

## **PLANNING & ZONING COMMISSION REGULAR MEETING DECEMBER 8, 2020**

**Present: Regular members Keith Bodwell, James LaPorta, Stephen Saccardi, Anna Timell and Phill West, alternate Christine Gray and LUA/ZEO Karen Griswold Nelson.**

**Absent: None**

**Others present: Planning Consultant Janell Mullen.**

Chairman Anna Timell called the regular meeting to order at 7:04PM with a quorum established.

### **CONTINUED PUBLIC HEARINGS - Amendments to the Zoning Regulations brought forth by the Planning & Zoning Commission:**

#### **HOME BUSINESSES -TO REPLACE SECTION 8.16-8.21, WHICH IS TO BE REMOVED FROM SPECIAL PERMIT REQUIREMENTS**

The entire Zoom proceedings were recorded and are available on the Cornwall Town website.

Chairman Anna Timell called the continued hearing to order at 7:06PM with regular members Ann Timell, Keith Bodwell, James LaPorta, Stephen Saccardi, Phill West and alternate Christine Gray seated for the hearing.

Chairman Timell turned the floor over to staff, Karen Griswold Nelson, to address the record for the hearing.

It was stated that the public hearing was properly continued from the November 10<sup>th</sup> regular meeting to December 8<sup>th</sup> meeting and that a legal notice regarding the continuation was not required.

Information made part of the record

Posted on the website December 3 by staff (kgn)

11/19/2020 correspondence from David Colbert

12/2/2020 correspondence from Hector Prud'homme

12/3/2020 correspondence from Audrey and Ed Ferman

Posted on the website December 6 (kgn)

12/5/2020 correspondence from Jane Herald and Robert Adz

Correspondence received between December 6<sup>th</sup> and the opening of the hearing and forwarded electronically to commission members prior to the hearing

Email correspondence from Roxanna Robinson

Email correspondence (letter attachment) from Bruce and Debbie Bennett.

Chairman Timell opened the hearing, stating that the posted minutes of the Commission's November 24 workshop meeting addressed general discussion regarding the status of both the Attainable Housing Cut and Home Business amendments with agreement that the Business amendments would be withdrawn at the continued public hearing at the regular December meeting as it was apparent that changes to be made would be substantial"

Chairman Timell stated that all of the correspondence received was part of the record and would be used in Commission's workshop discussions to reframe a new set of regulations hopefully to be brought forward in 2021. Chairman Timell, stated that the fact that the draft regulations as brought forward were no longer under consideration for change, that it was the intent of the commission to withdraw the regulations from consideration at this point. Mrs. Timell addressed the Commission's intent to address modifications to the draft regulations during special workshop meetings open to the public to listen to but not open for comment or discussion from the public. On behalf of the Commission, Chairman Timell thanked the participants and public at large for their interest and that the Commission was looking forward to public comment on the new regulations in the New Year.

#### **PENDING APPLICATION.**

**Motion** made by Mr. LaPorta, seconded Mr. Saccardi to withdraw **Home Businesses -To replace Section 8.16-8.21, which is to be removed from Special Permit Requirements;** unanimously approved.

#### **ATTAINABLE HOUSING CUT – NEW SECTION ARTICLE 5 SECTION 14**

The entire Zoom proceedings were recorded and are available on the Cornwall Town website. No new information listed as part of the record.

With note made that modification had been made to the regulations at the November 24 workshop meeting, Chairman Timell opened the floor to Janell Mullen to address the revised regulations. Document entitled "Town of Cornwall Zoning Regulations Draft Proposal (02) Attainable Housing Cut" was screen shared for discussion.

Ms. Mullen addressed small housekeeping changes (shown in red) including word choices, including clarification in the first section of how many lots could be made – 1 or 2- under this regulation, original lots to remain conforming, clarification as to further division would require special permit process, and clarification as to process for acquiring a zoning permit.

Chairman Timell prefaced the opening of the continued hearing to the public with a brief outline of the preparation of the regulation as relating to data as part of the creation of the Plan of Conservation and Development and information and statistics, goals and strategies made part of the Plan, stating all data had made part of the record at the November 10 public hearing and available on the website.

The floor was opened to the Commission regarding clarification of terms including buildable lot (LaPorta) with language clarification incorporated into the regulations. (After "land area" insert (aka buildable lot)

The floor was opened to the public.

Joanne Wojtusiak raised concerns regarding the lack of movement in Cornwall regarding affordable housing, citing several unused parcel lots (in Cornwall Bridge) and suggested that expiration of the offering (cut) be considered. Ms. Wojtusiak suggested that P&Z commission pressure the Board of Selectman for meaningful follow-up to the new regulations, i.e. financing, programs and education and alternate financing vehicles.

Janet Carlson, chairman of the EDC (Economic Development Commission) addressed one of the EDC priorities to work with the P&Z commission (and other commissions) for attainable housing, noting that attainable housing was tied to economic development in that it directly tied to people being able to afford to live in Cornwall. Ms. Carlson stated that in her opinion, the regulations provided a wonderful way to allow people to give land to the Town and allow people to live on the resulting lots. Ms. Carlson suggested that availability and ability to build had improved recently and that the regulations had given Cornwall citizens a charitable way to give something back to the town and bring people, including Janell, the ability to be a Cornwall homeowner.

Bruce Bennett, asked for clarification as to development of additional lots by other avenues including special permit and subdivision processes. Note was made by staff of the recent approval of the Potter subdivision that required special permit and subdivision approval.

Gordon Ridgway, spoke in support of the proposed change, noting that the Town has allowed attainable cuts for a while, citing examples in the town that created 15, 2 of which are empty lots) parcel lots with the land underneath owned by the Cornwall Housing Corp. Mr. Ridgway stated that this amendment would increase the amount of the lots for that type of program, citing the needs for gardeners, firefighters, artists, retired school workers and farmers and other people essential to the Town's functioning that otherwise would be unable to live in Cornwall if this program was not available. Mr. Ridgway cited the wisdom of the current Town Plan that listed this as something should be done as it encourages "good behavior". Mr. Ridgway cited the great generosity of former P&Z chairman Ginny Potter (and her recent subdivision) that made homeownership possible for people that are important to have in town. Mr. Ridgway encouraged the Commission to keep on its work and addressed recent trends in town that could be causing housing costs to be out of reach for many people. Mr. Ridgway thanked the commission for their work time, effort, vision and process.

In response, chairman Timell stated the CHC owns 15 lots with 13 houses and addressed the standards for people to qualify for the attainable lots being created, stating that such information was important to be available for people to understand (relating to) the proposed regulations,

Christine Gray asked for clarification as to ownership and controls in place when land transfers between owners. In response, Ms. Mullen addressed safeguards in place, regarding title paper trail and different scenarios and relationship to zoning regulations "running with the land" and not the owner.

Toby (Cornejo) asked for additional information regarding housing costs and the other types of affordable housing in Cornwall being considered. Mrs. Timell referred Toby to the 2020 Plan of Conservation & Development with additional clarification (Mullen) as to the existing regulations and new regulations in response to Toby's questions. There was additional clarification as to current attainable housing regulations (Timell and LaPorta).

Karen Griswold Nelson addressed the history of the amendment, noting her work with the Town Plan Housing subcommittee and her knowledge, as town staff, of the need to incorporate this option in the Town Plan. Griswold Nelson referred to in the Housing section of the Town Plan “Adopt a town ordinance or zoning regulation change that allows a “Free second cut” for property owners who wish to donate a lot for affordable housing to a local housing non-profit like the CHC.” This would exempt the property owner from the subdivision regulations for this purpose (example: Salisbury, CT). Griswold Nelson addressed how this regulation related to the goals and was believed to be one of the quickest way to promote and increase the number of affordable housing by at least 25 over the next ten year. Griswold Nelson referred to other sections of the Plan regarding other housing options as referenced by Ms. Mullen.

Caroline Nastro, addressed previous discussions (Janell) of other changes to the Zoning regulation being considered and how these regulations should relate to each other and this section. Ms. Nastro suggested that such information regarding those proposed changes be supplied and requested other clarification as to specifics being addressed in the proposed regulation and questions regarding subdivision versus divisions. It was stated (Timell) that the topic had been addressed (Christine Gray and Bruce Bennett). Ms. Nastro raised other concerns regarding vagueness, the relationship to special permit process and precision in language. Ms. Nastro addressed the need for legal review and other concerns.

David Colbert, applauded the Commission for bringing this amendment forward relatively speedily and asked that it be voted into force.

Joanne Wojtusiak, asked questions regarding other options that could be considered in the regulation and would allow people to go straight to financing and be able to own the land under the building.

Paul Gottsegen raised the question if the regulations had been reviewed by corporation counsel (an attorney’s review?). In response, Ms. Mullen addressed the process of review and her role in the Town as a consultant regarding legal review. Chairman Timell addressed that matter, stating in this case, the Commission did not feel the need.

Hearing no other comments from the commission or the public

**Motion** made by Mr. LaPorta, second Mr. Bodwell to close the public hearing; unanimously approved.

**PENDING APPLICATION. Attainable Housing Cut – New Section Article 5 Section 14**

Chairman Timell: “May I have a motion to accept this amendment to the Cornwall Zoning Regulations based on the fact that it satisfies 2 of the 6 Housing goals in the 2020 Plan of C&D that is: Support the efforts of the Cornwall Housing Corporation and Consider zoning and permitting changes that would make building homes more affordable.

**Motion** made by Mr. West, seconded by Mr. Saccardi to accept (approve kgn), as modified (minor tweak – (aka buildable lot) based on the fact that it is (1) to support the efforts of the Housing Corporation and (2) consider zoning and permitting changes that would make building homes more affordable.

As part of the motion, the Commission finds that the Amendment is not inconsistent with the 2020 Town Plan of Conservation and Development and is approved with an effective date of January 1, 2021. (kgn) Motion unanimously approved.

## **REGULAR MEETING**

### **1. APPROVAL OF MINUTES: November 10th regular and November 24 special meeting.**

**Motion** made by Mr. West, seconded by Mr. LaPorta to approve the November 10<sup>th</sup> and November 24 minutes as presented; unanimously approved.

### **2. NEW APPLICATIONS. None.**

### **3. CORRESPONDENCE AND COMMUNICATIONS.**

#### **Zoning Regulations Amendment Memorandum (Janell Mullen)**

Griswold Nelson, referred to the Memorandum provided by Janell Mullen, noting that questions had been raised regarding this matter (Nastro) during the meeting and that the Memorandum was on the website and would remain there for informational purposes.

### **4. LUA/ZONING OFFICER'S REPORT.**

#### **Zoning Permits and other Zoning matters:**

**ZP#1101 – Patricia Bramley – Alterations and additions to an existing detached accessory apartment “cabin” – 27 Poughkeepsie Road.**

**ZP#1103 – Malka Percal – 12’ x 28’ deck on the rear of an existing non-conforming residence – 297 Sharon Goshen Turnpike.**

**ZP#1104 - Jarlath Mellott/Frank Way owners/applicants – 10’ x 12’ addition to a single family residence (and generator and propane tank as approved by ZEO)**

Griswold Nelson addressed recent efforts between the Land Use office and the building official regarding the siting of propane tanks and generators that comply with some sort of setbacks that are appropriate for health, safety and peaceful nature of the Cornwall community where the siting often is more of a nuisance to the neighbor than the applicant.

### **5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

- Annual Planning meeting/date and process? LUA

There was general discussion of a mid-winter meeting for input on the Town Plan and other initiatives. The matter was to be revisited.

### **6. ADJOURNMENT.**

**Motion** made by Mr. Saccardi, seconded by Mr. West, to adjourn at 8:10PM; unanimously approved.

Respectfully submitted

Karen Griswold Nelson