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**ASHFORD PLANNING AND ZONING COMMISSION
REGULAR MEETING
VIRTUAL MEETING via ZOOM
ASHFORD, CT / Monday, June 14, 2021**

Present: Jeffrey Silver-Smith (Chair), Richard Williams (Vice Chair), Alex Hastillo (Secretary), Janet Bellamy, Gerald Dufresne, , Tom Hastings (Alt), Mark Schnubel, , Nord Yakovleff

Guests: Mike D'Amato, Facilitator and Zoning Officer;
Dorian R. Famiglietti, Attorney with Kahan, Kerensky & Capossela LLP of Vernon, representing NVJ, LLC / Brialee Inc. Family Camp Grounds;
Brian Specyalski, Owner NVJ, LLC;
Irwin Krieger

Relevant Documents supplied to members by Zoning Officer, Mr. D'Amato via the Agenda link.

Call to Order: The June 14, 2021 Regular Meeting of the Planning and Zoning Commission was called to order by Chairman Silver-Smith at 7:01 p.m.

1. Seating of Alternates: none present
At 7:08 PM, arrival of Mr. Hastings who was seated for Ms. Sampson.

2. Approval of Minutes of the May 10, 2021 Regular Meeting:

MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO ACCEPT THE MINUTES OF THE REGULAR MEETING ON MAY 10, 2021 OF THE PLANNING & ZONING COMMISSION AS CORRECTED. MOTION PASSED UNANIMOUSLY.

Correction - p.2 under Water Quality, 3d paragraph, last sentence should read: ...the worst water quality measurement at Ashford Lake after a heavy rain or how long it would take to recover.

Correction – p.3 under 8. Zoning Officer Report, 2d paragraph, 1st sentence should read: Chair noted that Ashford BOS is discussing noise and blight ordinances.

3. Public Comments: none

4. Public Hearing:

A. PZC 21-2 Text Amendment Application, Article 4B, Section 3. Applicant; NJV, LLC

Atty. Famiglietti began her representation by playing a short video about the Brialee Family Camp Grounds that showed the various camp sites, pool, lake, utility buildings, recreation areas, camp store and the many young and older campers enjoying their time there. She explained the purpose of the proposed text additions/changes to Article 4B section 3. According to the application the campgrounds wish “to allow new construction, site improvements, expansion, etc., subject to issuance of a special permit.” All filings and agency referrals have been properly carried out. The camp [founded in 1974 by the Specyalski family] is a well known all season camping area.

The major objective is to achieve what was allowed for existing campgrounds under earlier town regulations. In 2014 all regulations relating to campgrounds specifically were deleted. As a result, the Brialee campgrounds are now considered a nonconforming entity. This situation does not allow for growth at the current site nor does it allow for any new improved or expanded construction. Prior to 2014

certain changes were allowed. They are asking for controlled growth via a special permit. This is important because as a nonconforming property growth is limited as times dictate.

Both Atty Famigiletti and Mr. Specialski discussed that the business draws people to Ashford and generates tax income from not only the business itself but from the visiting campers. Taxes from the business generate over \$100,000/year for Ashford. Brialee employs 35 people, 15 full time and 20 seasonal. Many of the seasonal employees come from E.O. Smith H.S. and UCONN. They went on to offer that this employment is a benefit to the area; the site needs to be able to grow naturally as it adapts to the needs of its campers and general societal changes. The camp grounds are a valuable asset for Ashford.

Review of the proposed text amendments for Article 4B, Section 3 followed.

“Text of Proposed Amendments” can be seen in the Application document after page 4.

Article 4B, Section 10, Campgrounds.

A. Purpose. This new section is proposed to be added to the regulations. The use of a special permit would be required to have “reasonable controls” for any new construction, facility improvements, camping unit sites (as defined by CT Regulations for State Agencies Section 19a-2a - 29). The Ashford regulations that would apply are then covered in her text document.

The ability to rebuild a building that has been damaged is especially important to the business. Public Health codes were mentioned often as required on any expansion or rebuilding.

B. Campsite Occupancy. There are no permanent residents at the property. The camping season runs from April 1 – Nov. 30th. Winter camp sites were eliminated by the 2014 regulations. They would like to have winter camp sites available from Dec. 1 - March 31. (*see B2*)

Currently 16 sites are available for winter use as water service there is protected from freezing. This type of site helps create income in the winter season per Mr. Specyalski.

There is text requiring that the campsite provide a licensing or rental agreement to be signed by both the owner/operator and the temporary occupant. Also, the temporary occupant must provide the address of their permanent residence, that they maintain, “other than the campground.” This procedure is used by Brialee. They insure that no one is going to school from their site.

In answer to Mr. Williams, it was stated that the winter sites are separately designed and that they are often used by electrical and plumbing workers for short periods. In answer to Mr. Silver-Smith, there are no year-round leases. They do not sell sites. Also, since each request for a stay is reviewed each year, any problematic temporary occupants can be eliminated. Maintaining a happy and peaceful environment for all campers is critical to the success of the business per both the Attorney and Mr. Specyalski.

Ms. Famigiletti emphasized that in drawing up the proposed text, the history of past regulations was taken into account. In answer to Mr. Williams, she noted she consulted 2001 regulations, before changes made in 2004, and the 2011 regulations. Both will be emailed to Mr. Williams by Mr. D’Amato. The Brialee Family Campground was established in 1974 under regulations then; it has not changed that much since then per the owner.

Other town campground regulations were also consulted i.e. Willington’s for noise and lighting. Mr. Williams asked that instead of repeating text (CT regs) one could simplify by just referring to it as noted elsewhere in the regs. Ms. Famigiletti agreed to check and adjust her text.

D. Design Requirements. Buffer strips were discussed briefly. There are no camp sites in their buffer strips. Regarding ***D3, state regulations*** are reviewed and inspections are carried out annually by the required state agencies; they do control how the business operates. The sewer systems are regulated, pools, pumping stations, wells, ponds, etc. Mr. Specyalski noted that the campground currently requires the filing of 27 permits for local and state compliance..

D4 defines what can be occupied on a camp site, one recreational vehicle as defined by CT regulation or two tents.

D5 concerns traffic on the camp roads. The Attorney was asked to not restate language already in the regs by Mr. Williams. She agreed, as earlier, to check and adjust. Mr. D'Amato noted that the camp roads are not town roads. The Fire Dept does come annually to check on how their equipment will be able to navigate the property. Ms. Famiglietti will consult with the Zoning Officer re the road text.

In her *D6* section, she did write that compliance with all fire safety regs, local and state is to be required. The Public Health Code was consulted here too.

E. Noise. Willington's campground noise regulation was consulted here. Campgrounds should be designed to avoid noise. Public address announcements and concerts are a concern. The owner is in close communication with neighbors; they have his phone number in case of concerns. He held an open house recently to better communicate (although no one attended). He will try again as Brialee wants to be a good neighbor.

F. Lighting. No glare at night has been added here to the regulations. Mr. Williams indicated that there are currently zoning regulations that manage light and glare. The Attorney will check.

The earlier regulations did allow for growth. Mr. Specyalski and Ms. Famiglietti both emphasized that Ashford should want to retain good and valuable businesses and allow them to grow. They feel the application for proposed text changes will be a win win for the town and work for everyone. They are happy to work with Mr. Williams, other members and Mr. D'Amato to improve the text for the next PZC meeting.

Questions

Several questions were asked. Ms. Bellamy asked about minimum state regulated size for each camp site. Yes, there is a minimum size. Her further concerns about requests for future building and construction were answered by the a special permit would be required, and the requirements of a public hearing as well as stipulations by the commission. There is much leeway in requiring a special permit per Mr. Williams. Also, EHHN, fire codes and environmental issues would serve to help hold back an undesirable project. Mr. Specyalski noted that as a nonconforming site they can not do anything.

Mr. Williams stated that the building construction requested by Brialee was similar to that requested by the Midway Restaurant, an expansion of an existing structure.

Mr. Yakovleff asked if growth was the major concern. Yes, was answered by the owner. Why the older regulations were changed in 2014 to eliminate sections for campgrounds was asked? No specific answer was provided. The owner explained that growth has happened. The camp property consists of 140 acres with half of that not developed. From 118 camp sites the facility has grown to 267 today. . Mr. Specyalski has been involved with the camp for 30 years. Much of the undeveloped land cannot be used for camp sites or specific activities as the land features would not support them. The normal designation is for 25 camp sites per acre. This then also determines the number of bathrooms, and the property, its infrastructure, is then affected by many other regulations.

The owner reminded the Commission that the Ashford Plan of Conservation and Development states proactive support for existing businesses as they provide jobs among other benefits. He further stated that his business does not use the Transfer Station nor town snow plowing services. They employ 35 individuals, 15 full-time. They donate to local and area charities and have been a part of Ashford for 47 years. Mr. Silver-Smith thanked both for their efforts and concerns. The Public hearing was continued until July 12, 2021.

The Zoning Officer will supply the earlier regs consulted by the Attorney for the PZC members. We will work for a version acceptable to all. Revised text will be presented at the July 12th PZC meeting.

5. **Bills:** none

6. **Correspondence:** Two letters noted for discussion under Unfinished Business

7. **Unfinished Business:**

A. Update on Lake District Regulations / Survey Results

The Zoning Officer, Mr. D'Amato put up on the screen his revised Lake District Regulations. The major concern is to preserve water quality so there are no drastic changes and no language to allow for massive expansion. Several permitted uses were eliminated: farm stands, interior lots, places of worship, education and philanthropy.

Under "Dimensional Requirements" he has written: building height cannot be increased over that of the existing building when rebuilding. Maximum building height is 25 feet. Under Lot Coverage is stated 10%, includes building and impervious land area. He further included how to calculate the front yard setbacks. The front yard is what faces the road. There was some discussion regarding runoff and percentage of lot for the building and impervious soil. He also expressed that there are many stormwater containment methods. Mr. D'Amato felt that his proposed language allows for reasonable add ons (i.e. deck) that would not require application to the ZBA considering the lots are so small.

Regarding the lake survey no responses have been received as yet from the two governing bodies. Once the regulations have been written we should involve them for comments. The Zoning Officer put each lake map up on the screen. The map and its lots, their location and dimensions were created in the early 1950s. Many lots are only 50' wide; there are hundreds of lots – many with no building. Lots will continue to be sold and built upon; several lots will be bought by one person to be combined for one building. All building is required to be on one original lot. If a lot was purchased prior to 1950 a building must conform to our current regs.

Mr. Williams thought some requests to build were denied. The first step would be to prove that the lot would meet requirements for a buildable lot. The "Doctrine of Merger" was noted by Mr. D'Amato as applying here. If two lots are combined the house and driveway together must be on one of the original lots. Mr. Williams brought up his concern that we do not get into a situation where sewers are needed. The Zoning Officer is trying to keep things simple. The idea of allowing an uncovered rear deck, eliminating going to the ZBA, seemed good. A site plan is always required first to pass through the Zoning Officer. Regardless of other issues, 25' is required between dwellings.

The language will be 'tightened up' so that at the next meeting it will be finalized. Thanks were expressed for Mr. D'Amato's work.

B. Summary of HB6107 passed in CT Legislature

Mr. Silver-Smith noted that two documents were sent to the Commission : one from the Office of Legislative Research and the second from the Conn. Chapter of the American Planning Assoc. Both summaries he thought important to have and would be provided to the Commission members for their.

The addition of accessory units does not count toward the percentage of affordable housing (AH) in a town. The idea is that a smaller accessory unit (in a basement or elsewhere) would be less expensive to create and hopefully would lessen the rental cost making it more affordable for young and old alike. Th reduction of space required for parking does help reduce the cost of housing. The law requires the training of zoning officials, like our Commission members. The training of four hours every two years is to be required.

Mr. Williams made several statements that this PZC should opt out of the accessory dwelling unit provision as he thought it would be better for Ashford to decide things on its own rather than having the Connecticut laws govern what we can and cannot do. Although the Zoning Officer offered a different

view, Mr. Williams asked him to read the last section of the Legislative Research group's summary where they mention the creation of a governmental commission to oversee things. It was noted that if we opt out we would need to change Article 4B, Section 2 of our regs. Disagreements continued. A decision to actually opt out would require a 2/3 vote of the PZC and a 2/3 vote of the BOS.

Before any further decisions are made the Chairman advised all members to read the actual bill itself, one section at a time. Evaluate how you think this would affect Ashford.

The term "rural character" is deemed undefinable so it has been eliminated from the bill as a reason for not complying with a regulation. The word "character" is not deemed "tangible" so that is a reason it was removed. The Zoning Officer will try to put together a bill summary for the Commission.

More back and forth re opting out occurred. In any case, the Plan of Affordable Housing for Ashford to be compliant with CS 8-30 by July 1st, 2022

Training for zoning officers will be prepared by the Office of Policy and Management and will begin on Jan. 1, 2024. Other training available now is offered by the Land Use Lawyers,. The Chairman added his support for attending to that of Mr. Williams. Cost of this course and other courses that help to train commission members is reimbursable as well as mileage.

C. Discussion on Placing a Moratorium on Cannabis Business Applications in Ashford

The discussion included that growing of cannabis would most likely be done by local farmers although it had not been mentioned at recent Agriculture Commission meetings per Mr. Williams. He noted several bill boards advertising retail outlets for its sale on I84 between Ashford and Sturbridge, MA.

Since there is a lot of time between a law being passed and the actual date that it can be sold, there is no rush for any decision. The members decided not to place a moratorium on such applications at this time. The Chairman will attend the Mansfield hearing on this issue, June 23d.

8. New Business: Nothing yet.

An application by the Hole in the Wall Gang Camp will be presented at the next meeting in July. Also, Mr. Williams will be presenting revision of Interstate Industrial Zone regs then.

9. Zoning Officer Report: Very Busy. Asked about the Rte. 89 package store, he replied that it is being turned into a home. The Zoning Officer has submitted an application for a \$15,000 Affordable Housing Plan Grant.

Mr. Williams added that the Our Town, Our Future group is applying for a grant to help fund efforts to improve Warrentville and its connection to the town, reduce traffic speeds, as well as establish bike trails and pedestrian pathways.

10. Adjourn:

**MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO
ADJOURN. MOTION PASSED UNANIMOUSLY AT 9:41 P.M.**

*Respectfully Submitted by
Valerie B. Oliver, Recording Secretary
6/15/2021*