

PLANNING & ZONING COMMISSION REGULAR MEETING JANUARY 9, 2018

Present: Regular members David Colbert, Jill Cutler, Peter Kalmes, James LaPorta, Stephen Saccardi, Anna Timell (in 7:25PM), alternate members Virginia Potter and Ben Gray Jr., Commission Planning Consultant Tom McGowan and LUA/ZEO Karen Griswold Nelson.

Others present: First Selectman Gordon Ridgway and members of the public.

Chairman David Colbert called the meeting to order at 7:05PM. All regular members were seated for the evening's business. Mrs. Potter was seated for Anna Timell until her arrival.

PUBLIC HEARING

SP#242 – Malka Percal applicant - Special permit for the proposed change of an existing non-conforming structure (partly within the front setback) from nonresidential to a detached accessory apartment – Section 8.10 “Apartment uses in Residential Zones - 260 Sharon Goshen Turnpike.

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Chairman David Colbert opened the public hearing at 7:10PM. Mr. Colbert recused himself from the public with vice chairperson, assuming the role of acting chairman. Members Jill Cutler, Peter Kalmes, James LaPorta, Ginny Potter, and Stephen Saccardi were seated for the hearing with alternate Ben Gray Jr. seated for Mr. Colbert.

The legal notice as published in the Waterbury Republican on December 28th and January 4th 2018 was read into the record. Receipts of certified mailing were submitted for the record by the applicant representative, Jason Dismukes.

Documents made part of the record by Commission staff:

- Copy of the signed application with permission for Jason Dismukes to act as agent.
- Site plan entitled “Septic Repair Plan and Accessory Expansion prepared for Malka Percal, 297 Goshen Turnpike, dated 10/3/2017 by Jason Dismukes Consulting Engineer, Goshen, CT.
- Torrington Area Health approval for the septic repair.
- Elevations of the proposed accessory apartment prepared by Aldridge Atellier.

Note was made that the application had received Inland wetlands approval for activities within regulated areas for the septic repair. A prepared statement, dated January 9th by Jason Dismukes, addressing the special permit application as relating to the Zoning regulations, in particular Section 8.10 was read into the record by staff.

The floor was opening to the property owner's representative, Jason Dismukes, for his presentation.

Mr. Dismukes gave an overview of the property and its location in relationship to surrounding property owners including the school, the location of the existing structures, the existing and proposed locations of the code compliant septic system(s) and to be re-located well, the elevations of the house and the interior lay-out.

After questions, the floor was opened to the public for comment.

Walter Irving, Cornwall Bridge, spoke in favor of the application.

Hearing no other questions or concerns from the audience;

Motion made by Mr. Gray seconded by Mrs. Potter, to close the public hearing for **SP242**: unanimously approved

Motion to amend the agenda to act on agenda item **4A –SP#242** prior to all other business; unanimously approved,

4. SP#242 – Malka Percal applicant - Special permit for the proposed change of an existing non-conforming structure (partly within the front setback) from nonresidential to a detached accessory apartment – Section 8.10 “Apartment uses in Residential Zones – 260 Sharon Goshen Turnpike.

With agreement that all concerns had been answered:

Motion made by Mr. Gray, seconded by Mr. Kalmes, to approve **SP#242 – Malka Percal applicant - Special permit for the proposed change of an existing non-conforming structure (partly within the front setback) from nonresidential to a detached accessory apartment – Section 8.10 “Apartment uses in Residential Zones - 260 Sharon Goshen Turnpike** as per the oral and written testimony of the applicant. 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.

1. APPLICATIONS FOR ZONING PERMITS.

2. APPROVAL OF MINUTES: October 20, November 14 regular meeting minutes and December 12th regular meeting minutes

Motion made by Mrs. Timell, seconded by Ms. Cutler, to approve the October 20th special meeting minutes with corrections; approved Mr. Colbert, Mrs. Timell, Ms. Cutler, Mr. Saccardi.

Motion made by Mrs. Timell, seconded by Mr. LaPorta to approve the December minutes with the correction of Mr. Saccardi in at 7:30 and out 7:45PM; unanimously approved.

3. NEW APPLICATIONS. None.

5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

January 9th correspondence entitled “A History of the Economic Development Subcommittee of the Cornwall P&Z dated January 9, 2018 prepared by Anna Timell” was submitted and read into the record. Mrs. Timell addressed the report, asking that the Commission at large support the findings and develop a sense of urgency regarding the matter.

6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

- **Cornwall Conservation Trust Request for Support for State Open Space Grant - 104 Acres on Furnace Brook in Cornwall**

After discussion with agreement that Commission was in support of the CCT request:

Motion made by Mrs. Timell, seconded by Mr. LaPorta to endorse the Cornwall Conservation Trust request for support and to have chairman David Colbert prepare a letter of support (to be copied to the Commission) and forward the letter; unanimously approved.

- **2018-2019 proposed land use budget.**

Discussed as part of the Planning workshop.

- **Northwest Hills COG 2018 upcoming land use seminar, January 30 - NWCT Economic Development Summit.**

7. LUA/ZONING OFFICER'S REPORT.

Motion made by Mr. LaPorta to amend the agenda to add "Election of Officers" between Agenda items 8&9; unanimously approved,

8. PLANNING WORKSHOP to include but not limited to discussion of proposed "agricultural" regulations being brought forth for discussion by the Economic Development subcommittee with Commission planner Tom McGowan, agenda for January 20th Planning meeting, subcommittee appointments.

Correspondence entitled "Comments on proposed ag regulations amendments" prepared by Tom McGowan was made part of the record for discussion. With comments, input and discussion from members, staff and Mr. Ridgway, there was agreement to ask Mr. McGowan to prepare a revised draft of the November 7, 2017 Proposal for Farming Regulations.

2018-2019 proposed Land Use budget.

Griswold Nelson addressed the land use budget request for the yearly funds to be used for the three Land Use commission, Planning & Zoning, Zoning Board of Appeals, and Inland Wetlands and salaries for Land use staff. Griswold Nelson also addressed financial information from the financial director regarding the capital funds allocated for the preparation of the 2010 Plan. Griswold Nelson addressed the yearly expenditure of funds remaining in the capital account after the adoption of the Plan for the implementation of recommendation in the Plan including consulting fees for the revised accessory apartments regulations as recommended in the Housing Section, the Inner Corridor regulations as recommended in the Natural Resource Section. There was general discussion regarding the work to be undertaken for the preparation of the new Plan with input from Mr. McGowan regarding his time and availability, the conversations with NWH COG development director Jocelyn Ayer regarding her willingness to assist and suggestions for help from other entities. With agreement that the land use budget request was appropriate, Mr. Ridgway stated that he would support a \$10,000 capital budget line item in the upcoming years' budget to be used for work on the new Town Plan.

Election of officers.

Motion made by Mr. LaPorta, seconded by Mrs. Timell, to nominate David Colbert to the office of chairman. Hearing no other nominations from the floor, motion unanimously approved.

Motion made by Mrs. Timell, seconded by Mr. LaPorta, to nominate Jill Cutler to the office of vice chairman. Hearing no other nominations from the floor, motion unanimously approved.

Motion made by Mr. LaPorta, seconded by Ms. Cutler, to nominate Anna Timell to the office of secretary. Hearing no other nominations from the floor, motion unanimously approved.

9. ADJOURNMENT.

Motion made by Mrs. Timell, seconded by Mr. Gray to adjourn at 9:35PM; unanimously approved

Respectfully submitted,

Karen Griswold Nelson