

PLANNING & ZONING COMMISSION REGULAR MEETING NOVEMBER 13, 2018

Present: Regular members David Colbert, Jill Cutler, James LaPorta, Stephen Saccardi (out 7:30), Anna Timell, alternate members Virginia Potter, Ben Gray Jr. and LUA/ZEO Karen Griswold Nelson.
Absent: Phill West and Peter Kalmes.

Chairman David Colbert called the meeting to order at 7:05PM. Anna Timell and Ben Gray Jr. recused themselves prior to the opening of the Gray public hearing. Alternate Ginny Potter was seated for Peter Kalmes.

PUBLIC HEARINGS:

Benjamin S. Gray owner/Anna Christine Gray applicant – 3 Lot Re-subdivision – 14 Bolton Hill Road.

The entire proceedings were recorded electronically and are available in the Cornwall Land Use office. Chairman Colbert opened the public hearing at 7:08PM. Members David Colbert, Jill Cutler, James LaPorta, Ginny Potter and Steven Saccardi were seated for the public hearing.

The legal notice as published in the Waterbury Republican on November 2 and November 9, 2018 was read into the record by staff (Griswold Nelson)

Documents made part of the record.

- Wetlands application#619 dated July 27, 2018 submitted and signed by the duly authorized agent,
- Mapping entitled “Record subdivision map and site development plan, property of Benjamin Gray, 14 Bolton Hill Road, dated 5/23/17 revised to 6/26/2018
- Lists of abutting neighbors
- Supporting information regarding investigation of the site for wetlands.
- Permit #619 dated August 2018 referencing mapping and constituting report to the P&Z commission.
- App #2018/1- 3 lot re-subdivision application.
- Map entitled Record subdivision plan Record subdivision map and site development plan, property of Benjamin Gray, 14 Bolton Hill Road, dated 5/23/17 revised to 09/6/2018
- September 20, 2018 correspondence from TAHD constituting septic approval
- Driveway and waterline easement.
- Receipts of certified mailing to abutting neighbors.

Note was made by staff that the file was in order with the exception of the discussion and determination of compliance with open space requirements.

Anna Christine Gray represented the application. Ms. Gray outlined the proposed project to divide the existing 3.06+ acre lot to create a new vacant 1.03 acre lot, a 1.03 acre lot containing the historic house and a 1.03 acre lot containing the “cottage”. The floor was opened to the public for comments.

Louse and Thomas Riley, abutting neighbors, raised questions with response from the applicant and staff regarding the nature of the subdivision and proposed lots including the driveway entrances, two from Bolton Hill and the vacant lot from Twist Road.

In regards to the matter of the provisions for "Open Space" (Section 5.7 of the subdivision regulations) it was stated (Christine and Ben Gray Sr.) that they (applicant/owner) were requesting that an exception to the open space requirements be granted as provided for in Article V, 5.7.4.c of the Subdivision Regulations.

After discussion and review, there was consensus that the Commission agreed with the applicant/owner's finding.

Hearing no other questions or concerns:

Motion by Ms. Cutler, seconded by Mr. LaPorta, to close the public hearing for **App #2018/1- Gray 3 lot Re-subdivision**: unanimously approved,

Motion made by Mrs. Potter, seconded by Mr. LaPorta to amend the agenda to act on **4. PENDING APPLICATIONS** prior to all other business; **Benjamin S. Gray owner/Anna Christine Gray applicant – 3 Lot Re-subdivision – 14 Bolton Hill Road** unanimously approved.

2018-1 Benjamin S. Gray owner/Anna Christine Gray applicant – 3 Lot Re-subdivision – 14 Bolton Hill Road

After discussion and with agreement that the application was complete:

Motion made by Mr. LaPorta, seconded by Ms. Cutler, to approve the application **2018/1 Benjamin S. Gray owner/Anna Christine Gray applicant – 3 Lot Re-subdivision – 14 Bolton Hill Road** as per the Map entitled "Record subdivision map and site development plan, property of Benjamin Gray, 14 Bolton Hill Road, dated 5/23/17 revised to 09/6/2018" and the supporting documents provided. As part of the approval, the Commission agreed that the provisions for open space be waived based on their finding that the requirements of Article V, 5.7.4.c of the Subdivision Regulations had been satisfied. Motion unanimously approved.

Anna Timell and Ben Gray Jr. returned to the proceedings. Steve Saccardi out.

John O' Donnell owner/Mathias Kiefer applicant- Proposed 3 Lot Re-subdivision – Cogswell Road.

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

The legal notice as published in the Waterbury Republican on November 2nd and November 9th was referenced as part of the records.

Documents made part of the record.

- Wetlands application#625 dated August 6, 2018 submitted and signed by the duly authorized agent, Mathias Kiefer.
- Mapping entitled "Sheet 1 of 2 "Proposed resubdivision map prepared for John O'Donnell Cogswell Road prepared by Mathias Kiefer, dated June 26, 2018
- Lists of abutting neighbors

- July 25th, 2018 from Attorney Andrea Asman addressing “estate plan prepared for John O’Donnell”
- Permit #625 dated August 2018 referenced mapping and constituting report to the P&Z commission.
- 2018/2- 3 lot re-subdivision application.
- Report prepared by David Wilson, “Site investigation – 3 lot resubdivision – John O’Donnell and accompanying maps
- Feasibility site plan 3 lot re-subdivision prepared for John O’Donnell by David Wilson PE dated June 2018
- Mapping sheets 1 and 2, proposed re-subdivision map prepared for John O’Donnell, dated June 26, 2018
- October 11, 2018 correspondence from TAHD constituting septic approval.
- Receipts of certified mailing to abutting neighbors.

Mathias Kiefer represented the application. Mr. Kiefer outlined the proposed project to divide the existing 115 acre parcel to create two new vacant lots (2b - 106.429 acres and 2a 3.003 acres) and a 6.056 acre lot containing an existing house and barn. Mr. Kiefer reviewed the maps provided with the Commission, outlining the reasoning for the configurations of the lots, driveway entrances, areas of wetlands, and the status of an abandoned road on the subject property and an abutting property (Senzer). In regards to the matter of the provisions for “Open Space” (Section 5.7 of the subdivision regulations), correspondence from the owner’s attorney requesting that an exception to the open space requirements be granted as provided for in Article V, 5.7.4.c of the Subdivision Regulations. After discussion and review, there was consensus that the Commission agreed with the applicant/owner’s finding.

Hearing no other questions or concerns:

Motion by Ms. Cutler, seconded by Mr. LaPorta, to close the public hearing for **App #2018-2- O’Donnell 3 lot Re-subdivision**: unanimously approved,

Motion made by Mrs. Potter, seconded by Mr. LaPorta to amend the agenda to act on **4. PENDING APPLICATIONS John O’ Donnell owner/Mathias Kiefer applicant- Proposed 3 Lot Re-subdivision – Cogswell Road** prior to all other business; unanimously approved.

2018-2 John O’ Donnell owner/Mathias Kiefer applicant- Proposed 3 Lot Re-subdivision – Cogswell Road.

After discussion and with agreement that the application was complete:

Motion made by Mr. LaPorta, seconded by Ms. Cutler, to approve the application **2018-2 John O’ Donnell owner/Mathias Kiefer applicant- Proposed 3 Lot Re-subdivision – Cogswell Road** as per the Map entitled Mapping sheets 1 and 2, proposed re-subdivision map prepared for John O’Donnell, dated June 26, 2018 and the supporting documents provided. As part of the approval, the Commission agreed that the provisions for open space be waived based on their finding that the requirements of 5.7.e had been satisfied. Motion unanimously approved.

1. APPLICATIONS FOR ZONING PERMITS.

ZP#1055 – Zimany Living Trust –applicant/owner – 24’ x 24’ shed for storage/no residential component – 94 College Street.

Zp#1056 – Naison Mastrocola – applicant owner – New single family residence – Mohawk Mountain Road. Permit approved

2. APPROVAL OF MINUTES: October 9, 2018 regular meeting.

Motion made by Mr. LaPorta, seconded by Mr. Colbert, to approve the minutes.

The floor was opened for discussion. Mrs. Timell addressed language to be added to the minutes to show the Economic Development Subcommittee asked that their draft “Plan of C&D Economic Development section” be forwarded to Jocelyn Ayer at the Northwest Hills COG for review of consistency with the state and regional plans and comments. Note was made that the descriptions for the applications set for hearing were not correct and the minutes should be amended accordingly. Motion to approve as amended unanimously approved,

3. NEW APPLICATIONS: None

4. PENDING APPLICATIONS.

5. CORRESPONDENCE AND COMMUNICATIONS RECEIVED

- o **Minutes from October 16th NWCOG meeting regarding agriculture**

6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

Lot line adjustment for property at 67 Todd Hill Road owned by James and Jane Ann Prentice.

Mylar entitled “Property Survey prepared for James and Jane Ann Prentice #67 Todd Hill was reviewed with agreement that the lot line adjustment, as shown on the mylar supplied was in order and that no new lot was being created.

7. LUA/ZONING OFFICER’S REPORT.

8. PLANNING WORKSHOP to include but not limited to discussion of the draft pf the agricultural regulations, progress of the 2020 Plan of C&DF, 2020 subcommittee (EDC, Natural Resources, Housing, Cultural, and Youth reports (Minutes from Housing, Natural Resource, and Youth group to be made part of the record for discussion) other zoning/subdivision regulatory matters.

11/6/2018 Email correspondence forwarded to the Commission from Chairman Colbert with attachments containing a draft contract from Jocelyn Ayer (NWCOG) for the POCD, and Gordon's response was made part of the record for discussion. After discussion;

Motion made by Ms. Timell, seconded by Ms. Cutler, to approve the contract; unanimously approved.

Discussion ensued regarding the scheduled November 15th Special Meeting with Tom McGowan to address moving forward on Agricultural regulations. Considering the weather forecast, the Commission decided to aim for either November 27 or 29, depending on Mr. McGowan's availability.

David Colbert brought the Commission up to date regarding recent changes to the P&Z page on the Cornwall website. These changes intend to facilitate navigation within P&Z's section.

9. ADJOURNMENT.

Motion made by Mr. LaPorta, seconded by Mrs. Timell, to adjourn at 9:05PM: unanimously approved.

Respectfully submitted

Karen Griswold Nelson