

PLANNING & ZONING COMMISSION SPECIAL MEETING MARCH 28, 2017

Present: Regular members David Colbert, Peter Kalmes, Stephen Saccardi, Anna Timell, alternate members Virginia Potter and Benjamin Gray Jr. and LUA/ZEO and Commission clerk Karen Griswold Nelson.

Absent: Jill Cutler and alternate Dermot Woods.

Chairman Colbert called the meeting at order at 7:05PM. All regular members were seated for the meeting.

PUBLIC HEARING – SP# 240 - Special Permit for a detached accessory apartment on a non-conforming lot in an R-5 zone – Section 8.10 – “Apartment uses in Residential Zones” – 179 Sharon Goshen Turnpike.

Motion made by Mrs. Timell, seconded by Mr. LaPorta to amend the agenda to act on regular business until the expected arrival of the applicant: unanimously approved.

1. APPLICATIONS FOR ZONING PERMITS.

Griswold Nelson asked that applications for zoning permits be made part of the ZEO report.

Motion made by Mrs. Timell, seconded by Mr. LaPorta to amend the agenda to act on agenda item 1 as part of item 6 and to act on 2 – 6 of the regular business agenda and/or until the arrival of the applicant for the public hearing; unanimously approved.

2. APPROVAL OF MINUTES. November 2016 minutes, January planning meeting, February 28th special meeting minutes.

Motion made by Mrs. Timell, seconded by Mr. LaPorta to approve the minutes of the November regular meeting as presented: approved Mr.'s. Colbert, LaPorta and Saccardi and Mrs. Timell.

Motion made by Mr. Gray, seconded by Mrs. Potter, to approve the minutes of the February special meeting as presented; approved Mr.'s Colbert, Gray, Kalmes and Saccardi and Mrs. Timell and Mrs. Potter.

3. NEW APPLICATIONS:

A. 8-24 referral for Capital Planning Budget Report for future bridge improvements prepared by Lenard Engineering, Inc., dated February 6 2017.

Griswold Nelson addressed Cornwall Board of Selectmen March 21st, 2017 regular meeting minutes showing discussion by the Board for the need for an 8-24 referral to the Planning & Zoning Commission for the Town meeting voting on the funding of the Bridge Rehabilitation project. The motion authorizing First Selectman Ridgway to attend the P&Z meeting to request their approval of an 8-24 for the borrowing of the \$1.5 for the Bridge Improvement Program was made part of the record. Noting the Commission's responsibility to make a finding based on the proposal's consistency with the current Cornwall Plan of Conservation & Development (the Plan), correspondence received as part of staff attendance at March 25th, Connecticut Land Use Law seminar regarding 8-24 referrals, (page 6, paragraph 2A) was made part of the record.

Staff report, prepared by Griswold Nelson and referencing input from Commission planning consultant, Tom McGowan was read into and made part of the record.,

First Selectman Ridgway gave an overview of the bridge document, noting bridge repair becoming increasing important due to flooding and environmental concerns.

Following discussion, the Commission agreed that the basis of planning is to promote general health, safety and welfare of the community at large, none of which could be addressed without a safe and maintained town infrastructure.

Motion made by Mr. Colbert, seconded by Mrs. Timell, that the Commission finds that the general provisions of health, safety and welfare, the backbone of the Cornwall Plan of Conservation and Development support a finding that the plans for future bridge improvements, as shown the document entitled **Capital Planning Budget Report for future bridge improvements prepared by Lenard Engineering, Inc., dated February 6 2017** is not inconsistent with the Cornwall Plan of Conservation and Development; unanimously approved.

5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

Note was made of the upcoming NHCOG 5th Thursday meeting (March 30th) with the topic directed towards discussion and brainstorming of how to keep young people in Town.

6. LUA/ZONING OFFICER'S REPORT.

ZP#1005 – Kurt Leopold owner/Scott Swimming Pool applicant – Construction of a 16&1/2 foot by 42 &1/2 in ground swimming pool – Great Hill Road.

Griswold Nelson prefaced discussion of the Seasonal Farmers markets

Noting three permits listed on the agenda, Griswold Nelson address zoning permits as being administrative in function with the Zoning Enforcement officer afforded the authority to sign them on behalf of the commission and not the subject of public hearings. Noting her authority as the Zoning Enforcement Officer, Griswold Nelson pointed out that if anyone was aggrieved and believes that she had erred in her judgment in signing any permit, they are entitled to file an appeal with the Zoning Board of Appeals.

Griswold Nelson addressed two permits referring to farmers markets and her finding that the regulations do not say that there can only be one but do address compliance with certain criteria, location (town owned land or general business zone), and parking, space for vendors as well as requiring a basic site plan. These criteria are all related to the information needed to make a decision as to whether the application complies with general health, safety and welfare issues.

ZP#1004 – Town of Cornwall property owner/Cornwall Co-op Farm Market – Seasonal Farmers market on the Pine Street Town green.

Griswold Nelson addressed the application receiving approval from the Board of Selectmen for the use of town owned land and read the details of the meeting into the record “Selectman Kearns addressed her concerns for pedestrian safety in regards to

parking along both sides of Bolton Hill and Pine Street. The Board and Mr. Hurlburt and Ms. Saccardi discussed what would be safer in terms of what side of the road parking should be restricted on. Selectman Kearns made the motion to approve the use application of the Cornwall Co-Op Farm Market and site plan with the condition parking be on side of the road on Bolton Hill Road and Pine Street. Selectman Bramley and First Selectman Ridgway recused themselves due to possible bias. Selectman Kearns signed the permit on behalf of the town as owner.” The approved site plan and details regarding the proposed hours of operation were noted as part of the record.

Yearly renewal of ZP#0786 dated May 14, 2009 granted to Bianca Langer Griggs to conduct a seasonal farmers market. – 413 Sharon Goshen Turnpike.

Griswold Nelson addressed the yearly renewal of the ZP#0786, stating that she, acting in her capacity as Zoning Enforcement Officer, had been signing off the yearly renewal permits. Griswold Nelson addressed several years of safety concerns regarding the market being brought to her attention not just by the vendors but attendees, concerns that she had discussed with Bianca. Noting that Ms. Griggs, as the applicant/owner was responsible for enforcing the conditions of the permit and addressing the safety concerns being put forth. Griswold Nelson added that she had expressed her own personal concerns, speaking from her own documented attendance at the market on Saturday mornings over the years. Noting the successful of the market over the years, Griswold Nelson addressed her finding that the concerns being forward could and would be addressed and that it was appropriate to re-issue the permit at this time. Ms. Timell pointed out recent amendments to the Zoning regulations regarding allowable distances for off-site parking with agreement that such could be considered as part of the renewal.

7. PLANNING WORKSHOP to include but not limited to discussion of the next town Plan, report from the Economic Development subcommittee, Zoning and or subdivision regulations in compliance with the recommendations in the Town Plan of C&D, and other zoning/subdivision regulatory matters.

There was general discussion of the next town plan, with requests from Chairman Colbert for commission members to consider what Plan subcommittees they would like to be on

PUBLIC HEARING - SP# 240 - Special Permit for a detached accessory apartment on a non-conforming lot in an R-5 zone – Section 8.10 – “Apartment uses in Residential Zones” – 179 Sharon Goshen Turnpike (Applicant/owner Megan Mollica arrived at 8PM)

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Chairman David Colbert opened the public hearing at 8:04PM. Members David Colbert, Peter Kalmes, James LaPorta, Stephen Saccardi, Anna Timell and Alternate Ginny Potter were seated for the public hearing.

The legal notice as published in the Waterbury Republican on March 3rd and March 10, 2017 was read into the record (Note was made that the hearing had been continued from a regular meeting cancelled on March 14 due to inclement weather.

Documents made part of the record:

- Copy of the signed application

- Site Plan entitled “Mollica Residence, 179 Sharon-Goshen Turnpike, subsurface Sewage Disposal System prepared by Pat Hackett, dated February 21, 2017.
- Narrative prepared by the applicant, addressing the special permit being requested and their compliance with the general and specific standards of the application.
- ZBA Appeal #330 heard by the ZBA on November 23, 2015 for the expansion of the non-confirming residence into the side set back.
- Receipts of certified mailings to abutting neighbors
- Correspondence from Land Use administrator to Jocelyn Ayer, Community & Economic Development Director, dated January 31, 2017.

Note was made that the Land Use office has received no specific written communication either by mail or electronically pertaining to this matter but has been in contact with the Cornwall Conservation Trust regarding this application.

Mrs. Megan Mollica, co-applicant/owner read her narrative into the record. The Commission reviewed the plan with Mrs. Mollica and addressed the nature of the non-conformance of the lot,

The floor was opened to the public for comment.

First Selectman Gordon Ridgway spoke in favor of the application.

Hearing no other concerns or questions from the Commission or the public;

Motion made by Mrs. Timell, seconded by Mrs. Potter to close the public hearing at 8:28PM Unanimously approved.

4. PENDING APPLICATIONS.

SP#240 - Brian and Megan Mollica – Special permit for a detached accessory apartment – 179 Sharon Goshen Turnpike.

Motion made by Mrs. Timell, seconded by Mr. Saccardi, to approve **SP#240 - Brian and Megan Mollica – Special permit for a detached accessory apartment – 179 Sharon Goshen Turnpike** as per the oral and written testimony of the applicant, including the narrative and the site plan, entitled “Mollica Residence, 179 Sharon-Goshen Turnpike, subsurface Sewage Disposal System prepared by Pat Hackett, dated February 21, 2017. As part of the approval, the Commission determined that the Special Permit Application complied with all the criteria of **Article 8 - Section 10 – “Accessory Apartments”**, 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.

Motion made by Mrs. Timell, seconded by Mr. Kalmes to adjourn at 8:25PM; unanimously approved.

Respectfully submitted,

Karen Griswold Nelson