

## **PLANNING & ZONING COMMISSION SPECIAL IN-PERSON MEETING DECEMBER 12, 2023**

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

**Absent: Regular members Keith Bodwell and alternates and Michelle Shipp.**

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

Chairman Anna Timell called the meeting and the continued public hearing to order at 7:00PM with a quorum established. Alternate member Bruce Bennett was seated for regular member Keith Bodwell.

**CONTINUED PUBLIC HEARING 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 on file in the Land Use Office (and posted except where noted) on the Government/Minutes and Agendas/Planning and Zoning entitled “Materials for Continued Public hearings of December 12th) and forwarded to all Commission members prior to the meeting

- Mapping entitled “Site Development Plan prepared by Gordon Ridgway 142 Town Street, by Colby Engineering and Consulting, William Colby, PE, Goshen CT, sheets 1 and 2, dated 11/12/2023 as revised to 11/25/2023
- Legal notice for continued hearing as published in the Republican American, filed in the Town Clerk’s Office, and posted on the Cornwall CT website under materials for Continued Public hearing.
- 12/07 email from Ian Ridgway regarding changes to the narrative
- Inland wetlands permit # 673 made part of the record by staff
- Torrington Area Health approval for the modified location made part of the record by staff.
- Public Act NO 09-47 Sale of Cider provided by Ian Ridgway for distribution on file in the Land Use office
- Public Act No 23-47 An Act concerning Farm winery permittees provided by Ian Ridgway for Ridgway for distribution on file in the Land Use office

Chairman Timell addressed the audience regarding the protocol for public hearings for special permits, the receipt of information to be made part of the record, and the procedure to be followed for the evening’s meeting. The floor was opened to the applicant and the applicant’s representatives for their presentation.

Ian Ridgway, applicant, read correspondence into the record (written copy submitted).

The floor was opened to the Commission for questions addressed to Mr. Ridgway.

Questions posed included clarification as to amount of the site under production (Ms. Gray) state regulations as to average serving sizes of alcoholic beverage (Mr. Saccardi), state regulations for farm wineries and clarification of hours, events, food trucks (none as stated in the new narrative), music and events (Mr. Bennett) with clarification made by chairman Timell) that the regulations currently do not allow events.

Martin J. Connor, AICP, Land Use Planning Consultant, 9 Millay Ct., Litchfield, CT read his review letter into the record, addressing compliance for the farm cidery and farm store - Article 10, Section 10.5.f; compliance with Site Plan requirements - Article 8 – Section 8.2.c. , Detached Accessory apartment- Section 10.1 – Accessory Apartments, and other approvals and requirements needed. (written copy submitted). Mr. Connor addressed his knowledge of the Ridgway site and other similar operation in Goshen and Cornwall. Mr. Connor submitted a brochure entitled “Planning for Agriculture”.

Note was made by Griswold Nelson of information made part of the file, including wetlands approval, the change of the meeting to a special meeting and the re-noticing of the location, and Torrington Area Health approval. Note was made of all information received and/or transmitted from the Land Use up to 12 noon on December 7 being placed on the website and information received that morning being distributed to commission members.

In response to questions from staff and chairman Timell, there was acknowledgement with observations by Commission members (and staff) that had taken site walk on the property: James LaPorta, Anna Timell, Stephen Saccardi and Karen Griswold Nelson.

The floor was opened to the public for comments.

Richard Dolan, 163 Cornwall Hollow Road, read a statement into the record (written copy submitted and made part of the record).

Margaret Cooley, read a statement into the record from her neighbors, Sally and Kevin O’Connell, 51 Cherry Hill Road (written copy submitted and made part of the record).

Margaret Cooley, read a letter into the record (written copy submitted and made part of the record).

Chris Hopkin, Cornwall Bridge, spoke in support of the application.

Terry Burke, Cornwall Bridge, addressed the nature of cider mills (in England) and his findings of how they supported the community.

Jill Cutler, (former P&Z chairman) spoke in support of the cidery, referencing compliance with the Zoning Regulations. Plan of Conservation and Development, stating that it ticked off all the boxes.

Richard Dolan, 12 Cherry Hill Road, spoke in support of the application, citing his history of farming over the years and the need for young people to be able to farm in Cornwall, citing the need for diversity.

Jeremy Brecher, Yelping Hill Road, Connecticut historian and text author for “Cornwall in Pictures” gave a historical context of agricultural information as found in the publication adding in information about traditions of cider (Yankee Magazine).

Richard Bramley, Cornwall Bridge (proprietor of Cornwall Package Store) addressed 3 points and a simple survey, providing information as to state law and regulations pertinent to the Ridgway application. (Written copy submitted and made part of the record)

Jane Herald, Sharon Goshen Turnpike (living near Mohawk Mountain) addressed that similar issues could be raised about the ski area and addressed making opportunities and similar models such as this application work.

Jane Garmey, 106 Cogswell Road, addressed the Park and Recreation event on the Town Green last summer with music, food, loud and noise community event and the similarities in terms of the same event in a residential neighbor. Ms. Garmey addressed the term and concept of “agrictainment” and submitted comment for the record.

James Stewart, 19 Town Street, read a statement into the record (written copy submitted and made part of the record).

Betty Spence, 42 Lake Road, read a statement into the record (written copy submitted and made part of the record).

Diane Ingersol, 136 Town Street, read a statement into the record (written copy submitted and made part of the record).

Roxanna Robinson, 218 Town Street read a statement into the record (written copy submitted and made part of the record).

Ian Ingersol read letters into the record for John and Anne Coffin, Cogswell Road, Mary Ellen and Andrea Geissler, 190 Town Street, and Bart and Debby Jones, Popple Swamp Road, and provided copies for distribution to the Commission. Mr. Ingersol addressed personal concerns regarding the Ridgway application as a whole.

Joseph Ellis, 158 Town Street, addressed observations and concerns regarding the changes to the plans as provided, referencing Action Wildlife in Goshen as an example of how agricultural uses can change the landscape.

Attorney Joseph Williams, submitted written copies of information emailed to the Land Use office previously (case law, the statutory definition of farming and comments dated 11/28/2023) and supplied copies of all correspondence submitted electronically to the Land Use that morning and made part of the record. Attorney Williams re-addressed additional information being made part of the record relating to apples on the site, the amount of cider, and the proposal relating to accessory uses, principal uses, and subordinate uses relating to uses relating to farming.

Chris Jackson, 134 Dibble Hill Road, addressed encouraging young families (like himself and the Ridgway's) to succeed in the town.

Richard Bramley, Cornwall Bridge, addressed a survey relating to different kinds of alcoholic beverages being consumed by oneself or someone known - wine, beer, or hard cider.

Roxanna Robinson, asked for clarification as to "events" with clarification from chairman Timell that she did not have a ready answer.

Commission member LaPorta asked for clarification on the delivery of off-site apples, and removal of waste (as relating to TAHD approval), lighting, and events with responses from Mr. Ridgway, Janell Muller, and chairman Timell.

Janell Mullen addressed and clarified the discussion of "event", as referenced during the hearings and as addressed in the regulations, Article 4 permitted uses.

**Motion** made by Mr. Bennett, seconded by Mr. Saccardi, to close the public hearing.

Prior to the motion being called, the floor was re-opened to the Commission for final questions to the applicant and for clarification by staff of specific technical matters. Ms. Mullen encouraged the Commission to ask questions to the applicant and their representatives prior to the closing of the hearing.

In response to questions, from Ms. Mullen and Mr. LaPorta, Mr. Colby and Mr. Ridgway addressed onsite parking and parking spaces, relating to available space, reserve spaces, overflow parking and vehicle capacity overall with note made as to "ample room" on the site for parking. Note was made as to future plans perhaps exceeding

In response to questions from Mr. Bennett, regarding lighting, there was response from Mr. Ridgway and Mr. Connor regarding the plans for lighting, relating to seasonal and time of year, safety, and security lighting. In response to questions regarding alcoholic consumption and the person in charge, Mr. Ridgway stated that the oversight was the responsibly of the permittee with clarification as to sale and consumption of cider. Mr. O'Connor and Mr. Ridgway addressed similar operations (Norbrook/Colebrook) being "farm experience" as opposed to coming to drinking until getting drunk.

In response to questions from Mr. Bennett, as to the expected sales products in the farm store, Mr. Ridgway stated that seasonal produce from the farm, (fruits, vegetables), maple syrup, beef, pork, maple sauces, and other value addresses products (i.e. jams, jellies, salad dressings etc.) as sold at the farmer market.

In response to questions from Ms. Mullen as to occupancy, it was noted that the farm store would be open when the tasting room was open, with the expected occupancy of 15 seats inside. Mr. Ridgway clarified that the occupancy was related to the size of the building and had been addressed by the relevant agencies. Mr. Ridgway clarified that the upstairs of the barn would be a one-bedroom apartment with room for storage and office space for the

home-based business as allowed by right. It was clarified by Ms. Mullen that the home base business allowed by right was appropriate when there were no clients coming to the office.

Hearing no other questions, the motion was called by Mr. West, seconded by Mr. LaPorta, to close the continued public hearing for **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;** unanimously approved

#### **PUBLIC HEARINGS:**

**Motion** to amend the agenda to move Agenda item **Public Hearings – SP#260** prior to all other business

**SP#260 – Little Guild/Town of Cornwall/Cornwall Conservation Trust/applicants – Little Guild/Cornwall Conservation Trust – (owners) – Site Plan Modifications and modification to existing Special Permits– 285 Sharon Goshen Turnpike**

Information made part of the record by staff:

- Mapping entitled “The Little Guild Animal Shelter” 265 Sharon Goshen Turnpike, West Cornwall, submitted for permitted, dated November 13, 2023 Sheets C1-0- C6-6.2 prepared by Benesch, Glastonbury CT.
- Narrative dated November 24, prepared by Karen Doebelin Board President
- Copies of Lease document from Cornwall Conservation Trust to Little Guild for the use of land (99 years) in conjunction with the existing site.
- Inland wetlands Application approval as an Upland Review
- Copies of contract between the Town of Cornwall for Little Guild to act as the Town’s animal shelter.
- Email correspondence from Attorney Michael Sconyers addressing flood plain.
- Receipt of certified mailings to abutting neighbors submitted by Attorney Michael Sconyers.

Representatives for the application, Christopher Nardi, architect from Silver Petrucelli and Associates Inc, William Walters, project manager and Greg Lachcik, civil designer. Both from Benesch were in attendance to represent the application for the 8,000 square foot structure to replace the existing structure(s) on the site. There was general discussion between Commission members, staff and the Little Guild design professionals regarding the design, placement of the building, lighting, parking area and surfaces, grading and drainage, utilities, well and septic, flood plain issues, the cut-and fill needed to address flood plan, retention wall, screening, and the overall use of the combined lands (Little Guild/Cornwall Conservation Trust) to continue to address and improve upon the services available in and on the current facility’s overall campus.

Hearing no further questions or comments from the Commission, the floor was opened to the public.

Jerry Roth, 115 Sharon Goshen Turnpike spoke in favor.

Chuck Share, 432 Cornwall Hollow Road, spoke in favor

Hearing no other questions or comments from the Commission or the public:

**Motion** made by Mr. LaPorta, seconded by Mr. Bennett to close the public hearing (at 9:20PM) for **Application SP#260**; unanimously approved.

**Motion** made by Mr. Saccardi, seconded by Mr. Bennett, to amend the agenda to act on **Pending Application 4 - SP#260 – Little Guild/Town of Cornwall/Cornwall Conservation Trust/applicants – Little Guild/Cornwall Conservation Trust –owners– 285 Sharon Goshen Turnpike** prior to all other business: unanimously approved.

**Motion** made by Mr. LaPorta, seconded by Mr. West, to approve **SP#260 – Little Guild/Town of Cornwall/Cornwall Conservation Trust/applicants – Little Guild/Cornwall Conservation Trust – (owners) – Site Plan Modifications and modification to existing Special Permits** as per the site plan submitted, the narrative supplied defining the uses of the structure and property, including the leased land from the Cornwall Conservation Trust; unanimously approved.

**Amendments to the Zoning regulations - Article 10.1 “Accessory Apartments & Apartment Uses.” (Public hearing opened at 9:27PM by chairman Timell.)**

Chairman Timell addressed the background of the amendments being brought forth, stating the amendments would help bring the Cornwall regulations in with line with the state regulations as relating to parking

Information made part of the record by staff.

- Copies of amendments as filed in the Office of the Town Clerk, and sent to the Northwest Hills Council of Governments
- Correspondence from Margaret Cooley, dated December 12
- Correspondence from Ginni Block, dated December 11, 2023

**Amendments to the Zoning regulations - Article 3 - “Definitions” – Buildable Area’ -**

Information made part of the record by staff.

- Copies of amendments as filed in the Office of the Town Clerk, and sent to the Northwest Hills Council of Governments, was made part of the record.

Chairman Timell stated that the amendment was to refine the definition of buildable area to exclude structures of a certain size.

Hearing no comments from the Commission or the audience;

**Motion** made by Mr. West, seconded by Mr. Bennett, to close the public hearing for **Amendments to the Zoning regulations - Article 3 - "Definitions" – Buildable Area**; unanimously approved

**1. APPROVAL OF MINUTES; November 28, 2023 special meeting**

**Motion** made by Mr. West, seconded by Mr. LaPorta, to approve the minutes of the November 28<sup>th</sup> meeting as presented; unanimously approved.

**2. NEW APPLICATIONS : None**

**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.** Hearing closed. No discussion. Note was made of the time frames for action on the application.
- 2. Amendments to the Zoning regulations - Article 10.1 "Accessory Apartments & Apartment Uses".**

**Motion** made by Mr. West, seconded by Ms. Gray to approve the **Amendments to the Zoning regulations - Article 10.1 "Accessory Apartments & Apartment Uses AS** presented with an effective date of January 1, 2024 As part the approval, the Commission finds that the Amendments are consistent with goals as stated in the Cornwall Town Plan of Conservation and Development "Housing" Section which emphasizes the need for housing; unanimously approved.

**3. Amendments to the Zoning regulations - Article 3 - "Definitions" – Buildable Area**.

**Motion** made by Mr. LaPorta, seconded by Ms. West to approve the **Amendments to the Zoning regulations - Article 3 - "Definitions" – Buildable Area**. AS presented with an effective date of January 1, 2024. As part the approval, the Commission finds that the amendment provides clarify as to the exclusion of accessory structures under 250 feet within the buildable area: unanimously approved.

**4. CORRESPONDENCE AND COMMUNICATIONS.**

Email correspondence from Nancy Berry, dated November 30, December 5, response/ (staff and P&Z chair) December 12, regarding questions as to tasting rooms.

Email correspondence from Nancy Berry, dated December 7, response December 12 (staff and P&Z chair) regarding questions as to apple production

**5. ADJOURNMENT.**

**Motion** made by Mr. LaPorta, seconded by Mr. West to adjourn at 9:40PM; unanimously approved.

Respectfully submitted

Karen Griswold Nelson for Commission secretary Phill West