

## **PLANNING & ZONING COMMISSION REGULAR IN-PERSON MEETING OCTOBER 10, 2023**

**Present: Regular members Anna Timell, James LaPorta, Stephen Saccardi and Phill West, alternate member Michelle Shipp, and LUA/ZEO Karen Griswold Nelson.**

**Absent: Regular members Keith Bodwell and Christine Gray and alternate members Bruce Bennett and Will Evans.**

**Others present: Commission Planning Consultant Janell Mullen**

Chairman Anna Timell called the meeting to order at 7:04PM with a quorum established. Alternate Michelle Shipp was seated for regular member Keith Bodwell.

### **ZONING APPLICATIONS:**

#### **OTHER BUSINESS PROPER**

##### **1. APPROVAL OF MINUTES; September 26, 2023 special meeting**

**Motion** made by Michelle Shipp, seconded by James LaPorta, to approve the minutes of the September 26 special meeting as presented; unanimously approved.

##### **2. NEW APPLICATIONS : SEE UNDER ZONING PERMITS**

##### **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 November 24, 2023.**

##### **4. STAFF REPORT - LUA/CZEO – Karen Griswold Nelson Enforcement Actions – KGN**

**Zp#1190 – West Cornwall Development Corp – Zoning permit modification to change Use to two bedroom apartment 2<sup>nd</sup> floor, one bedroom apartment first floor and retail first floor. – 417 Sharon Goshen Turnpike. Permit approved.**

There was general discussion of the final changes to the floor and space configuration of the “Pink/White House for two previously approved apartments and one re-defined retail space on the lower floor. The site plan was to be forwarded to the Commission.

**ZP#1191 – Town of Cornwall/Cornwall Conservation Trust – Cornwall Park and Recreation Commission – trail signage for the Furnace Brook preserve – Foote Fields. Permit approved.**

Note was made by ongoing business in the Zoning office including two subdivisions in process and no enforcement actions.

- 5. CORRESPONDENCE AND COMMUNICATIONS. See under “OTHER BUSINESS”**
- 6. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**
  - **Discussion of Standard Operating Procedure vis-a-vis deadline for receipt of letters prior to a meeting.**

Chairmen Timell prefaced the discussion by addressing issues associated with recent public hearings and the receipt of information and its placement on the website. Noting that defined deadlines had been previously established, Chairman Timell addressed concerns and ill will relating to receipt of information within the established deadlines and therefore causing the matter to be revisited for clarification. Chairman Timell addressed the decision (kng and Timell) to post the correspondence received after the deadline (for the September 26<sup>th</sup> special meeting) on the website.

The floor was opened to members in attendance regarding the matter of correspondence in general and the treatment of correspondence received. There was discussion of timing (Tuesday or Thursday before, 12 noon) as previously established. With note made by Ms. Mullen that currently there was no legal obligation by any town entity (all commissions and Boards) to post correspondence on a town website (as had been required by COVID) Ms. Mullen addressed protocol and methodology for the receipt and treatment of information received (by the Land Use office) and the timing needed for information to be dispensed to land use commission members to be prepared for upcoming meetings. Note was also made (kgn) with response with Chairman Timell about the public’s understanding of how to find information on the website. It was noted that Planning & Zoning commission correspondence, and other information (agendas and minutes) was not found under Town News as many thought it was.

After discussion, it was agreed, as relating to all future agendas (regular and special),

**Motion** made by Mr. West, seconded by Mr. LaPorta, to adopt the language as follows”

All formal communications to the Planning and Zoning Commission to be posted on the Town Land Use website page

<https://cornwallct.org/category/town-of-cornwall/minutes-agendas/planning-zoning> must be received by the Land Use office, by email [Landuse@cornwallct.gov](mailto:Landuse@cornwallct.gov) or written form by Thursday at 12 noon the week before the next regularly scheduled P&Z meeting. All communications received after the deadline should be brought in person to the next regularly scheduled meeting: unanimously approved.

- Annual report 2022-2023 –draft copy in process.
- Commission member training statutory requirements

*Excerpts from “What’s legally required – A Guide to Legal rules for making local land-use decisions in the State of Connecticut by Michael A. Zizka -Chapter 5 – Powers and duties of Land Use Agencies – was referenced. (Copy of text on file)*

***“Public Act-21-29 added a new requirement for members of zoning and planning commissions and zoning board of appeals. On and after January 1, 2023, each member of these agencies must complete at least 4 hours of training. Any such member serving as of January 31, 2023, must complete his or her initial training by January 1, 2024...***

There was general discussion of the requirements with suggestions as to classes and courses that could qualify for educational requirements. There was general discussion as the keeping of hours by members or commission staff. It was suggested that sessions with legal counsel Michael Zizka could be considered in possible partnership with other town commission with follow-up by any changes to OPM requirements by Ms. Mullen.

## **7. PLANNING WORKSHOP MEETING.**

### **Workshop with Commission planner regarding regulatory changes consistent with the Town Plan of Conservation & Development and state requirements – ADU draft regulations.**

Document made part of the record for discussion - Memorandum regarding amendment to current Regulations (Article 10.1 “Accessory Apartments & Apartment Uses”) Prepared by Janell Mullen, Planning Consultant originally issued for discussion at August meeting.

There was general discussion of the document as prepared with conversations regarding changes and wordsmithing... Chairman Timell addressed her position on the Housing Task Force and questions raised regarding Airbnb uses of accessory apartments and information forwarded to the Commission regarding the same. There was general discussion of the issue as relating to enforcement and ADU’s and Air B&B’s relating to legality, income for property owners, and relating to goals stated in the Plan of C&D (West) with no proposed changes to the current document based on the complexity of the issues (Mullen, Timell and Nelson).

There was discussion as to clarification of the term buildable area (LaPorta) with concerns raised by Mr. LaPorta as the language in the current definition of buildable area being unclear and incomplete. There was general discussion as to the buildable area being more clearly stated (referenced in the page 15 “Dimension requirements”, and “Definitions” - Mullen), and buildable area as relating to agricultural uses and wetlands exceptions. After discussion, there was agreement to add the statement “All buildings including accessory building greater than 250 square feet must be located in the buildable area” to Section 3 - “Definition – Buildable Area” as a text amendment to be set for public hearing at the December 12, 2023 regular meeting.

**Motion** made by Mr. LaPorta seconded by Mr. West, to set an amendment to the Zoning regulations, the statement “All buildings including accessory buildings greater than 250 square feet must be located in the buildable area” added to Article 3 - “Definitions” – Buildable Area for public hearing at the December 12, 2023 regular meeting”; unanimously approved.

**Motion** made by Mr. West, seconded by Mrs. Shipp to set the amendments to the Zoning regulations - Article 10.1 “Accessory Apartments & Apartment Uses” (as per the corrected document)” for public hearing at the December 12, 2023 regular meeting; unanimously approved.

Ms. Mullen was charged with providing the corrected ADU amendment to the Land Use office.

## **8. ADJOURNMENT.**

**Motion** made by Mr. West, seconded by Mr. LaPorta, to adjourn at 8:25PM; unanimously approved.

Respectfully submitted by Karen Nelson for Commission Secretary Phill West

**ZP#1183 – Thomas Torrisi owner/Craig Wilson applicant - Modifications to a single family residence (interior and exterior) - To add 859 square feet of living space and a 185 square foot screened porch - 252 Furnace Brook Road. Permit approved.**

**ZP#1184 – Leigh Newman applicant/ prospective owner- Peter Ebersol legal representative - feasibility of property identified in mapping - 000 Everest Hill Road, West Cornwall, prepared by William Colby, and dated 07/03/2023” For the construction of a single family residence, driveway, septic and well – permit approved with conditions. Permit approved.**

**ZP#1185- Douglas Kane/Jason Klein – 31’ x 12’ deck on a single family residence – 179 Warren Hill Road.**

**ZP#1186 – YMCA Camp Mohawk – Construction of “camp” shower houses as per plans submitted – 246 Great Hill Road. Permit approved.**

**ZP#1187 – Kenneth & Lorraine Brause – addition to an existing deck – 19 Whitcomb Way. Permit approved.**

**ZP#1188 – All Seasons HVAC – reconstruction of an existing single family residence with expansion of footprint for additional bedroom and deck- 14 Mansonville Road- Permit approved.**

**ZP#1189 – Catherine Scott and Jamie Resor – additions to a single family structure – 148 Cream Hill Road.**