

PLANNING & ZONING COMMISSION SPECIAL MEETING FEBRUARY 19, 2019

Present: Regular members Jill Cutler, Stephen Saccardi, Anna Timell, alternate members Virginia Potter, Ben Gray Jr, and Phill West and LUA/ZEO Karen Griswold Nelson.

Absent: David Colbert and James LaPorta.

Vice chairman Jill Cutler called the meeting to order at 7:05PM. Alternate member Ginny Potter was seated for David Colbert, Ben Gray Jr. seated for James LaPorta and Phill West seated for the open regular member seat for the evening's business.

PUBLIC HEARING:

SP#248 – Carroll Dunham and Laurie Simons owners/George Johannsen Allied Engineering/ Special Permit(s) for a detached accessory as per Section 3.11.3 Special Uses Permitting in the CP Zone and Section 8.10 – “Apartment uses in Residential Zones – 48 Jewel Street/with proposed driveway entrance from Pine Street - Assessors Map H04-04-1

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Vice chairman Jill Cutler opened the hearing at 7:07PM.

The legal notice as published in the Waterbury Republican on February 8 and 15, 2019 was read into the record by staff (Griswold Nelson). Receipts of certified mailings to abutting neighbors were submitted by the owner's agent, George Johannsen and part of the record.

Information made part of the record.

- A copy of the application on file and available for review in the Land Use office including Mapping entitled 'Proposed Guest Cottage/Existing Site Plan, prepared for Carroll Dunham and Laurie Simmons, Sheets C-1 – C4, by Allied Engineering dated 01/02/2019 (hard copy and electronic copies), Elevations (hard copies), Narrative, (Electronic and hard copies) and Torrington Area Health (hard copies).

With note made that the Land Use office had received no specific written communication either by mail or electronically pertaining to this matter, the floor was opened to the applicant's duly authorized representative, George Johannsen for his presentation.

George Johannsen, PE and principal of Allied Engineering, addressed the application, outlining the site plan and supporting information for the construction of the detached accessory apartment, swimming pool and driveway on the 1.63 acres residential lot. Mr. Johannsen addressed investigation and conclusions regarding historic electrical easement on the property. After questions from Commission members, the floor was opened to the public.

Attorney Charles (Peter) Ebersol, stated that he was in attendance to address opposition to the application on behalf of abutting property owner, Ann Hubbard. Giving a historic overview of the village and the Hubbard's family history in the village, Mr. Ebersol stated that the opposition was based on the intensity of the proposed development on the lot, the change to the existing openness of the site and the impact to the view shed from the Hubbard property, citing Section 8.5.3 subsection b of the general standards for special permits, "the character and intensity of the proposed use shall be in harmony with the appropriate and orderly development of the zone, neighborhood and the town, and shall not be detrimental to established properties in the

neighborhood. Mr. Ebersol addressed non-compliance with the stated purpose of Section 8.10. 1 in meeting the identified needs for housing in Cornwall, especially for elderly and young adult individuals or couples.

There was general discussion between the Mr. Johannessen, Attorney Ebersol and the Commission regarding the specifics of the application as presented.

Mrs. Timell addressed her review of the application, and her finding that the application had addressed compliance with, as listed, the following sections of the Zoning regulations:

- 3.11.3 Other Special Permit Uses in the CP Zone,
- 3.11.4 Standards and Criteria for Special Permit uses in the CP. Zone
- 4.11 Table of Minimum Area and Dimension Requirements
- 6.6 Site Plan Requirements
- 8.1- 8.8 General Requirements for Special Permits
- 8.10 Apartment Uses in Residential Zones
- 10.3 Streets and Driveway.

After general discussion regarding points raised and with agreement that the Commission's concerns and questions had been addressed:

Motion made by Mr. Saccardi, seconded by Mr. West to close the public hearing; unanimously approved.

Motion made by Mrs. Timell, seconded by Mr. Gray, to move **Agenda item 3 - Pending Applications** prior to all other business; unanimously approved.

PENDING APPLICATIONS.

SP#248 – Carroll Dunham and Laurie Simons owners/George Johannsen Allied Engineering/ Special Permit(s) for a detached accessory as per Section 3.11.3 Special Uses Permitting in the CP Zone and Section 8.10 – “Apartment uses in Residential Zones – 48 Jewel Street/with proposed driveway entrance from Pine Street - Assessors Map H04-04-1

The floor was opened to the Commission for discussion. There was review of the sections of the regulations cited by Mrs. Timell with note made, (Mrs. Timell) that the purpose of the Section 8.5.3 b was not to limit the number of homes in Cornwall Plains. There was agreement that the Sections cited by Mrs. Timell, in her review, had been satisfied.

Motion made by Mrs. Timell, seconded by Mr. Saccardi, to approve **SP#248 – Carroll Dunham and Laurie Simons owners/George Johannsen Allied Engineering/ Special Permit(s) for a detached accessory as per Section 3.11.3 Special Uses Permitting in the CP Zone and Section 8.10 – “Apartment uses in Residential Zones – 48 Jewel Street/with proposed driveway entrance from Pine Street - Assessors Map H04-04-1** as per the oral and written testimony of the applicant and the site plan, elevations, and supporting information made part of the record. As part of the approval, the Commission determined that the Special Permit Application complied with all the criteria of **3.11.3 -Other Special Permit Uses in the CP Zone 3.11.4 - Standards and Criteria for Special Permit uses in the Cornwall Plains Zone, 4.11-** Table of Minimum Area and Dimension Requirements, **6.6 - Site Plan Requirements, 8.1 – 8.8 General Requirements for Special Permits, 8.10 - Apartment Uses in Residential Zone, and 10.3 Streets and Driveway.** Motion unanimously approved.

APPLICATIONS FOR ZONING PERMITS.

Zp#1057 – James and Christina Stufano – owner – Construction of a single family residence – 291 Cream Hill Road

1. APPROVAL OF MINUTES: November 26 special and December 11th regular meeting, January 2017 and 2018 Planning meeting minutes, January 26th, 2019 special meeting minutes.

Motion made by Mrs. Timell, seconded by Mr. Gray, to approve the minutes of the November 26 special meeting as presented: unanimously approved,

Motion made by Mr. Gray, seconded by Mrs. Potter to approve the minutes of the December 11th meeting as presented; unanimously approved.

Motion made by Mr. Saccardi, seconded by Mrs. Timell, to approve the minutes of the January 8, 2019 regular meeting as presented; unanimously approved.

Motion made by Mrs. Timell, seconded by Mr. Gray to approve the minutes of the January 26, 2019 special meeting as presented; unanimously approved.

2. NEW APPLICATIONS:

- A. Proposed Agricultural regulations – set for public hearing on March 12, 2019. Copy on file on the Town of Cornwall Town Clerks Office and posted on the website.**

5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

- A. 2019 – 2020 Land Use budget - TO BE DISCUSSED UNDER LUA REPORT**

6. LUA/ZONING OFFICER'S REPORT.

Griswold Nelson stated that the budget as prepared remained basically the same as recent years and addressed the additional dollars available in the capital fund for the Plan of C&D.

Griswold Nelson addressed Zoning matters relating to two Cornwall residential properties.

11 Furnace Brook Road. A copies of a file containing a 2001 Special permit for a real estate office was made part of the record. In addition, a photo showing the structure as a gas station (Benedict's Garage aka Boutellier's Garage) Page 89- Cornwall In Pictures/Cornwall Historic Society, the current street card showing the now residential structure minus the pumps and signage, and December 22, 2018 correspondence and mapping from current owner, Charles Hickok, were made part of the record for discussion. Griswold Nelson stated that the property was currently vacant but that the current owner was proposing to improve the property for use of the second floor for living space and the first floor (garage/basement) as his studio for prototypes, architectural parts, store display and art restoration and casting work. The floor plans as provided showed the area of the "approved realtor's office" would remain as office space and the balance for shop work in the area deemed BAS First Floor. Griswold Nelson stated that she had been in the structure in recent years and the first floor was vacant work space and felt that the use being proposed was historic in fashion but posed less issues than the previous use (abandoned in theory?? for auto repair) as part of the real estate special permit. It was agreed that Griswold Nelson's finding to allow the property to be improved in the fashion with the correspondence and information submitted was appropriate and allowed the use of the property supportive of pre-existing mixed uses in a now residential zone.

111 Great Hollow Road. A copy of Zoning permit #1041 for a deck for one of the two historic structures on the property was made part of the record. In addition, a new site plan submitted as part of a wetlands application, information from a Land Use file titled Frank – Richard J. and Suzanne Frank and a photo showing the other historic structure as the District 6 School house – Page 102 - Cornwall In Pictures/Cornwall Historic Society were made part of the discussion. Correspondence from the Frank file, dating between October 16 and November 24, 1973 between the Planning & Zoning Commission (Kay Fenn Clerk) and the Franks was read into the record. The correspondence documented the P&Z Commission’s agreement to allow the former school house to be used as a residence while the back house was being built as long as the structure was occupied by the owners and not rented. Note made that the 1973 regulation??/requirement/interpretation allowed the structure to be used for limited residential use with a condition that no longer applied. Griswold Nelson stated that the property owner had updated the existing septic system to satisfy the septic needs of both structures. Noting that the sizes of the structures could not completely comply with the current regulations (1266 square feet in the back structure and 796 square feet in the School House) it served no purpose to limit the residential usage to the back structure only. Griswold Nelson stated that it was her intent to discuss the matter with the owner and his architect to encourage the upgrade of and maintenance to the historic schoolhouse so that it could be used for residential occupancy including rental as opposed to storage. It was agreed that Griswold Nelson’s finding to allow the property to be improved in the fashion with the correspondence and information submitted was appropriate and allowed the use of the property supportive of current regulations for detached accessory apartments in residential zones.

7. PLANNING WORKSHOP to include but not limited to review of agricultural regulations as prepared by Tom McGowan, discussion of ongoing activities (survey, photographs, correspondence received etc.) associated with the 2020 Plan of C&D, , 2020 subcommittee (EDC, Natural Resources, Housing, Cultural, and Youth) reports, and other zoning/subdivision regulatory matters.

There was general discussion of ongoing activities associated with the Plan of C&D.

8. ADJOURNMENT.

Motion made by Mr. Saccardi, seconded by Mr. West to adjourn at 8:45PM; unanimously approved.

Respectfully submitted

Karen Griswold Nelson