

Public Comment Letter for P&Z Meeting on September 26

billberry64@gmail.com <billberry64@gmail.com>

Thu 9/21/2023 2:51 PM

To:Land use <landuse@cornwallct.gov>;cwlanduse@optonline.net <cwlanduse@optonline.net>

 1 attachments (22 KB)

Measurement.docx;

Memorandum

To: Planning and Zoning Commission, Landuse@cornwallct.gov

From: William L. Berry, 45 Lake Road, West Cornwall, CT 06796

Re: Special Permit Application, 142 Town Street

Date: September 21, 2023

Dear Planning and Zoning Commissioners,

It is well established that there are two fundamental categories of things; those that can be measured and those which defy measurement. Tangible things have attributes like weight, height, and so forth which can be measured, or, in other words, compared to a widely accepted standard. Intangible things do not have standard metrics for comparison.

The Town of Cornwall Zoning Regulations give instruction and rules covering both categories. For example, the zoning regulations indicate specific limits on height and distance and area. These can be measured precisely with broad agreement on the results. In the regulations these measurements are presented as rules which specify how near or far, how large or small a proposed structure should be.

Also the zoning regulations have rules about unmeasurable things like "compatibility," "value," and "harmony." These do not yield easily to measurement. Sensible people may reasonably disagree as to whether a specific object is or is not "in harmony" with its' proposed surroundings. Unmeasurable factors are easy to pick out because there are no widely accepted units of measurement to apply. How many units of compatibility, for example, are required to be acceptable?

Every decision, be it personal, corporate, or governmental, involves some consideration of both measurable and unmeasurable factors. In cases where the expected impact on both measurable and unmeasurable factors is either positive or harmful, the decision is easy. However, when the expected results impact differently on the measurable and unmeasurable factors the decision becomes more challenging. Trade-offs are required to balance the effect of the results on relevant tangible and intangible factors.

paper copy dropped off Oakley PM

There is an extensive and respected literature on finding balance between measurable and the unmeasurable factors in administration, management, education, government and practically every facet of human life. In practice, though, people and organizations making such trade-offs very often focus on the measurable, tangible characteristics and ignore, or attribute far less importance to intangibles. This often has yielded disastrous results¹. In other words, basing decisions strictly on measurable characteristics is to overlook relevant and often critical aspects of a situation. How can these negative outcomes be avoided? A common conclusion, in the literature and in practice is that, to strike the most effective balance among these competing aspects, application of judgment is required. The problem with judgment is that, because it involves dealing with unmeasurable factors, it is more difficult to justify. And so, the unmeasurable is frequently ignored or given less than appropriate consideration than it deserves and the result is a bad outcome. At the personal level, this might be a decision to take a new job based only on an increase in salary. At the corporate level it might be a decision to shift manufacturing offshore because of a lower prevailing wage structure. The common reluctance to employ judgment to balance all the factors that should enter a decision can result in a bad (but not necessarily unforeseen) outcome.

The Planning and Zoning Commission is elected (or appointed by elected authority) to represent the electors of the town of Cornwall. As representatives of that public, the commission solicits public opinions and holds open meetings. Indeed, the zoning regulations, including both unmeasurable and measurable factors, are an expression of that public's opinions². The P&Z commission exists, then, to write and oversee application of the public's opinions as reflected in the Planning and Zoning Regulations. The P&Z Commission, then, is the community's mechanism to apply judgment to balance regulatory measurable and unmeasurable requirements³. This is an important responsibility given to the commission by the local community and is fully supported by regulation of the larger community, the State of Connecticut.

¹ An early contributor to this literature was Dr. V. F. Ridgway who wrote *Dysfunctional Consequences of Performance Measurements*, *Administrative Science Quarterly*, Vol 1, No.2, Sept 1956, pp. 240-247. A host of more modern and equally thoughtful writings are available. Please contact me if you are interested in some additional references.

² If public opinion is not relevant, as intimated by the chair in the September 12 P&Z meeting, holding open meetings and voicing or writing individual views to the commission is foolishness which is tolerated only to give the impression of openness but without a shred of actual substance.

³ Logically, if judgment were not required of the P&Z Commission, overseeing the regulations could be done by a robot with a yardstick.

In practice, a natural tension often emerges between measurable and unmeasurable characteristics. Yet the commission, and the individual commissioners, in balancing the measurable and the unmeasurable, must not allow either measurable or unmeasurable regulatory requirements to dominate their judgment. They must fairly and equally consider both.

The 142 Town Street application currently before the P & Z Commission has generated significant public comment both in favor of and opposing the proposed development. Many of these comments focus on unmeasurable attributes of the potential impact of the proposed development. The relevance of these comments is supported in the regulations. For example, Article 6, Site Plan & Special Permit Requirements Section 9.10 Special Permit Approval Criteria (paragraph d, page 22) states:

The kind, size, location and height of structures, and the nature and extent of site work, and the nature and intensity of the use, shall not hinder or discourage the use of neighboring properties or diminish the value thereof.

Also, in Article 10, Special Use Provisions, paragraph h, page 41, the Town of Cornwall Zoning Regulations state:

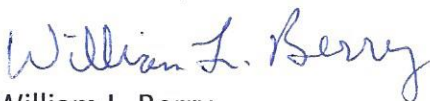
Additional conditions or safeguards may be deemed necessary to protect and promote property values, protect the area's environmental resources, improve the neighborhood compatibility, and promote best practices for site design.

Among the safeguards suggested in the regulation are:

...screening or buffering from adjacent/adjoining properties and the public right-of-way.⁴

In summary, my hope and expectation is that the P&Z Commission will fulfill its' obligation to apply their best and reasoned judgment in balancing the concerns of the public as expressed both in the regulations and in the public comment submitted by the community.

Most sincerely,



William L. Berry

⁴ While the 142 Town Street application indicates that a forest "buffer along property lines" exists, (page 1) the sparse line of trees between the Ridgway and the Ingersol properties can hardly suffice even as a visual let alone a sound buffer.]"

received by Kgs 9:00AM 2/26/2023
dropped off 2/21/2023 after 12 noon

Ridgway proposal on Town Street

Anne Coffin <annecoffin2@gmail.com>

Thu 9/21/2023 5:50 PM

To: Land use <landuse@cornwallct.gov>

Dear members of the Planning and Zoning Commission:

We write as enthusiastic supporters of the agricultural community in Cornwall and salute projects that sustain its health and growth for the next generation of farmers. For this reason we are in favor of the establishment of the Ridgway's hard cider mill as it represents new opportunities in the farming community.

However we are voicing here our objections to the proposed location which should be positioned farther back from the road as stated by the Ellises, Ingersols and other neighbors.

We also object to the serving of more than 2 ounces of hard cider; at this location. We believe a tasting room serving this amount would serve the Ridgway's purpose of marketing the product at the production site and, if removed from the road, would have little impact on the neighborhood.

We strenuously object to the serving of larger quantities of hard cider and to the creation of a social space with an events program on Town Street. This type of facility becomes what is generally known as a bar, and should be located in one of the two parts of Cornwall zoned for commercial activity, both of which are sorely in need of new enterprises and new energy.

We are concerned about the divide the Ridgway's proposal is creating in our community and respectfully urge you to consider these suggestions which we believe could form the basis of a compromise addressing concerns on both sides of this issue.

Thank you,
Anne and John Coffin
83 Cogswell Road
West Cornwall

Fwd: Ridgway Continuation SP#257

Anna Timell <atnevermorefarm@gmail.com>

Fri 9/22/2023 1:27 PM

To:Michelle Shipp <michelleshipp4@gmail.com>;Christine Gray <annachristinegray@gmail.com>;Land use <landuse@cornwallct.gov>;Phill West <westp@creamhill.net>;Keith Bodwell <kbodwell@gmail.com>;Janell Mullen <jmullenconsulting@gmail.com>;laportaj@yahoo.com <laportaj@yahoo.com>;Evans, Will <willfevans@yahoo.com>;Stephen Saccardi <hilltopelectrical@gmail.com>;Bruce Bennett <bbennett@kenthortservinc.com>

----- Forwarded message -----

From: **Anna Timell** <annatimellmd@gmail.com>

Date: Fri, Sep 22, 2023 at 1:21 PM

Subject: Fwd: Ridgway Continuation SP#257

To: Anna Timell <atnevermorefarm@gmail.com>

See request below for continuation by Ian Ridgway. The applicants are looking into the feasibility of moving the cider barn farther in on the property. This means our meeting Tuesday will be short. We will open the hearing, announce that the applicant has request a continuation, move to continue the hearing and set the next date (Nov. 28 will be 63 days), open our meeting, approve the minutes, close the meeting. There will be no public commentary. I will STILL need a quorum. Please let me know if you are coming. Anna

----- Forwarded message -----

From: **Ian Ridgway** <ianridgway97@gmail.com>

Date: Fri, Sep 22, 2023 at 10:46 AM

Subject: Ridgway Continuation SP#257

To: Anna Timell <annatimellmd@gmail.com>

Dear P&Z Commission Chair Anna Timell,

We request a continuation of 65 days for the public hearing regarding SP#257. We have listened to the concerns brought up by neighbors of the location of our proposed site and are working on looking into alternatives. It will take time to thoroughly do our research consulting with our engineer, Torrington Area Health District, the NWCT Soil Conservation District, soil scientist, surveyors and Cornwall Wetlands. We cannot promise that the site will be moved or altered, but we are invested in moving it if feasible.

Thanks,

Ian

supporting the Ridgway proposal

Guy Story <guy@guystory.com>

Sun 9/24/2023 3:20 PM

To:Land use <landuse@cornwallct.gov>

Cc:Kerry Donahue <kdonahue24@gmail.com>

Planning and Zoning folks,

We have owned our house at 400 Town St since 2007. We are writing to support Ian Ridgway's proposed farm store, apartment, and cidery including a tasting room.

While we do understand the concerns of folks who live closer to the proposed location, we feel that, as a community, we should encourage new ideas and initiatives that build on the longstanding and significant contribution of local farmers and encourage the next generation of farmers to create meaningful and prosperous lives here in Cornwall.

We are long-time, happy (and quiet) customers of the Ridgway farm stand. We welcome new access to local "produce, meat, syrup, and cider."

We are skeptical that this new enterprise will become the loud, disruptive presence others imagine. That said, we wonder if there is any way to "formalize" a restriction on noise or excessive traffic.

In any case, we support the proposed farm store, apartment, and cidery including a tasting room.

Guy Story & Kerry Donahue

To: Planning and Zoning Committee, Town of Cornwall, CT

From: Elizabeth Mitchell

Re: Cidery at Ridgway Farm

Please accept this letter as my personal support of the proposed Cidery at the Ridgway Farm on Town Street.

As a former resident of Cornwall and now as a person who runs the two day a week indoor farmer's market at 415 Sharon Goshen Turnpike I am keenly aware of the value of farms in Cornwall. Anyone who works with farmers on a regular basis can attest to how hard they work and how hard it is to make a farm profitable. It is because of this reality that the town now says it will allow farms to engage in non farming ways to make money. A Cidery is one of those ways.

As far as I can see, the Ridgways have done everything they need to do to be in compliance with town rules and regulations and, once again, it is hysterical town residents who want to throw gas on the fire. I am reminded of the ten year battle for the parking lot on Lower River Road and hearing town residents say that the parking lot would be filled with all kinds of nefarious activities if, in fact, the parking lot was built. Well, the parking lot was built and the nefarious activities have not happened and the town lost 10 years of parking availability to visitors and residents alike not to mention the ill will caused by the hysteria.

I will argue that there will not be drunken, marauding bands of loud people on Town Street, just like there is not drunken, marauding bands of people at the Cidery on Rt 22 in Millerton, even though that Cidery is open 7 days a week until 8pm every night. A Cidery at the Ridgway Farm will consist of the same people who frequent the indoor farmers market at 415 Sharon Goshen Turnpike where I work. It will consist of visitors who want something to do in the country. They will be respectful of the town and they will be respectful as they drive on Town Street. To think otherwise is simply hogwash and should be called out for what it is. Just as I called out the people claiming the parking lot would be used "by young people doing drugs" the hysteria of the Cidery ruining people's lives is simply outrageous. I would argue that those people should go and volunteer on a farm for one week. I'd bet their attitude would change once they saw the reality of farm work.

Thank you all for your time in reading this letter. I sincerely hope the Ridgways, a family that does countless hours of volunteer work in Cornwall, can have a Cidery and ease the physical and financial load of running a farm.

Best,
Libby Mitchell

received
electronically
a/25/2023
1:05 PM

TO: Planning and Zoning Commission

Subject: Ridgway's Application For Accessory Apartment And Cidery

It is hard to ponder this request for permits without some historical perspective. Cornwall was over the years alive with successful, productive businesses: metal products, lumber production, hardware, stores, creameries, small home businesses etc. I am not old enough to remember blacksmitheries, or growing flax for home weaving or many years ago the local, production of charcoal. Changing times bid goodbye to some early business ventures for understandable reasons. Yet vigorous local economy, whether past or present, is part of the soul of a community whether it is artistic, or marketing or publishing or something else such as agrarian pursuits. In my lifetime Cornwall was known for its dairy farms, and historically earlier, for cherry, peach, and especially apple orchards, both large and small, on Cream Hill, Cherry Hill and in other parts of Cornwall. Apples and cider were important farm crops, very much a part of the broad field of agriculture, and cider was a big part of the apple business. I remember a single large apple orchard and poultry farm which belonged to the Hopf family. There was a cider press there and fresh cider was sold at a roadside stand. Some farmers gave up orcharding in favor of more lucrative milk markets, and today Cornwall has little by way of a locally grown, fresh fruit market.

So today a local young man would like to plant an orchard, taking a long view into the future when his trees will be productive. To that end he has already secured scions from numerous old, heirloom apple trees in Cornwall and beyond and successfully grafted these scions onto apple stock helping to preserve some wonderful, old apple varieties which flourished in Cornwall years ago. These apples and perhaps others will along with production of cider/apple juice and related products become part of his contribution to Cornwall's local food source. All of this will be happening on a successful existing, local farm. Does this have our support. Absolutely.

Philip W. Hart
Cherry Hill Road
Cory Hart

received
9/26/2023
by [signature]
dropped off
on 9/21/2023
after [signature]