

## **PLANNING & ZONING COMMISSION REGULAR MEETING MAY 8, 2018**

**Present: Regular members David Colbert, Peter Kalmes, James LaPorta, Stephen Saccardi (in 7:17PM), Anna Timell, alternate members Phil West and Ben Gray Jr. and LUA/ZEO Karen Griswold Nelson.**

**Absent: Jill Cutler and alternate member Virginia Potter.**

Chairman David Colbert called the meeting to order at 7:070PM. Alternate member Ben Gray was seated for Jill Cutler and Phil West seated for Stephen Saccardi.

### **PUBLIC HEARING: (Continued)**

**SP#244 – Cornwall LLC /Richard Wolkowitz, manager - Special exception for the construction of a single family residence and septic system outside of the buildable area – (corrected to Section 4.4 “Minimum Lot and Dimension Requirements in an R-3 zone – Assessor’s Parcel D09-05-02/) with access at northeast corner of Cream Hill and Cogswell Road.**

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Chairman David Colbert opened the public hearing at 7:07PM. Members David Colbert, Anna Timell, Peter Kalmes, James LaPorta, Ben Gray and Phil West were seated for the public hearing.

The legal notice as published in the Waterbury Republican on April 27<sup>th</sup> and May 4<sup>th</sup> was read into the record by staff. Note was made that the hearing had been continued from the April meeting due to “a noticing defect and that the legal notice as published corrected that defect. Note was also made that the application has received Inland wetlands approval in June 2013 and an administrative request to extend the permit would be on the June 2018 wetlands agenda.

The floor was opened to the applicant’s representative for his presentation.

Patrick Hackett, PE and representative for the applicant addressed the mapping provided, including the flagging of the site for commission site visits, the driveway access, buildable areas and proposed area for the siting of the home.

The floor was opened to the Commission for questions and comments. Questions were raised regarding blasting, fire access, and the process for the submission and approval of a zoning permit for driveway and house site.

The floor was opened to the public for comments and questions.

Biffie Dahl Estabrook, raised questions and concerns regarding the application as submitted as relating to wetlands approval. In response to questions regarding which commission members that had walked the site, all seated commission members acknowledged that they had walked the site.)

Douglas Weir, 16 Cogswell Road, asked for clarification as to the location of the residence and septic.

Richard Wolkowitz, applicant/owner spoke in favor of the application.

Biffie Estabrook readdressed wetland concerns with clarification from staff as to the wetlands process and approval in place.

Hearing no other questions or comments:

**Motion** made by Mrs. Timell, seconded by LaPorta, to close the public hearing for **Application SP#244**: unanimously approved.

### **1. APPLICATIONS FOR ZONING PERMITS.**

**ZP#1043- Steward Osborne owner/James Terrell applicant – addition and alterations to an existing single family residence – 24 Town Street S. Permit approved.**

**ZP#1044 – Jim Garnett owner/Robert Delayo applicant – additions and alterations to an existing single family residence and detached accessory apartment – 233 Warren Hill Road. Permit approved.**

### **2. APPROVAL OF MINUTES:** April 10<sup>th</sup> and January 20<sup>th</sup> meeting minutes.

**Motion** made by Mr. LaPorta, seconded by Mrs. Timell to approve the April 10<sup>th</sup> minutes as presented: approved Mr.'s Colbert, Kalmes, LaPorta and Mrs. Timell.

### **3. NEW APPLICATIONS: None.**

### **4. PENDING APPLICATIONS.**

**SP#244 – Cornwall LLC /Richard Wolkowitz, manager - Special exception for the construction of a single family residence and septic system outside of the buildable area – corrected to Section 4.4 “Minimum Lot and Dimension Requirements in an R-3 zone – Assessor’s Parcel D09-05-02 with access at northeast corner of Cream Hill and Cogswell Road.**

**Motion** made by Mrs. Timell, seconded by LaPorta to approve **SP#244 – Cornwall LLC /Richard Wolkowitz, manager - Special exception for the construction of a single family residence and septic system outside of the buildable area – corrected to Section 4.4 “Minimum Lot and Dimension Requirements in an R-3 zone – Assessor’s Parcel D09-05-02 with access at northeast corner of Cream Hill and Cogswell Road** as per the site plan supplied, “Viable Buildable Area – Wolkowitz Parcel – Cogswell Road and Cream Hill Road, dated January 2018 drawn by PR Hackett” /proposed house and septic and well”- Middle arrow” and as per the oral and written testimony of the applicant and the supporting information supplied.

As part of the motion, the Commission recognizes that the property was created prior to the adoption of the Zoning Regulations with the requirement for “buildable area”, therefore requiring approval of the location of the residence and septic outside of the “building area” in compliance with Section 4.4 of the Zoning regulation.

In accordance with the criteria of the regulations, the Commission finds that the applicant/owner has demonstrated that they researched all of the alternative locations for the location of the proposed single family residence and the location as proposed is the least non-conforming and the least environmentally damaging. Motion unanimously approved.

## **Amendments to the Zoning Regulations – set for public hearing June 12, 2018**

Amendments to Section 5.11 to include all agricultural/farming/farm regulations and definitions including the existing farmer’s markets regulation; Amendments to Section 3.1 to include reference language to the Section 5.11., Section 3.3 to include “special permit” listed in Section 5.22, and Amendments to Section 16, “Definitions” to refer agricultural/farming/farm related definitions to Section 5.11.

### **5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

Email correspondence (05/07/2018) from First Selectman Ridgway to the Land Use office with an attachment from Catherine Tatge (dated April 26, 2018) addressed to the Zoning Board was made part of the record. In response to the stated request to amend the zoning regulations to allow bed and breakfast establishments to have six rooms, up from three, there was general discussion. Based on information that the Town of Kent had recently modified their regulations to allow 6 rooms, and that the members of the Planning & Zoning Economic Development subcommittee were in support of the change:

**Motion** made by Mrs. Timell, seconded by Mr. Gray, to amend **Section 8. 12.4** of the regulations to read “No more than six guest rooms should be permitted” and to set the amendment for public hearing at the July 10 regular meeting; unanimously approved.

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

### **7. LUA/ZONING OFFICER’S REPORT.**

**8. PLANNING WORKSHOP** to include but not limited to discussion of proposed “agricultural” regulations being brought forth for discussion by the Economic Development subcommittee, 2020 Plan of C&D subcommittee reports and appointments and other zoning/subdivision regulatory matters.

2010 Plan of C&D Subcommittee reports:

Based on recommendations from subcommittee co-chairs Anna Timell and James Laporta.

**Motion** made by Mr. Colbert, seconded by Mr. West to appoint Patricia Bramley, Bianka Griggs, Catherine Tatge, Richard Dolan Jr., Janet Carlson Sanders, and Johan Winsser to the Economic Development subcommittee; unanimously approved.

Youth Subcommittee co-chairs Ben Gray and Phil West reported that they had 3 to 4 potential volunteers.

Natural Resource committee chair David Colbert stated the subcommittee had met on April 26 and discussed the status of current mapping, and the consideration of mapping that would help to highlight certain areas that would lend themselves to increasing housing density.

Revised regulations and April/May correspondence from town attorney Perley Grimes were made part of the record for discussion.

There was general discussion of the proposed regulations as relating to questions and recommendations made in the new Grimes correspondence. There was renewed discussion as to the meaning of incidental uses and/or subordinate uses and the consideration of guidelines as to give direction and guidance to staff and commission members in the future.

Mr. Colbert read a prepared statement in to the record regarding his concerns as to the proposed regulations as being brought forth. (Attached)

**9. ADJOURNMENT.**

**Motion** made by Mrs. Timell, seconded by Mr. Gray to adjourn at 9:15PM; unanimously approved.

Respectfully submitted,

Karen Griswold Nelson