

## **PLANNING & ZONING COMMISSION REGULAR MEETING JULY 10, 2018**

**Present: Regular members, Jill Cutler, Peter Kalmes, James LaPorta, Stephen Saccardi (in 7:10PM), Anna Timell, alternate members Virginia Potter and Ben Gray Jr. and LUA/ZEO Karen Griswold Nelson.**

**Absent: David Colbert and alternate Phil West.**

Vice chair Jill Cutler called the meeting to order at 7:08PM. Alternate member Ginny Potter was seated for David Colbert.

Due to no one in attendance to represent **SP#245:**

**Motion** made by Mrs. Timell, seconded by Mr. LaPorta, to change the order of the agenda to act on Public Hearing "**Amendment to the Zoning Regulation Section 8. 12.4** of the regulations prior to **SP#245**; motion unanimously approved.

### **PUBLIC HEARING:**

**Amendment to the Zoning Regulation Section 8. 12.4** of the regulations to read "No more than six guest rooms should be permitted.

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Vice chair Jill Cutler opened the public hearing at 7:08PM. Members Jill Cutler, Anna Timell, Peter Kalmes, James LaPorta, Ginny Potter and Steven Saccardi (in 7:10PPM) were seated for the public hearing.

The legal notice as published in the Waterbury Republican on June 29 and July 5, 2018 was read into the record by staff (Griswold Nelson)

Documents made part of the record.

A copy of the draft amendments on file in the Land Use office and on file in the Town Clerk's office dated June 28<sup>th</sup> in compliance with statutory requirements that the amendments be on file in the Town Clerk's Office 10 days prior to the public hearing. June 28<sup>th</sup> Correspondence from the Northwest Hills Council of Elected Officials 9 (summary read into the record).

Note was made that due to the fact that the amendment was being brought forth by the Commission, there were no other noticing requirements

LUA staff Griswold Nelson addressed "draft regulations" on the Town of Kent town website regarding their proposed regulatory changes to allow 6 bedroom bed and breakfast establishments in various zones (6 in the Village Center and 3 in residential zones). Nelson addressed being contacted by the Town of Cornwall fire marshal, Stan McMillan regarding additional building code requirements for bed and breakfast establishments exceeding three rooms, suggesting that the record be made clear that while the Commission could conceptually grant a special permit for the use of a single family residence a for bed and breakfast establishments, that the permit should not be filed on the land records until there was verification that the structure itself complied with all code requirements. There was general conversation regarding the matter amongst the Commission and staff.

The floor was opened to the public for comment.

Catherine Tatge, Furnace Brook Road, spoke in favor of the amendment.

Joanne Wojtusiak, spoke in favor of the amendment.

Hearing no other questions or comments

**Motion** made by Ms. Cutler, seconded by Mrs. Timell, to close the public hearing for “Amendments to the Zoning Regulations: unanimously approved.

**SP#245 – Cathleen and John McMahon applicant/owners – Special Permit for a detached accessory apartment – Section 8.10 – “Apartment uses in Residential Zones” – 240/246 College Street.**

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Vice chair Jill Cutler opened the public hearing at 7:30PM. Members Jill Cutler, Anna Timell, Peter Kalmes, James LaPorta, Ginny Potter and Steven Saccardi were seated for the public hearing.

The legal notice (as previously read into the record) was referenced as part of the record. Documents made part of the record.

App#245 containing a site plan, narrative, Torrington Area Health approval for water and septic and photographs of the existing structures on the site.

John McMahon, property owner, was in attendance to represent the application. Mr. McMahon submitted part of the mandatory noticing requirements (green cards) with staff addressing her personal knowledge of all of the noticing requirements to abutting neighbors being satisfied. The narrative was read into the record by staff.

There was general discussion with acknowledgement by staff of her knowledge of the record of the overall development of the property over the years and permitting for the cottage and the restrictions of the size of the cottage and size of the septic due to wetlands

The floor was opened the public for comment.

Joanne Wojtusiak raised questions regarding the consideration of affordable housing covenants (as referenced in the narrative) being put in place. In response, Mr. McMahan stated that such was not the wish of the family at this point, citing family needs.

Hearing no other questions or comments

**Motion** made by Mr. LaPorta, seconded by Mrs. Potter to close the public hearing for SP#245: unanimously approved.

**Motion** made by LaPorta, seconded by Mr. Kalmes to move action on Agenda item “ Public Hearings” prior to all other business; unanimously approved.

**Amendment to the Zoning Regulation Section 8. 12.4** of the regulations to read “No more than six guest rooms should be permitted”.

**Motion** made by Mrs. Timell, seconded by Mr. Saccardi, to approve the amendment to the Zoning regulation **Section 8. 12.4** of the regulations to read “No more than six guest rooms should be permitted” as presented with an effective date of 15 days after date of publication.

After brief discussion with note made that the amendment had received the endorsement of the Commission's Economic Development subcommittee and was consistent with the Town Plan of Conservation and Development; motion unanimously approved.

**SP#245 – Cathleen and John McMahon applicant/owners – Special Permit for a detached accessory apartment – Section 8.10 – “Apartment uses in Residential Zones” – 240/246 College Street.**

**Motion** made by Mrs. Timell, seconded by Mr. LaPorta, to approve **SP#245 – Cathleen and John McMahon applicant/owners – Special Permit for a detached accessory apartment – Section 8.10 – “Apartment uses in Residential Zones” – 240/246 College Street** 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 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 Mr. LaPorta, seconded by Mrs. Timell, to amend the agenda to add **SP#247 Catherine Tatge and Dominique Lasseur owners/applicants – Special Permit for a Bed and Breakfast Establishment with 6 rooms as per Section 8. 12.4– 60-62 Furnace Brook Road** under New Applications: unanimously approved.

**1. APPLICATIONS FOR ZONING PERMITS.** None listed

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

**Motion** made by Mrs. Timell, seconded by Mrs. Potter to approve the minutes of the June 10<sup>th</sup> meeting as presented: unanimously approved.

**3. NEW APPLICATIONS:**

**Benjamin S. Gray owner/Anna Christine Gray applicant – 3 Lot Re-subdivision – 14 Bolton Hill Road. Set for public hearing.**

**Motion** made by Mr. LaPorta seconded by Mrs. Potter to set the application for public hearing at the August 14, 2018 meeting; unanimously approved.

**SP#247 Catherine Tatge and Dominique Lasseur owners/applicants – Special Permit for a Bed and Breakfast Establishment with 6 rooms as per Section 8. 12.4– 60-62 Furnace Brook Road.**

**Motion** made by Mr. LaPorta seconded by Mrs. Potter to set the application for public hearing at the August 14, 2018 meeting; unanimously approved.

**Site Plan Modification - Eversource Energy owner/ Housatonic Valley Association applicant (HVA) - Activities within the “inner corridor” of the Housatonic River for the “River Bend” project in West Cornwall – 36 Lower River Road.**

Documents made part of the record.

Mapping prepared by Earthtones, Woodbury CT

Griswold Nelson stated that representatives for the application, Michael Jastremski, Housatonic Valley Association (HVA) Watershed Conservation Director and Liza Turoczi, Earth Tones. Woodbury CT, landscape architect and plan designer, could not in attendance to represent the application for site modification to a previously approved application. Stating that she had been in contact with all of the appropriate parties, Griswold Nelson stated that she would be addressing concerns raised by the Inland Wetlands Commission at the August meeting and their decision to table action until their concerns had been addressed at Planning & Zoning.

Griswold Nelson gave an overview of the proposed changes to the previously approved plan that would result in a decrease in disturbance overall to both the parking lot and river access. Nelson addressed the change in the plans to go from a grid permeable surface on the fire access ramp to a graveled only base. Noting that the Zoning regulations required paving over a certain grade, Nelson stated that the ramp slope exceeding that threshold. , There was discussion about the previous decision made to allow an alternate system on the boat ramp based on the location in the Inner Corridor of the Housatonic River. Noting that she understood that the Housatonic River Commission was not in favor of paving, there was general discussion as to an acceptable intermediate plan for the boat ramp area that did not require paving, but required additional stability to the proposed gravel path.

Gordon Ridgway in 8:00PM.

Mr. Ridgway addressed the process underway to take the modified site plan to Town Meeting for approval. With agreement that Griswold Nelson would represent the P&Z's findings regarding the ramp access back to all of the appropriate parties (HVA and Earthtones) to move the process forward.

**Motion** made by Mr. Timell, seconded by Mr. LaPorta to approve modifications as discussed to the site plan as presented by staff; unanimously approved.

**4. PENDING APPLICATIONS. See above.**

**5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

**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 the progress, the of 2020 Plan of C&DF, 2020 subcommittee (EDC, Natural Resources, Housing, Cultural, and Youth reports and appointments and other zoning/subdivision regulatory matters.

EDC subcommittee chairs, Anna Timell and James LaPorta reported on the progress of the subcommittee's work. Minutes of meetings on file in Town Hall.

Housing Subcommittee chair, Jill Cutler, reported on the progress of the subcommittee's work. Minutes of meetings on file in Town Hall.

No report on Natural Resources. Minutes of meetings on file in Town Hall

Cultural Affairs co-chairs Ginny Potter and Steve Saccardi reported on progress made to find and appoint interested members.

## **9. ADJOURNMENT.**

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

Respectfully submitted,

Karen Griswold Nelson