

PLANNING & ZONING COMMISSION REGULAR ZOOM MEETING APRIL 12, 2022

Present: Regular members, James LaPorta Anna Timell, Phil West, alternate members Bruce Bennett, Will Evans and Michelle Shipp Mullens and LUA/ZEO Karen Griswold Nelson.

Absent: Keith Bodwell, Christine Gray and Stephen Saccardi,

Others present: Commission Planning Consultant Janell Mullen and ex-officio member Gordon Ridgway.

Chairman Anna Timell called the regular meeting and the public hearing to order at 7:04PM with a quorum established. Alternate Bruce Bennett was seated for regular member Christine Gray and alternate Will Evans for Stephen Saccardi.

PUBLIC HEARING:

SP#254 – James D. (Douglas) Gold & Janice Garity, owners/applicants – Special Permit for a detached accessory apartment as per Section 8.10 “Apartment Uses in residential zones – 16 Rexford Road.

The entire proceedings were recorded electronically (Zoom recording) and are available in the Cornwall Land Use office. The legal notice, posted on the Cornwall website on March 29, and published in the Waterbury Republican on April 1st and April 8th, 2022 was made read into and made part of the record by LUA Griswold Nelson.

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

- Application #254 including Application form, Narrative prepared by Douglas Gold including information including photographs, Site plan B100 Reserve Septic System prepared for Douglas Gold, 16 Rexford Road, by Berkshire Engineering revised to 02/09/2022, building elevations), and Torrington Area Health approval
- Information addressed verbally by Griswold Nelson regarding the history of the property as a lot line adjustment between the
The floor was opened to the applicant.

In lieu of reading the narrative, Janice Garity gave an overview of the application, outlining the plans to change the detached existing barn structure to a studio apartment with a kitchen, bedroom and bath, and to be used for the family while working on the single family house. In response to questions, (Bennett) Ms. Gerity and Griswold Nelson addressed the waivers, variances and the final approval for the septic system designed for the two residential structures made part of the record.

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

First Selectman Gordon Ridgway spoke in favor, citing his knowledge of the Gold family (in Cornwall a long time and a large family), a nice fit, a place to have lots of the family, a great re-use for an old building and a perfect place to be located.

Motion made by Mr. West, seconded by Mr. LaPorta to close the public hearing for SP #254; unanimously approved.

REGULAR ZONING MEETING:

Motion made by Mr. Laporta, seconded by Mr. West, to move **3. Pending Application SP254** prior to all business; unanimously approved.,

SP#254 – James D. (Douglas) Gold & Janice Garity, owners/applicants – Special Permit for a detached accessory apartment as per Section 8.10 “Apartment Uses in residential zones – 16 Rexford Road

The floor was opened to the Commission for discussion. With agreement that the application was complete.

Motion made by Mr. West, seconded by Mr. LaPorta to approve **SP#254 – James D. (Douglas) Gold & Janice Garity, owners/applicants – Special Permit for a detached accessory apartment as per Section 8.10 “Apartment Uses in residential zones – 16 Rexford Road** as presented in the site plan presented and the supporting information made part of the record. 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 8.10 Apartment Uses in residential Zones and Article 8.1-8.8 Special criteria for all Special Permits; unanimously approved.

ZONING APPLICATIONS:

1. APPROVAL OF MINUTES: March 8, 2022

Motion made by Mr. LaPorta, seconded by Mr. Bennett to approve the minutes of the February 8, 2022 regular meeting as presented. Approved by members Bodwell, Timell, LaPorta, and Bennett. Mr. Evans and Mr. West abstained due to non-attendance.

2. NEW APPLICATIONS.

3. PENDING APPLICATIONS.

4. STAFF REPORTS LUA/CZEO – Karen Griswold Nelson

Griswold Nelson addressed her understanding that the “brew pub” in West Cornwall was opening in May and her optimism about activity in upcoming months.

5. CORRESPONDENCE AND COMMUNICATIONS.

Email correspondence from Margaret Cooley. Accepted, no discussion

6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

7. PLANNING WORKSHOP MEETING - Workshop for commission members and staff with Planning Consultant Janell Mullen.

Chairman Timell, noting communications to the Commission regarding the intent to address accessory apartments next, asked Janell Mullen to address the whole opt-out issue and what it means to a town like Cornwall and to give the overview based on what she has learned from various legal sources since the original adoption of the

Referencing Public Act 21-29. There was discussion, led by Janell, as to what the op-out option/two part process/protocol was and how it would work with the current regulations and any proposed new regulations. Janell addressed some wording in the current regulations that gave her pause as they were not legally sound, and in particular the requirement for a familial relationship to someone living in the apartment. In response to questions, (Shipp), there was discussion as to the previous approvals by town entities regarding the matter and how opting out now would impact previous approvals. There was general discussion as to the process that must be followed to opt out, including approvals by the Board and Selectmen, not the general public, and the need to educate the public as to the reasoning to opt out.

Janell addressed knowledge being gained as time passed as to the proper interpretation of the adopted Public Act and its implications and how that knowledge was leading to changes from the original approaches considered.

Chairman Timell addressed the optics of opting out and how to address it with town citizens. In response, Mr. LaPorta suggested that informing the public that opting out might be the proper way to move forward and that opting out was a formality while working on the current regulations.

There was general discussion of various topics including “by right” and/or “by zoning permit” and the lack of current issues (Timell) with the approval of accessory apartments as evidenced by the special permit approved that evening. Noting information sent out regarding the number of existing apartments, and those not causing a “speck of trouble to anyone”, Anna asked for a general consensus if the Commission’s general feeling was wanting to do more and do better in encouraging accessory apartments. There was agreement with Anna’s assessment that “opting out” was an option that would allow the Commission to continue with a long term goal to do more and do better for the community at large. There was input regarding possible changes (Ridgway) including sizes of accessory apartment, stating his willingness to take the decision of the Commission to opt out back to the Board of Selectmen.

Mr. LaPorta suggested a way to move forward was to get the process to opt out started so as to give the Commission time to craft new regulations, clean up concerns and address legal issues. Mr. LaPorta stated that a public hearing date should be set, give the Board of Selectmen time to address their own process, all with the understanding that the Commission is going to update the regulations to make the “Accessory apartment’ process easier for everyone.

There was discussion of cost for special permits, \$150.00 including noticing with note (Janell) that such costs were inexpensive and very generous compared to other towns. Griswold Nelson, noting lower costs based on Gordon Ridgway persuading her to not to raise costs as he felt higher costs were onerous on anyone that wants to come to Cornwall. It was suggested that the Land Use office is to encourage people to do what they to do in an inexpensive way and make folks stay in Cornwall and raise their family.

Motion by Mr. West, seconded by Mr. Bodwell, that the Planning and Zoning Commission, proceed with Opting out of the state regulations, and draft a narrative (amended to be prepared by Janell Mullen) and set a public hearing date of May 10th.

After discussion, the motion was amended, based on recommendations by Gordon Ridgeway, to set a Public hearing date of June 14th to give the Commission time to discuss the narrative as to reasons to opt out, and get an article in the Chronicle; motion as amended unanimously approved.

Anna Timell stated that re-formatting (starting at Site Plan and special permit approval) and discussion of the narrative would be the topic of discussion at the May meeting.

8. ADJOURNMENT

Motion made by Mr. LaPorta, to adjourn at 8:20PM; unanimously approved.

Respectfully submitted

Karen Griswold Nelson