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MINUTES

PUBLIC HEALTH, RECREATION & ENVIRONMENT STANDING COMMITTEE OF THE RTM
Special Meeting
Waterford Town Hall – BOE Conference Room
July 12, 2023

Public Health, Recreation & Environment Standing Committee Chair Michael Bono called the July 12, 2023 Special Meeting to order at 5:01 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Jennifer Bracciale, Michael Bono, Mary Childs, Ryan Healy, Nick Gauthier
ABSENT: None
EX-OFFICIO MEMBERS PRESENT: RTM Member Susan Driscoll
ALSO PRESENT: Town Clerk David L. Campo; Town Attorney Nicholas Kepple

PUBLIC COMMENT:

Attorney Mark Kepple, 804 Stonington Rd, Stonington, spoke on behalf of residents in regard to the subject of noise with an emphasis on how Planning and Zoning adopted the special permit for accessory music. He suggested that it be looked at again by Planning and Zoning with more public input along with a deeper review of the situation pre and post pandemic.

Resident Deborah Griffith, 63 North Rd, spoke in regard to noise and that the town needs to set parameters, lacked public comment and noted that no Zoning Official is available during weekend hours. Resident William O'Donnell, 7 Reynolds Ln, submitted a request that the meetings begin later to accommodate work schedules and to allow for questions from the public and answers at the end. A discussion ensued between the public, members and the Town Attorney in regard to why Public Comment is offered at the beginning and not at the end.

Town Attorney Nick Kepple noted that the committee must take care to "stay in its lane" when recommending to another committee on how to proceed with its business. A brief conversation among members about the fact that public comment not a requirement for committee meetings.

ITEM 5 – January 30, 2023 Meeting Minutes.

MOTION by Childs, seconded by Gauthier, to approve the January 30, 2023 Meeting minutes.

MOTION PASSED: Unanimous

CALL ITEM 6A – Review of Noise Ordinance, Noise Control – Chapter 9.06, RTC 10/04/2021

Chairman Bono discussed the last meeting and the creation of two draft letters. One to the Moderator of the RTM and one to the Chairman of Planning and Zoning. (See Attachment)

MOTION by Gauthier, seconded by Childs to debate the proposed letters.

VOTING IN FAVOR: Unanimous

Lengthy Discussion ensued. The committee discussed the need for more specificity, possible revisions, the need to not dictate what P&Z should do and should the committee continue to examine the noise ordinance.

MOTION by Bracciale, seconded by Healy to accept the letter to "Mr. Paul Goldstein, RTM Moderator" as presented.

MOTION PASSED: Unanimous

Discussion ensued in regard to the "Dear Chairman Massad" letter.

MOTION by Bono, seconded by Bracciale to add "Public" prior to "Health" in the second line of the body.

VOTING IN FAVOR: Unanimous

MOTION by Gauthier, seconded by Childs, to amend the letter inserting the following language prior to "clear sentiment": since the issuance of these permits, there have been public disturbances that have been communicated to the Public Health, Recreation and Environment Standing Committee of the RTM that the Town was unable to address. This is in part why we are asking you to review the issuance of these special permits.

VOTING IN FAVOR: Unanimous

MOTION by Healy, seconded by Bracciale, to add the following to the letter to Chairman Massad: The committee report summarizing the Public Health & Recreation Standing Committee's deliberations is attached.

VOTING IN FAVOR: Unanimous

MOTION by Healy, seconded by Bracciale, to forward the letters as amended.

VOTING IN FAVOR: Unanimous

MOTION by Healy, seconded by Bracciale, to report out the issue of "Review of Noise Ordinance, Noise Control – Chapter 9.06" with a recommendation that rather than amend the ordinance that the RTM send a letter to the Planning and Zoning Commission because this is a better approach to address the issue.

VOTING IN FAVOR: Unanimous

CALL ITEM 6B – Review of Feral Cat Management, RTC 12/05/2023

The Chair disseminated information from the Chief of Police and the ACO for committee review.

No Action Taken

MOTION by Gauthier, seconded by Healy, to adjourn at 6:31 P.M.

VOTING IN FAVOR: Unanimous

Respectfully Submitted,
Michael Bono
Chair

Proposed letter from RTM (through Moderator Paul Goldstein to P & Z Chair Gregory Massad)

Dear Chairman Massad:

I am writing on behalf of the Representative Town Meeting which voted at its August 6, 2023 meeting, per the recommendation of the Health, Recreation and Environment Standing Committee, to communicate to the Planning and Zoning Commission the RTM's request that the Commission consider revisiting the process under which special permits may be issued for outdoor accessory dining. The Standing Committee conducted a number of meetings in late 2022 and early 2023 to consider potential amendments and garnered input from many residents regarding potential strategies for mitigating the effects of music associated with outdoor dining emanating from commercial activities. The clear sentiment expressed to the Standing Committee was that the better approach to addressing this issue was potential revisions to the outdoor dining special permit process rather than amending our current noise ordinance.

The Standing Committee asked the full RTM to pass on this suggestion to your Commission while recognizing that such potential revisions to your regulations is fully within the purview of your Commission. On behalf of the RTM, we appreciate your consideration of this request.

July 6, 2023

To: Mr. Paul Goldstein, Moderator RTM

At the RTM Regular Meeting on October 4, 2021 following public comment and discussion The RTM voted unanimously to refer the review of the Noise Ordinance (Chapter 9.06 — Noise Control) to the Public Health Recreation & Environment Standing Committee of the RTM. The standing committee convened four times since receiving its charge. After considerable research and deliberation the consensus of the Public Health, Recreation and Environment standing committee of the RTM is that creating a more enforceable ordinance may be too restrictive to residents and businesses.

Residents expressed through counsel at the January 30, 2023 Public Health, Recreation and Environment Standing Committee meeting, that the remedy to their concern best be addressed through the Planning and Zoning Commission and not through ordinance. Thus, the Standing Committee recommends the RTM asks the Planning and Zoning Commission to review its process of issuing special permits to address the potential confluence of residential and commercial zones. Please see attached letter the Committee recommends for the RTM to forward to the Planning and Zoning Commission.

Sincerely,

Michael A. Bono
Chair Public Health, Recreation and Environment
District 4 - Representative Town Meeting