

PLANNING & ZONING COMMISSION SPECIAL REGULAR MEETING SEPTEMBER 28, 2021

Present: Regular members Keith Bodwell, James LaPorta, Stephen Saccardi, Anna Timell and Phill West, alternate members Bruce Bennett, Will Evans, and Christine Gray and LUA/ZEO Karen Griswold Nelson.

Absent: None

Others present: Ex-officio member Gordon Ridgway.

Chairman Anna Timell called the meeting to order at 7:05 PM with a quorum established. All regular members were seated for the public hearing

PUBLIC HEARING: (Continued as modified)

SP253 SPECIAL PERMIT FOR A MAJOR HOME BUSINESS– Joshua Tyson and Catherine Hosterman as per SECTION 8.16 HOME BUSINESSES – 118 College Street

The entire proceedings were recorded electronically (Zoom recording) and are available in the Cornwall Land Use office. Chairman Timell opened the public hearing at 7:05M. All regular members were seated for the hearing and alternate members given permission to ask questions. The legal notice, posted on the Cornwall website on September 14, 2021, (and re-published in the Waterbury Republican on September 16 and September 23, 2021 ^{was} read into the record by staff.

Information made part of the record: (as read by staff), and forwarded to the Commission, prior to the meeting, on file in the Land Use office and as indicated posted on the Town website

- Application #253 including Application form, Site plan with supporting information, (building elevations), Narrative and misc. information
- 9/09/2021 email with attached letter from Richard Zimany
- 9/09/2021 email from Mason Scranton
- 09/13/2021 email from Michelle Shipp
- 09/13/2021 email from Christopher Scranton
- 09/18/2021 email l from Roberta Tyson (hard copy received)
- 09/20/2021 email from Donna Murphy
- 0/921/2022 email from Robinson Lacy
- 09/23/2021 email from Annie Kosciusko
- 09/25/2021 email from Connie Hedden
- 9/26/2021 correspondence from John LaPorta
- 9/28/2021 email and attachment from Wayde Wolfe and Antonio Morales
- 9/28/2021 email mail from Janet Carlson Sanders
- 9/28/2021 email from George Charleton (all previous listing posted on the Town website)
- 9/28/2021 email from Becky and Bill Hurlburt received and made part of the record.
- 9/28/2021 email from Adam Fisher received and made part of the record.

The floor was opened to Joshua (Josh) Tyson applicant/owner. Mr. Tyson gave an overview of the application, outlining his plans to construct two detached structures, one 32' x 44' heated and dry structure to house his landscaping/construction company, and a second 24' x 36' open shed, both to store vehicles and tools. Noting that the land was reasonable level and would not require significant grading. Mr. Tyson stated that both barns would be asphalt shingled, wooded sided, and designed to look like hay barns seen elsewhere in the town. Mr. Tyson addressed some screening along the road, evergreen and deciduous, to buffer. Noting no intention for on- site fuel storage.

The floor was opened to the Commission for questions.

Mr. Bennett addressed concerns regarding idling vehicles and the practice needed to warm up vehicles in winter with response from Mr. Tyson regarding both vehicles in terms of idle times and noise. In response to questions regarding material storage, Mr. Tyson addressed his practice not to keep much material on site and to store material off-site. In response to questions regarding screening, it was noted that the design regarding the placement of structure was planned to reduce visibility. Noting concerns raised by Mr. Zimany Mr. Bennett addressed treatment of rain water off the roofs and his suggestion that a rain garden be considered. In response, Mr. Tyson addressed his methods of water management and other methods of managing and retaining water with agreement that some method of water retention could be considered. In regards to "hazardous materials", Mr. Tyson addressed maintenance and servicing and his methods of managing (retaining and recycling) petroleum waste products. Note was made that any expansion of the business would require additional permitting.

Mr. LaPorta questioned the plans for entry and access, with note made by Mr. Tyson regarding proposed minimal changes to the existing graveled accesses and the conversations needed with the town regarding the need for a possible apron.

Mr. Saccardi questioned outside storage with note made by Mr. Tyson to limit outside storage and his practice of off-site storage.

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

Gordon Ridgway, First Selectman, went on the record supporting the application, stating that he had read the application and found that it met all of the criteria of the major home business regulations, Mr. Ridgway addressed his personal knowledge of Mr. Tyson's work in the town, without complaint, stating that it gave him great confidence that he would maintain those standards of running an excellent and important business in the town. Mr. Ridgway addressed it being a modest proposal, with the barn designs meeting the aesthetics of that area of the town.

Mr. Ridgway gave a historic prospective, being a young fireman during the tornado of July 1989 and the search and rescue operation for people possibly trapped under trees. Noting that the only sound one heard was Denny Frost, Josh's predecessor, going up through Cathedral Pine with the needed equipment opening up the road and looking for citizens without being asked.

Mr. Ridgway stated the town needs this type of business and this type of equipment during times of unpredictable and more severe weather, deeming it a vital health and safety issue to keep the town open and running during times of extreme weather conditions. Mr. Ridgway noted that Josh's application did not address that matter (Josh and Cay being modest). Speaking as a town leader, Mr. Ridgway addressed the town being on its own for long periods of time during weather emergencies and the need for equipment to be in town with operators able to run equipment including fire trucks to address emergency services. Mr. Ridgway stated that the town cannot rely on people outside of town itself being available to address those vital services. Mr. Ridgway thanked Mr. Tyson for his application.

John LaPorta, stating that he was a local mason contractor and worked in the field with Mr. Tyson, addressed Mr. Bennett's questions, noting that Josh is the person (contractor) in town that addresses many of the issues brought up (drainage, etc.) on other people's property. Noting many years of working with Josh, Mr. LaPorta addressed Josh's knowledge and expertise and supported Gordon's statements.

Rocco Botto spoke in favor of the application, stating that it has been serving the town and local community for many years, fits well within the scale of other businesses in towns and as stated by Gordon, provides a needed service in town.

Richard Griggs gave a thumbs up.

Jonathan Berry, "I'm all for it", spoke for hiring local being the thing to do and without people like Josh, who would do it. Thumbs up.

Mary Zimini, (College Street and abutting property owner), noting that she came in late. addressed concerns regarding the stockpiling of materials i.e. salt, chemicals, and petroleum products. and any impact on the property and the soil quality of their field across the way. In response, Josh addressed that did not anticipate any storage of fuel or chemicals on site unless needed. Noting no supplies of fertilizer on hand, Mr. Tyson addressed the use of salt and the method of mixing salt and sand, his methods of storing materials under cover, and his storage of petroleum products and his servicing of equipment typically going off site. Mrs. Zimini stated she trusted Josh 100 percent.

In response to questions from Mr. Bennett, regarding concrete floors in the buildings as a way of addressing salt and sand leaching into gravel, Mr. Tyson stated that he would be willing to do that.

Hearing no other questions from the Commission or the public,

Motion made by Mr. Bodwell, second Mr. West, to close the public comment section; unanimously approved.

Motion made by Mr. Bennett, seconded by Mr. Bodwell, to close the public hearing; unanimously approved.

ZONING MEETING:

1. APPROVAL OF MINUTES: September 14, 2021 regular meeting minutes

Motion made by Mr. West, seconded Mr. LaPorta, to approve the minutes as presented; unanimously approved.

2. NEW APPLICATIONS. None.

3. PENDING APPLICATIONS:

SP253 SPECIAL PERMIT FOR A MAJOR HOME BUSINESS– Joshua Tyson and Catherine Hosterman as per SECTION 8.16 HOME BUSINESSES – 118 College Street.

The floor was opened to the Commission for discussion. With agreement that the application was thorough and well thought out, there was agreement regarding a condition to be added to the narrative regarding the containment of salt. There were questions regarding the need for modification to the application regarding the issue of storm water management (rain garden, sedimentation pond, etc.), and wetlands jurisdiction. There was agreement that the requirement to add structures was not needed.

Motion made by Mr. LaPorta, seconded by Mr. Bodwell, to approve **SP253 SPECIAL PERMIT FOR a MAJOR HOME BUSINESS– Joshua Tyson and Catherine Hosterman as per SECTION 8.16 HOME BUSINESSES – 118 College Street** as presented, with the addition of adding containment, if necessary, as a barrier for salt leaching into the ground to the narrative. As part of the approval, the Commission has determined that the application as amended, fulfills the requirements of Article 6.1-6.6, Site Plans, Article 8.16 Home Businesses and Article 8.1-8.8 Special Permits; unanimously approved.

4. STAFF REPORTS.

Griswold Nelson reminded the Commission of the 5th Thursday meeting and the topic addressing some of the issues raised in the Tyson application.

5. CORRESPONDENCE AND COMMUNICATIONS.

- 09162021 email correspondence from Anne Zinnser re " Next Steps"
- 09162021 email correspondence from Michelle Shipp re "Community Center Idea"
- NWCOC Economic Development Summit 09232021 notes from Anna Timell

6. WORKSHOP MEETING

Workshop for commission members and staff for discussion on regulatory changes. Subcommittees, and workshop meetings, and timing of workshop meetings. All commission members took part in the discussion.

Noting that Commission planner Janell Mullen, could not be in attendance, Anna Timell stated that there would be no workshop meeting.

Anna addressed staffing changes by the NWCOG that would impact land use services currently offered to various towns including Cornwall. Anna stated that the NWCOG had elected to use their 7 day opt out option regarding the current contractual services with Janell Mullen. Noting that Gordon, Karen, and herself had met with Janell to discuss the matter, Anna stated that Janell was willing to continue the contract in a format as a private consultant with the same length, the same price points, the same tasks and the only difference being the payment method. Anna asked the Commission if they would endorse this change in the format of the contract

Motion made by Mr. West, seconded by Mr. LaPorta, to endorse accepting the contract as proposed with Janell Mullen; unanimously approved.

Questions were raised regarding modification to the land use applications with the matter to be revisited.

It was noted that various opt-outs would be discussed at the next workshop meeting.

7. ADJOURNMENT.

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

Respectfully submitted,

