

PLANNING & ZONING COMMISSION REGULAR IN-PERSON MEETING SEPTEMBER 12, 2023

Present: Regular members Chairman Anna Timell, Keith Bodwell, Christine Gray James LaPorta, Stephen Saccardi, Phill West, alternate members Will Evans and Michelle Shipp.

Absent: Bruce Bennett

Others present: Commission Planning Consultant Janell Mullen.

Chairman Anna Timell called the IN-PERSON meeting to order at 7:04PM in *the Town Hall Auditorium (moved from the library due to an overflow with notices posted on Library doors)* with a quorum established.

Chairman Timell, referring to a printed agenda distributed to Commission members (and distributed to the public) asked for a motion to amend the agenda to add additional correspondence received from Andrea Geisser, Tony and Roxanna Robinson, and Brian Savin. Amended agenda made part of the record.

Motion made by Mr. LaPorta, seconded by Mr. Bodwell, to amend the printed agenda to add new correspondence (Geisser and Savin) received that day; unanimously approved

PUBLIC HEARINGS: The entire proceedings were recorded electronically (by means of a video being prepared by Richard Griggs) and are available on the Cornwall website.

Chairman Timell opened the public hearing at 7:04PM with all seated members participating in the hearing. Ms. Timell gave an overview for the procedure for the evening's hearings, including the process for submitting comment prior to the meeting, the process for public comment, including time constraints and the Commission's jurisdictional authority. The legal notice, for the listed hearings, as published in Waterbury Republican on August 31 and Sept. 7, 2023 and filed in Town Hall, and posted on the Town website was referenced as part of the record.

SP#257 - Jayne and Gordon Ridgway owners/Ian Ridgway and Jayne Ridgway applicants - Special permit for a farm cidery and farm store as per 10.5.f (Agricultural & Accessory Uses subject to Special permit) and special permit for a detached accessory apartment as per Section 10.1 (Accessory Apartments and apartment uses) - 142 Town Street.

Information made part of the record (forwarded to the Commission electronically, prior to the meeting, on file in the Land Use office, and posted on the Town website prior to the opening of the hearing)

- Special permit Application SP#257
- Correspondence dated 8/01/2023 granting permission for William Colby and Ian Ridgway to represent property owners Gordon and Jayne Ridgway
- Narrative prepared by Jayne and Ian Ridgway (6 pages)
- "Site Plan in Support of Zoning Application Special Permit Application prepared for Ridgway Farm 142 Town Street, prepared by Colby Engineering and Consulting, In Goshen CT dated 5/15/2023 revised to 8/15/2023"

- Black and white map segment with blue notes showing distances and locations of proposed structures
- Torrington Area Health approval dated May 22, 2023
- Site Development Map prepared for Gordon Ridgway 142 Town Street dated 1/19/2023 prepared by Colby Engineering and Consulting, In Goshen CT revised to 4/20/2023
- IWWA Permit #668 for Regulated non-significant activities
- Map #331 Town of Cornwall Land Records Entitled “Bruce and Kathleen Ridgway – Town Street Cornwall CT” dated January 1981 with blue notes showing proposed structures, distances, and abutters
- Color “aerial” view map showing notes including elevations, proposed structures, and other misc.
- Correspondence (batches 1 – 8) posted on the Town website and listed on the agenda
 - 8/29/2023 Schiller, Tom
 - 8/29/2023 Griggs, Bianca
 - 8/31/2023 Brecher, Jeremy
 - 8/31/2023 Cutler, Jill
 - 8/31/2023 Gold, Barbara
 - 8/31/2023 Trowbridge and Marohn
 - 8/31/2023 Jones, Bart and Debby
 - 8/31/2023 Carano, Mike and Lynn
 - 8/31/2023 Berry, William
 - 8/31/2023 Herold, Jane
 - 8/31/2023 NW Conservation District
 - 9/5/2023 Williams, Hunt
 - 9/5/2023 Ingersoll, Diane
 - 9/5/2023 CT Farm Bureau
 - 9/5/2023 Berry, Nancy
 - 9/5/2023 Zinsser, Anne
 - 9/7/2023 Ian Ingersoll
 - 9/7/2023 Margaret Cooley
 - 9/10/2023 Ed and Dinny Greene
 - 9/10/2023 Tom and Arlene Barrett
 - 9/10/2023 Sarah Calhoun
 - 9/10/2023 Honora Horan
 - 9/11/2023 Cooper-Ellis
 - 9/11/2023 Garmey, Jane
 - 9/11/2023 Bramley, Richard

The legal notice, for the listed hearings, as published in Waterbury Republicans on August 31 and September 7th was referenced as part of the record by chairman Timell.

William “Bill Colby” PE with an office in Goshen, was in attendance to represent the application.

Mr. Colby addressed details as shown on the display of mapping "Site Plan in Support of Zoning Application Special Permit Application (A-2 Survey) prepared for Ridgway Farm 142 Town Street, prepared by Colby Engineering and Consulting, In Goshen CT dated 5/15/2023 revised to 8/15/2023" including the location, size and uses in the proposed 80' x 30' barn structure, the accessway, parking area, well and septic, drainage patterns, compliance with zoning set-back requirements, parking requirements, impervious surface, and approvals by TAHD for the structure and proposed uses and wetlands approval..

The floor was opened to the Commission for questions and comments. In response to questions, there was clarification of details Saccardi (location of septic fields), (LaPorta relating to the driveway meeting grade (flat) and buildable area, distances from property lines to the closest abutter and residence (Mullen).

Chairman Timell, addressed her observations from an individual site walk taken on the property with the permission of the owners, giving an overview of her observations of the riparian buffers, viewshed and other site details.

Hearing no other questions from the Commission, the floor was opened to Ian Ridgway Mr. Ridgway read a narrative into the record, noting changes from the original narrative on file. Mr. Ridgway referenced and read part of excerpts of correspondence (Joan Nichols/CT Farm Bureau and Laurence Rousseau NWCD chairman). In response to questions, Mr. Ridgway addressed the alcoholic content of hard cider as relating to beer, the reduction of hours in the revised narrative (with clarification from Mullen), seating capacity (LaPorta), the submission of the floor plan to TAHD and approval by the Fire Marshall, and clarification as to hours of operation as relating to approval by TAHD (Saccardi) Hearing no other questions from the Commission, the floor was opened to the audience.

As per the instructions of the chair, those speaking first were attendees that had not submitted written comments. A time frame of 4 minutes was established.

Richard Dolan, 163 Cornwall Hollow Road addressed the applications relating to goals in the Town Plan of Conservation and Development specific to retaining young people in the area.

William Hurburt, (Fox Road) spoke regarding agriculture in Cornwall.

Jonathan Ellis, 150/158 Town Street, addressed areas of distances between abutting properties owner to the proposed structures and activities,

Ian Ingersol, 136 Town Street, submitted written comments, and distributed correspondence (Petition with signatures) to the Commission.

William Berry, 142 Lake Road, addressed the consideration of changing easements and other site features on the property. In response, Mr. Colby addressed other various site features.

Jed Gracey, 36 Pine Street, addressed agricultural uses and stated that the project complied with zoning regulations.

Claire Ellis, (daughter of Barbara Ellis, 150/158 Town Street, addressed the re-consideration of concerns being expressed by neighbors to be addressed by the Ridgway's.

Diane Ingersol, 136 Town Street, addresses her concerns and issues with the application as proposed

Richard Bramley, 29 Poughkeepsie Road, addressed the relationship of the application to the Town Plan, and gave an overview of “alcoholic and non-alcohol beverage sales based on his proprietorship of a local package store,
John Williams, Land use attorney, from the firm of Shipman and Goodwin, and representative for the Ingersols, addressed conflicts with current zoning regulations, etc.

Motion made by Mr. Bodwell, seconded by Ms. Gray to continue the public hearing for **SP#257 – Jayne and Gordon Ridgway owners/Ian Ridgway and Jayne Ridgway applicants - Special permit for a farm cidery and farm store as per 10.5.f (Agricultural & Accessory Uses subject to Special permit) and special permit for a detached accessory apartment as per Section 10.1 (Accessory Apartments and apartment uses) - 142 Town Street** to a special meeting, to be held September 26, 2023 IN PERSON in the Cornwall Town Hall Auditorium 24 Pine ST commencing at 7PM: unanimously approved.

SP#258 – Town of Cornwall owner/Little Guild applicant – Modification to existing Special permits for a change of location for the temporary siting of facilities (housing of dogs) currently at 285 Sharon Goshen Turnpike to Town owned land Foote Fields - 65 Furnace Brook Road during reconstruction and improvements to the current facility.

Chairman Timell opened the public hearing at 8:35 PM with all seated members participating in the hearing.

Information made part of the record (forwarded to the Commission electronically prior to the meeting, on file in the Land Use office, and posted on the Town website prior to the opening of the hearing)

- Application #258 including Application form;
- Excerpts from 08/23/2023 P&Z meeting addressing 8-24 referral
- 08/07/2023 Memo from the Board of Selectmen addressing 8-24 referral for the Use of a section of Foote Fields by Little Guild for a temporary location
- Special Permit application for Little Guild/#217 dated 6/0/2011 and excerpts of minutes granting the last modification to the special permit
- Site Plan “Proposed site Plan for Temporary Location at Foote Fields, prepared y Silver Petrucelli, for Little Guild
- 7/13/2023 email from Karen Doeblin to the Board of Selectmen

Karen Doeblin, president of Little Guild, was in attendance to address the application. Ms. Doeblin gave an overview of the proposal for the use of a small portion of Foote Fields (1/2 acre) for the temporary location of dogs (18 months) currently housed at the current facilities for the non-profit at 285 Sharon Goshen Turnpike. Ms. Doeblin gave an overview of options explored and the current choice for temporary housing at the Foote Fields recreational fields. Ms. Doeblin addressed conversations with various Town entities including the Park and Recreation department regarding the duration of the temporary use, the nature and appearance of the structures and their placement, and ongoing work with the Town of Cornwall to negotiate an acceptable lease document protective of the Town. Ms. Doeblin addressed their contractor, Burlington Construction as the party responsible for the siting of the structures and the restoration of site.

In response to questions from the Commission, Mrs. Doeblin re-addressed the removal of asphalt after the trailers were removed (Shipp), the concerns addressed regarding treatment of waste water (Saccardi) and the nature of the temporary use (West).

Hearing no other questions, the floor was opened to the audience.

Lynne Scoville, 243 Town Street, addressed the nature of the ownership of the Foote Fields by the Town, (gift of land) and if all original stipulations were being addressed and would remain in place. In response, it was noted that such was being addressed by the BOS.

Ali Lesch Jewell Street, and abutting neighbor, posed questions about the discussion regarding unexpected issues, i.e., dog barking etc., noting her pleasure with the responsiveness of the Board of the Little Guild to her concerns, with Ms. Doeblin restating that such responsiveness would continue.

Hearing no other concerns or comments:

Motion made by Mr. Bodwell, seconded by Ms. Saccardi to close the public hearing for **SP#258 – Town of Cornwall owner/Little Guild applicant – Modification to existing Special permits for a change of location for the temporary siting of facilities (housing of dogs) currently at 285 Sharon Goshen Turnpike to Town owned land Foote Fields - 65 Furnace Brook Road during reconstruction and improvements to the current facility;** unanimously approved.

Donald S. Hedden owner/Keith Bodwell applicant – One Resubdivision with a Special Exception #259 for shared driveway as per Section 8.1.7 – 87 Cream Hill Road.

Chairman Timell opened the public hearing at 8:46 PM with all seated members participating in the hearing. Regular member Keith Bodwell recused himself from the proceedings. Alternate Michelle Shipp was seated in Mr. Bodwell's position

Information made part of the record (forwarded to the Commission electronically prior to the meeting, on file in the Land Use office, and posted on the Town website prior to the opening of the hearing)

- Applications for re-subdivision and special permit
- Torrington Area Health approval dated June 1, 2023
- List of abutting neighbors
- Narrative for 87 Cream Hill as prepared by Bodwell Engineering
- "Subdivision Plan for 87 Cream Hill Road, West Cornwall prepared by Bodwell Engineering for Donald S. Hedden, dated 7/2023"
- Subdivision Plan- Option 2 for 87 Cream Hill Road, West Cornwall, prepared by Bodwell Engineering for Donald S. Hedden, dated 7/2023"
- Subdivision Plan- Option 3 for 87 Cream Hill Road, West Cornwall, prepared by Bodwell Engineering for Donald S. Hedden, dated 7/2023"
- Inland Wetlands Permit/Report dated August 2023

Mr. Bodwell, PE with an office in West Cornwall, gave an overview of the one lot resubdivision proposed for a family member. Mr. Bodwell described the nature of the lot

and the surrounding area, including fields, woodlands and agricultural uses. Mr. Bodwell stated that the single-family lot was being created both for residential and agricultural uses, “goats and cows”. Mr. Bodwell discussed the existing woods road previously serving the lot for agricultural uses being used as access for the single-family residence, noting that such had been addressed in the wetlands permitting and report made part of the record. Mr. Bodwell noted that although 3 options pertaining to the driveway location had been included in the original application, the applicant intended to pursue option 3, the relocation of the existing driveway to create a shared driveway with an easement agreement between the two landowners.

In response to questions from the Commission, Mr. Bodwell stated that the new lot was proposed at 3.49 acres (Saccardi), that easement language for the shared lot was in process (Gray) with clarification that the easement would be private (Mullen) and 50’ wide.

The floor was opened to the audience for comment.

Richard Dolan, 162 Cornwall Hollow Road, address “concerns” related to wetlands by neighbors with note made by chairman Timell that wetlands concerns and complaints were not pertinent to the discussion at hand.

Hearing no other concerns or comments from the Commission or the audience:

Motion made by James LaPorta, seconded by Ms. Gray to close the public hearing for **Donald S. Hedden owner/Keith Bodwell applicant – One Resubdivision with a Special Exception #259 for shared driveway as per Section 8.1.7 – 87 Cream Hill Road;** unanimously approved.

Mr. Bodwell returned to the proceedings.

Text amendment to the Town of Cornwall Zoning Regulations (before Article I) to extend the existing One-year moratorium (November 1, 2022 to October 22, 2023) another 18 months on all license types (cultivator, micro-cultivator, producer, product manufacturer, food & beverage manufacturer, product packager, retailer, hybrid retailer, dispensary facility, delivery service, transporter) associated with adult recreational cannabis use (as provided for in PA 21-1 and 22-103) through May 31, 2025.

Chairman Timell opened the public hearing at 8:56PM with all seated members participating in the hearing.

Information made part of the record (forwarded to the Commission electronically prior to the meeting, on file in the Land Use office, and posted on the Town website prior to the opening of the hearing

- Correspondence entitled “Town of Cornwall to the Planning & Zoning Commission - Memorandum regarding Adult Recreational Cannabis Prepared by Janell Mullen, Consultant Planner on March 21, 2023 and updated in advance of August 8, 2023 meeting

Chairman Timell gave an overview of the reasons the Commission was recommending an extension to the moratorium, including the continuing amendments to the original statute, the current state moratorium on new applications, and the class-action lawsuit being brought against the state on the basis of violation of Federal statutes concerning cannabis legalization.

Hearing no other concerns or comments from the Commission or the audience:

Motion made by Keith Bodwell, seconded by Ms. West to close the public hearing for **Text amendment to the Town of Cornwall Zoning Regulations (before Article I) to extend the existing One-year moratorium (November 1, 2022 to October 22, 2023) another 18 months on all license types (cultivator, micro-cultivator, producer, product manufacturer, food & beverage manufacturer, product packager, retailer, hybrid retailer, dispensary facility, delivery service, transporter) associated with adult recreational** unanimously approved.

REGULAR MEETING

1. ZONING PERMITS None listed

2. APPROVAL OF MINUTES: JULY and AUGUST regular meeting minutes

Motion made by Mr. Bodwell, seconded by Mr. Saccardi to approve the minutes of the July meeting with a typographical correction (Correction Shipp): unanimously approved.

Motion made by Mr. Bodwell, seconded by Mr. West to approve the minutes of the July meeting with typographical correction (Correction Shipp): unanimously approved.

3. PENDING APPLICATIONS

1. SP#257 – Jayne and Gordon Ridgway owners/Ian Ridgway and Jayne Ridgway applicants - Special permit for a farm cidery and farm store as per 10.5.f (Agricultural & Accessory Uses subject to Special permit) and special permit for a detached accessory apartment as per Section 10.1 (Accessory Apartments and apartment uses) - 142 Town Street.

Continued to September 26, 2023.

2. SP#258 – Town of Cornwall owner/Little Guild applicant – Modification to existing Special permits for a change of location for the temporary siting of facilities (housing of dogs) currently at 285 Sharon Goshen Turnpike to Town owned land Foote Fields - 65 Furnace Brook Road during reconstruction and improvements to the current facility.

Motion made by Mr. LaPorta, seconded by Mr. Bodwell, to approve **SP#258 – Town of Cornwall owner/Little Guild applicant – Modification to existing Special permits for a change of location for the temporary siting of facilities (housing of dogs) currently at 285 Sharon Goshen Turnpike to Town owned land Foote Fields - 65 Furnace Brook Road during reconstruction and improvements** to the current facility as per the oral and written testimony of the applicant and property owner; unanimously approved.

3. Donald S. Hedden owner/Keith Bodwell applicant – One Resubdivision with a Special Exception for shared driveway as per Section 8.1.7 – 87 Cream Hill Road.

Motion made by Mr. Saccardi, seconded by Ms. Gray, to approve **Donald S. Hedden owner/Keith Bodwell applicant – One Lot Resubdivision with a Special Exception for shared driveway as per Section 8.1.7 – 87 Cream Hill Road AS PER THE SITE PLAN PRESENTED, with THE CONDITION** that the copies of the easements and all necessary documents necessary for the execution of the subdivision plan shall be delivered and approved (LaPorta) and as amended for clarification (Mullen) no special exception certification will be issued to the property owners until the easement and other instruments of the subdivision pursuant to the Subdivision regulations have been received: unanimously approved.

Mr. Bodwell returned to the proceedings.

Text amendment to the Town of Cornwall Zoning Regulations (before Article I) to extend the existing One-year moratorium (November 1, 2022 to October 22, 2023) another 18 months on all license types (cultivator, micro-cultivator, producer, product manufacturer, food & beverage manufacturer, product packager, retailer, hybrid retailer, dispensary facility, delivery service, transporter) associated with adult recreational cannabis use (as provided for in PA 21-1 and 22-103) through May 31, 2025.

Motion made by Mr. Bodwell, seconded by La Porta, to approve the proposed text amendment to the Town of Cornwall Zoning Regulations (before Article I) to extend the existing One-year moratorium (November 1, 2022 to October 22, 2023) another 18 months on all license types (cultivator, micro-cultivator, producer, product manufacturer, food & beverage manufacturer, product packager, retailer, hybrid retailer, dispensary facility, delivery service, transporter) associated with adult recreational cannabis use (as provided for in PA 21-1 and 22-103) through May 31, 2025; unanimously approved.

5. STAFF REPORT – None. LUA/CZEO – Karen Griswold Nelson/Enforcement Actions –

Griswold Nelson not in attendance.

6. CORRESPONDENCE AND COMMUNICATIONS. All listed under appropriate applications.

7. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

8. PLANNING WORKSHOP MEETING. None,

Motion made by Mr. Bodwell, seconded by Mr. Saccardi, to adjourn at 9:15PM; unanimously approved.

Respectfully submitted for Phill West, Commission recording secretary