

## **PLANNING & ZONING COMMISSION REGULAR MEETING MARCH 10, 2020**

**Present: Regular members Chairman Jill Cutler, Keith Bodwell, Ben Gray Jr., James LaPorta, Anna Timell, alternate Phill West AND LUA/ZEO Karen Griswold Nelson.**

**Absent: Regular member Stephen Saccardi and Alternate James Terrell.**

**Also present: Janell Mullen, NWCOC staff/Commission planning consultant**

Chairman Jill Cutler called the meeting to order at 7:07PM. All regular members in attendance were seated. Alternate Phill West was seated for regular member Stephen Saccardi.

### **CONTINUED PUBLIC HEARING:**

**SP#251 - Amy Cupp and Scott Drago owners/Churchill Building Co. applicant – Special permit for a detached accessory residential structure as per Article 8.10.4 – 327 Cream Hill. Continued from February 11, 2020**

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office.

Chairman Jill Cutler called the hearing to order at 7:08PM with regular members Jill Cutler, Keith Bodwell, James LaPorta and Phill West were seated for the hearing. Regular members Anna Timell and Ben Gray Jr. recused themselves from acting on the application

The legal notice as published in the Waterbury Republican on January 31<sup>st</sup> and February 7, 2020 was read into the record by staff (kgn)

Information as read into and made part of the record by staff (kgn)

- A copy of the application, a written narrative and site plan, building elevations, Torrington Area Health approval and receipts of certified mailings to abutting neighbors as found on file in the Land Use office.

Note was made by staff (kgn) that the Land Use office has received no specific communication either by mail or electronically pertaining to this matter. It was noted that the public hearing had been continued from February due to the lack of a 4 member quorum to open the hearing and was being opened (that night) in compliance with the statutory requirement that a public hearing be opened within 65 days after the receipt of the application. Staff review (kgn/CZEO/IWWEO) showed that the application as submitted for a detached accessory apartment within a detached accessory structure did not require inland wetlands approval. In addition, the driveway was existing and the plans for the detached structure as submitted contained enough information to approve the zoning permit and that the special permit being applied for was for the use of the structure, not the actual structure. Staff stated that it was her recommendation that the applicant consider permitting for the change of use while addressing other parts of the zoning permit that required some modifications to the septic system and that acting in her capacity as ZEO, all zoning/Inland wetlands concerns have been satisfied.

The floor was opened to the applicant's representative, Christine Gray, for her presentation.

Christine Gray read the narrative on file into the record and addressed the design and elevations of the detached structure and floor plan.

Hearing no questions or concerns from the Commission or the public (none in attendance)

**Motion** made by Mr. West, seconded by Mr. Bodwell, to close the public hearing at 7:18PM; unanimously approved.

**Motion** made by Mr. LaPorta, seconded by Mr. West, to amend the agenda to act on **Pending Application SP#251 - Amy Cupp and Scott Drago owners/Churchill Building Co. applicant – Special permit for a detached accessory residential structure as per Article 8.10.4 – 327 Cream Hill Road** prior to all other business.

**Motion** made by to Mr. Bodwell, seconded by Mr. West, to approve **Application SP#251 - Amy Cupp and Scott Drago owners/Churchill Building Co. applicant – Special permit for a detached accessory residential structure as per Article 8.10.4 – 327 Cream Hill Road** as per the oral and written testimony of the applicant and the plans on file. As part of the approval, the Commission determined that the Special Permit Application complied with all the criteria of "Section 8.10 "Apartment uses in Residential Zones -", satisfied the Site Plan Criteria as prescribed in Article VI and has satisfied the General standards for all special exceptions as well as the specific standards for apartment uses in residential zones. Motion unanimously approved.

Mr. Gray and Mrs. Timell, returned to the meeting and were seated for the balance of all action items.

#### **REGULAR ZONING MEETING:**

##### **ZONING APPLICATIONS:**

**ZP#1079 – John and Catherine McMahon – Expansion of existing deck - 235 College Street. Permit approved.**

**ZP#1080 – Amy Cupp and Scot Drago – Alternation and additions to an existing single family residence and construction of a detached structure for use as a garage and accessory apartment. Permit approved for the construction of the garage. (Use for accessory apartment as part of special permit #251.)**

**ZP#1081 – 56 Whitcomb Hill LLC owner/Hine Builder applicant – construction of a detached garage in a different location previously approved by Special permit in an area of 25 percent slope – 56 Whitcomb Hill.**

ZEO officer Karen Griswold Nelson provided mapping for special permit 219 granted to Barlas Baylor owner/applicant, in July 10, 2012 for the construction of a detached accessory structure (garage) exceeding 250 square feet outside of the buildable area (in an area with slope exceeding 25% ) as per Section 4.6 – Minimum Lot and Dimension Requirements at 64 Whitcomb Hill Road. (Change of address based on assessors file)

It was stated that the special permit had been granted as per the oral and written testimony of the record and mapping entitled "Site development plan for Barlas Baylar, sheets C-1, EC1- EC-3, OSD-1, SD1-3, SDS-1, PP1, SEQ-1, TT1, TT2 and D-1, prepared by Arthur H. Howland and Associates, cover sheet dated May 15, 2012 with plans revised to June 21, 2012 as per peer review. It was stated that mapping as part of Zoning Application #1081, entitled "Proposed B100A – Sanitary Code Complying Area prepared for Hine Builders, 56 Whitcomb Hill Road, dated February 18, 2020 showed the location of the detached accessory structure (garage) exceeding 250 square feet now within the buildable area with slope exceeding 25% . The request for the modification would change the original approved location of the detached accessory structure to an area directly behind the house within in the buildable area but remaining in an areas of 25% sloe, It was agreed that approval of the modification would eliminate the construction of the previously approved structure and that any and all future structures proposed outside of the buildable area in areas of slopes of 25% or more will require new approval by special permit. After discussion as to whether the Commission would require a new public hearing for the modification, there was consensus was that the a modified special permit with the mapping modified to mapping entitled, Proposed B100A – Sanitary Code Complying Area prepared for Hine Builders, 56 Whitcomb Hill Road, dated February 18, 2020 was to prepared by staff and filed on the Land Records with reference to the minutes of the March 10, 2020 meeting was appropriate in this case.

Accordingly,

**Motion** made by Mr. LaPorta, seconded by Mr. West, that a Modification of SP 219, granted to Barlas Baylar owner/applicant, in July 10, 2012 is granted to **56 Whitcomb Hill LLC** owner/Hine Builder applicant as per the minutes of the March 10, 2020 regular meeting of the Cornwall Planning & Zoning Commission and the mapping referenced as part of Zoning Application #1081, entitled "Proposed B100A – Sanitary Code Complying Area prepared for Hine Builders, 56 Whitcomb Hill Road, dated February 18, 2020. The modified special permit was to be prepared by staff and filed on the Land Record prior to the Zoning permit being approved by the ZEO; unanimously approved.

**1. APPROVAL OF MINUTES:** January 14, 2020 regular meeting.

**Motion** made by Mr. Bodwell, second by Mrs. Timell, to approve the minutes of the January 14, 2020 meeting as presented; unanimously approved.

**2. NEW APPLICATIONS.**

**Hugh Cheney applicant/JP Morgan Chase Bank NA owner – Subdivision of land for the creation of two residential lots (one 10 acre to contain an existing single family residence) 72 Flat Rocks Road.**

**Motion** made by Mrs. Timell, seconded by Mr. West, to set the application of **Hugh Cheney applicant/JP Morgan Chase Bank NA owner – Subdivision of land for the creation of two residential lots (one 10 acre to contain an existing single family residence) 72 Flat Rocks Road** for public hearing on April 14, 2020; unanimously approved.

**3. PENDING APPLICATIONS. Previously acted on.**

**5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

**CFPZA Annual conference March 26, 2020/ Q& A Session - Alternate Solutions to Affordable Housing and Service Awards nomination.**

Griswold Nelson addressed that Mr. LaPorta was in line for a service awards nomination and would follow up on the matter.

**6. LUA/ZONING OFFICER'S REPORT including 2019/2020 and 2020-2021 budget report, FOI MEETING JANUARY 21, 2020/report.**

Griswold Nelson addressed the budget documents provided, noting that the budget reflected Mr. McGowan's stated intent to not bill the Town of Cornwall for his work done in the recent year. It was stated that the available money was funding the work now being undertaken by the contract with Janell and the COG. Other expenses were noted with staff stating that paper copies of the 2020 Plan had been charged to the printing account and that the resulting overage had been discussed with the understanding that the final Land Use budget total would not exceed the original amount approved for the 2019-2020 budget year. Griswold Nelson addressed work being done by town staff (Debbie Labbe) to continue work on updating the Land use files and identifying and filing documents from the early 90' and late 80's by address rather than name. Griswold Nelson addressed money in the capital fund (2019 - 2020) and additional money in the proposed 2020-2021 budget and the need for the Commission to discuss and establish priorities for the use of planning money intended for implementation of the recommendations in the Town Plan.

**7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

**8. WORKSHOP MEETING** to include discussion of the process for regulatory changes consistent with the newly adopted Town Plan of Conservation and Development, Implementation chart, discussion with NWCOG planning consultant Janell Mullen, regarding proposed amendments to the regulations.

There was general discussion with all Commission members, staff and Janell Mullen regarding the process to move forward on updating the regulations to not only implement Town Plan recommendations but to organize the existing regulations in an easier more concise manner to eliminate inconsistencies and legal issues, modernize and add definitions and to modernize and clarify uses in all zones

**9. ADJOURNMENT.**

**Motion** made by Mr. LaPorta, seconded by Mr. West to adjourn at 9:00PM: unanimously approved

Respectfully submitted,

Karen Griswold Nelson