator of electrolysis equipment;*
- c. Hospitals, nursing homes, medical clinics or medical offices;*
- d. Barbershops or beauty parlors that offer massage to the scalp, face, neck or shoulders only;*
- e. Athletic facilities of educational institution, including alumni club, or of a philanthropic or charitable institution; and*
- f. Health establishments, including commercial and non-commercial clubs that are equipped and arranged to provide instruction, services or activities that improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts, boxing, and/or the use of exercise equipment.*

Variances

Adult-oriented establishments shall not be permitted by variance in any zone.

Required Registration

All adult-oriented establishments shall be registered with the Zoning Enforcement Officer at the time of Special Permit application. Any unlawful preexisting adult-oriented establishment, whether as a primary use or an accessory use, in operation prior to the effective date of this regulation (Section 622 inclusive) shall be registered within 30 days of the effective date of said regulations.

It shall be the responsibility of the owner or agent responsible for the management or control of a building that contains an adult-oriented establishment to furnish and maintain the registration with the Zoning Enforcement Office, which shall include the following information:

- a. The correct street address of the premises;
- b. The name of the owner of the premises, or the names of the beneficial owners if the property is in a land trust, or the names of the owners in interested of a corporation or limited-liability corporation;
- c. The address and phone numbers of the owners or beneficial owners or owners in interest;
- d. The trade name of the regulated adult-oriented establishment;
- e. The name(s), address(es) and telephone number(s) of the owner(s), beneficial owner(s) or the major stockholders or limited-liability partners of the regulated adult-oriented establishment;
- f. The date of the initiation of the regulated adult-oriented establishment;
- g. The issuance date of the license to operate an adult oriented establishment issued by the Hamden Police Chief or his/her designee; and
- h. If the building is leased, a copy of the lease shall be furnished.

It shall be unlawful for the owner or person in control of any property to establish or operate thereon, or to permit any person to establish or operate, an adult-oriented establishment without first having properly registered and received certification or approved registration and having received Planning and Zoning approval and a license to operate from the Chief of Police or his/her designee.

The owner, operator, manager or agent of a registered adult-oriented establishment shall display a copy of the Certification of Registration, approved by the Planning and Zoning Commission and certified by the Zoning Enforcement Officer, in a conspicuous place on the premises.

Required Renewals

The Planning and Zoning Commission requires the renewal of Special Permits for adult-oriented establishments in January of each calendar year, which shall conform to the following standards:

- a. The renewal process shall consist of a Special Permit Renewal Application pursuant to Section 718 and shall be submitted prior to the expiration date.
- b. Purchasers of buildings or structures that have had Special Permit approval for adult-oriented uses who want to continue a Special Permit that has not expired shall obtain a Zoning Permit and demonstrate that all conditions prerequisite to obtaining the relevant permit have been met prior to the continued operation of the adult-oriented use.
- c. Any such renewal shall be referred to the Planning and Zoning Commission for consideration. The Planning and Zoning Commission, at its sole discretion, may require a new application and a demonstration of compliance with all conditions necessary for a Special Permit prior to the continued operation of the adult-oriented uses.

Violations

It shall be a violation to establish or operate a regulated adult-oriented establishment, whether as a primary use or an accessory use without:

- a. Obtaining and maintaining a Special Permit from the Planning and Zoning Commission for the operation;
- b. Obtaining and maintaining a license to operate such establishment from the Chief of Police or his/her designee; and
- c. Obtaining and maintaining proper registration of such establishment from the Zoning Enforcement Officer.

Any person, partnership or corporation that is found to have violated this regulation (Section 622) shall be fined a definite sum not to exceed \$100 for each violation.

Each violation of this regulation (Section 622) shall be considered a separate offense and any violation continuing more than one hour of time shall be considered a separate offense for each hour of violation.

Section 830 Defined Terms

Service Establishment, Personal and Business: Establishments providing services for home or business, as well as services of a personal nature such as accounting, house cleaning, tattoo parlors, nail and hair salons.

2. Presentation of Quinnipiac University's draft Master Plan

Mr. Kops announced that the University postponed the presentation, because they weren't ready. Mr. Kops added that the University indicated that when the draft is ready, the University will send it to Mr. Kops, who will then distribute it to Commissioners.

3. Response to Proposed 360 Gaylord Mountain Road Solar Project

Mr. Kops addressed the Commission. He said that the Siting Council is reviewing an application for a proposed solar energy field on 360 Gaylord Mountain Road, which would include the removal of 12 plus acres of trees. Mr. Kops added that the Planning and Zoning Commission has no jurisdiction as the application goes only to the citing council, however it does seek public input. Mr. Kops added that the chair of the Inland Wetlands Commission had submitted a letter, and that he prepared a draft letter for the Commission's Review. Mr. Kops added that the Commission is free to revise it or send it or not send it. Chairman Poitier asked if this was sent to the Commission. Mr. Kops said it was emailed to all Commissioners, and then read the letter he had drafted on behalf of the Commission.

Mr. Roscow said that he did take a close look at it, and said that the Connecticut Siting Council did a lot of research, but agreed that there are more suitable sites for the project. Mr. Roscow then added that it would be more beneficial for the environmental conditions if it were to be relocated to another area since there are alternative sites that don't cut down forests and impact the lives of wildlife.

Mr. McDonagh said that he agrees with this letter, and suggested another location in town.

Chairman Poitier asked about the hearing. Mr. Kops said that there will be a meeting on Thursday, September 10, 2020, where members of the public can participate by phone. Mr. Kops said that he can provide the information if anyone is interested. Mr. Kops added that the closing for public comment is October 6th, but doesn't know if it will be delayed.

Mr. McDonagh made a motion to approve, Mr. Banks seconded, and the vote was unanimous in favor. Mr. Kops said that he would correct the typos, and asked Chairman Poitier if would be able to sign it. Chairman Poitier said that he will sign it, but expressed concerns since he has a personal interest. Attorney Lee said Chairman Poitier could sign it without an issue. Mr. Kops said they will discuss it.

C. Old Business/ New Business

1. Review minutes of the July 28, 2020 Meeting

Mr. McDonagh made a motion to approve the minutes from the July 28, 2020. It was seconded by Mr. Cocchiaro, and passed with three abstentions from Mr. Stevens, Ms. Mastropetre and Ms. Draughn.

D. Adjournment

Mr. McDonagh made a motion to adjourn. It was seconded by Ms. Mastropetre, and unanimous in favor. The meeting was adjourned at 8:04 p.m.

Submitted by: _____
Natalie Barletta, Clerk of the Commission