

TOWN OF ASHFORD
PLANNING AND ZONING COMMISSION
REGULAR MEETING MINUTES/VIRTUAL MEETING via Zoom
Monday, July 11, 2022

Present: Jeffrey Silver-Smith (Chair), Janet Bellamy (Vice Chair), Luther Brauch (Alt.), Alex Hastillo (Secretary), Doug Jenne (Alt.), Mark Schnubel, Richard Williams, Nord Yakovleff

Guests: Mike D'Amato, Facilitator and Zoning Enforcement Officer
Loretta Wrobel, Conservation Comm.
John Sievel, Clean Energy Task Force

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

Affordable Housing Plan: 5 separate documents

Planning for Agriculture, A Guide for Connecticut Municipalities, Emerging Trends. 2020 ed., 96p.

SolSmart Review for Ashford: *Ashford Draft Zoning Regulations. June 22, 2022, 7p.*

1. Call to Order and Seating of Alternates

The Chairman called the meeting to order at 7:01 p.m. Mr. Brauch was seated for Ms. Sampson, and Mr. Jenne was seated for Mr. Schillinger.

2. Approval of May 9, 2022 Minutes

MR. WILLIAMS MOVED AND MS. BELLAMY SECONDED A MOTION TO APPROVE THE MINUTES OF THE MAY 9, 2022 REGULAR PZC MEETING. MOTION PASSED WITH ONE ABSTENTION FROM BY MR. BRAUCH.

3. Public Comments: none

4. Bills: none

5. Correspondence: The Commission was notified of the upcoming "Understanding Connecticut's Freedom of Information Act" online review for June 19th at 7 p.m. Please notify Sherri Mutch if you wish to attend.

6. Unfinished Business:

A. Update on Affordable Housing Plan

B. Affordable Housing Plan Survey Results Update

Mr. D'Amato discussed both A and B. He began by stating that the survey results would inform the tone of the Ashford plan. Of the 185 surveys received so far only the online survey results have been analyzed. About half of the surveys were received on paper and the other half online. He noted a few of the results: The responses were about evenly split between those feeling a housing plan would be very or not very important to the vitality of Ashford / about 50% thought Ashford had adequate housing / 50% were opposed to increasing housing options / housing costs overall were a concern / \$1200-1500/m. considered a reasonable housing cost range / 50% feel housing needed for young families, yet 40% felt no added housing options were necessary / two family housing was supported. Mr. D'Amato noted that 87% in Ashford own their own homes while less than 10% rent.

The Commission decided to wait for all the analysis to be finished especially the written narrative sections as they add important information on participant's views. Mr. D'Amato expects to have a report covering paper, online and narrative comments completed by the next meeting. The Chair on behalf of the Commission thanked the efforts of Commission member Janet Bellamy, and volunteers Loretta Wrobel

and Stephanie Dubinsky for their work in facilitating gaining a number of responses and a good cross section of residents has been included, with their presence at the Transfer Station, Food Bank, Farmers' Market, etc. The survey is now officially closed.

The next steps for Mr. D'Amato will be the writing of the "front end" that consists of Ashford's demographic data followed by the survey results. This draft will then be shared with the Board of Selectmen, Conservation Comm. and Housing Authority at the next regular meeting. Although the grant under which Mr. D'Amato's work is conducted ends in October 2022, he has notified the state Dept. of Housing that Ashford is working on the plan and it should be adopted by late summer. Silver-Smith noted that only 50% of CT municipalities had their plans ready for the June/July period.

Ms. Bellamy noted that Sustainable Conn. would like a timeline for this information and if the report could October? The Chair suggested it should be done in September so that any tweeking could be finished and report ready for October. A public hearing could then be held. Mr. D'Amato stated that he could have the report written for the August meeting, but that it would be up to the PZC how they wanted to handle their final decisions. After a public hearing the document could be completed with the input from other boards, etc..

Generally, the Commission felt that the plan should be completed for August by Mr. D'Amato allowing for other input and any changes, commissions final decisions and a public hearing. Our deadline would be in September allowing completion before the October deadline for the grant. Our Town Our Future was suggested as an interested group.

The Chairman thanked all for their successful efforts at increasing the number of survey participants. Many thanks to Mike D'Amato for his work.

7. New Business

A. Presentation by Clean Energy Task Force (Review of Solar Zoning Recommendations)

Ms. Bellamy and Mr. John Sievel represented the Clean Energy Task Force and other volunteers with experience in Solar Energy who were consulted and compiled and drafted zoning regulations that addressed the recommendations of the Sol Smart organization.

Ms. Bellamy noted at the beginning that in 2019 Ashford became a Sustainable Conn. town; our designation needs to be renewed. Ms. Wrobel led the work to obtain the original designation and leads this new effort. A "draft" of solar regulations accepted for review and revision by the Planning and Zoning Commission is required as part of the Sustainable CT designation and needs to be submitted by August. The SolSmart recommendations were reviewed by the Ashford Clean Energy Task Force and included Ms. Bellamy and Mr. Sievel as well as: Susan Eastwood, Tony Paticchio, John Boiano, Energize Connecticut, Mass. Dept. of Energy model solar plan, Topsham, MA work and other local Connecticut town regulations. They did considerable outreach.

Mr. Williams noted that in 2014 the PZC worked on solar and wind energy regulations, but they were not "put into action." He shared the 2014 draft prior to the meeting but not in time for receipt and dispersal by the Commission Clerk.

Mr. Silver-Smith noted that the work done back in 2014 had value but there have been changes to both technology and terminology since then the document needed updating.

Ms. Bellamy hopes that the PZC will accept their draft. The draft was provided under the label: "SolSmart Review for Ashford" in the material supplied for the meeting.

Mr. Sievel noted that solar had been the focus as wind energy, in his experience, had not been an operationally or financially viable resource for Ashford. The sq. ft. of displaced ground vs. that of the panels themselves was discussed with Mr. Brauch as well as electricity produced related to number of panels. The biggest constraint or limitation stated was the size of the transformer.

After further discussion it was stated that the draft in question ought to be blended with the text written in 2014 by an earlier PZC. Ashford should be solar friendly, not causing any residential problems as a result of topography, etc.

Mr. Schnubel found the proposed regs problematic especially regarding the allowance of free standing 20,000 sq. ft. solar arrays.

Mr. Brauch thought the proposed draft a place to start. He felt the requirements of a special permit are costly to an applicant, and he thought other styles of solar such as agrivoltaic should be investigated. [see agrivoltaicsolutions.com for more information].

Mr. Williams felt that the 2014 text, already approved by lawyers, was a good starting point and that both should be melded together. He also mentioned that land around I 84 exit 72 could be used for a wind installation. Mr. Williams volunteered to be on a sub-committee to work on solar/wind regulations.

Ms. Bellamy reminded members that the lake district regulations help to control impervious land percentages and setbacks. "Accessory use" solar is for an individual home, but a "principal use" solar is established in order to sell electricity. The latter requires a site review and permit, so limits what people can do. Mr. Williams noted a solar array located in Mansfield, set up prior to any regulations on Rte. 89, can blind drivers when the sun hits it just right.

The Chair feels that it is important to consider all of our renewable energy regs together, but the in order to meet the time constraints of Sustainable CT designation, and to address the growing number of solar installations, the Commission should focus on the regulations specific to solar energy first.

Mr. Brauch. Many members expressed that the drafts for both the CETF and 2014 proposals should be considered together.

MR. BRAUCH MOVED AND MS. BELLAMY SECONDED A MOTION TO ACCEPT THE CETF REGULATION PROPOSED DRAFT LANGUAGE AS A STARTING POINT FOR DRAFTING AND COMPLETING THE ULTIMATE REGULATORY LANGUAGE FOR THE TOWN WITH THE UNDERSTANDING THAT THERE WILL BE CHANGES MADE TO BEST SUIT THE NEEDS OF THE TOWN.

Discussion followed with Mr. Williams opposed to an outside organization writing our land use regs. Ms. Bellamy stated that the draft was written by Ms. Susan Eastwood, Mr. Tony Patocchio, Mr. John Sievel and Ms. Bellamy herself. Mr. Schnubel also thought the 2014 draft a better starting point.

A vote was taken. **MOTION PASSED WITH FIVE YES VOTES (YAKOVLEFF, JENNE, BRAUCH, BELLAMY, SILVER-SMITH) AND THREE NO VOTES (HASTILLO, SCHNUBEL, WILLIAMS).**

Mr. Brauch volunteered to work on a sub-committee.

MR. WILLIAMS MOVED AND MR. SCHNUBEL SECONDED A MOTION THAT THE PZC DEVELOP A SECTION FOR SOLAR AND WIND ENERGY REGULATIONS WITH THE STARTING POINT THE 2014 DRAFT DOCUMENT, WITH ADDITIONAL INPUT BY THE DRAFT LANGUAGE FROM JANET BELLAMY'S GROUP.

Discussion followed. It was pointed out that other outside or hired organizations such as NECCOG written and developed regulations in the past. Ms. Bellamy's group was also approved by PZC in April 2022. Mr. Brauch offered that the contrary motion proposed will not undue the previous approved motion. Ms. Bellamy suggested an amendment to the motion on the floor.

The Chairman consulted on procedure and then asked for a vote.

THE MOTION DID NOT PASS WITH SIX NO VOTES (YAKOVLEFF, BELLAMY, HASTILLO, BRAUCH, JENNE, SILVER-SMITH) AND TWO YES VOTES (WILLIAMS, SCHNUBEL).

The Chair thanked all for their input. Mr. Schnubel would also like to serve on the sub-committee. Mr. Williams will consider it.

7. New Business. B. Discussion

1. Discussion of Agriculture and Zoning Guidance from CT Farm Bureau

MR. WILLIAMS MOVED AND MS. BELLAMY SECONDED A MOTION TO TABLE 7. B.1. UNTIL NEXT MEETING. MOTION PASSED UNANIMOUSLY.

2. Regulations Pertaining to Cannabis Establishments

The moratorium has expired that began last May. Previous siting regulations have been removed meaning any number of establishments could be located in Ashford, like a liquor store. Mr. D'Amato recommends that the PZC allow him to write a zoning regulation that in one case, prohibit all cannabis retail establishments and in other case draft regulations that mirror what many other towns are doing as to how these establishments are sited. These should be ready by the August meeting so that Ashford has a regulatory plan in place to prevent any problems until all regulatory language detail is written. The two options could be considered in tandem.

Mr. Williams noted that near I 84 exit 72 might be a place for a retail outlet.

The Chair noted that our regs could restrict sales by hours of operation, where cannabis could be used, i.e. in what buildings, parks, etc. Ordinances would need to be used for some of this. This is a polarizing issue for towns. All options should be presented together at a town meeting so opinions can more easily be expressed on both sides.

Social equity licenses are to be issued first. They need to be 25 miles apart by licensees of the same company. The Chair showed a map of Connecticut with a color code of dots indicating the status of towns in CT regarding their current stance on cannabis regulation:

| | | |
|---------------|-----------------------|-----------------|
| Red dots- | ban retail sales | 27 towns or 16% |
| Green dots - | allow sales with regs | 57 towns or 34% |
| Yellow dots - | moratorium | 61 towns or 36% |
| Grey dots - | no data | 23 towns or 14% |

By proposing both options we can get something in place quickly to protect the town. Procuring state licensure has been taking a protracted amount of time per Mr. Brauch contacts. A parent company cannot have a second facility within 25 miles of the first. The commission looks forward to receiving the options in August and after review, taking the issue to public hearing, per the Chairman.

8. Zoning Officer Report

Mr. D'Amato noted he is very busy with affordable housing and cannabis work as well as permits and working with the Selectman's office on Hybrid meeting technology.

9. Adjourn

MR. BRAUCH MOVED AND MR. HASTILLO SECONDED A MOTION TO ADJOURN. MOTION PASSED UNANIMOUSLY AT ABOUT 8:55 P.M.

*Respectfully submitted by,
Valerie B. Oliver, Recording Secretary
7/12/2022*

