

**PLANNING AND ZONING COMMISSION
REGULAR MEETING via ZOOM
ASHFORD, CT / February 13, 2023**

Present: Jeffrey Silver-Smith (Chair), , Janet Bellamy(Vice Chair), , Alex Hastillo(Sec), Douglas Jenne, Catherine Sampson, Jeffrey Schillinger, Mark Schnubel, Richard Williams, Nord Yakovleff Luther Brauch, Gerald Dufresne
Mike D'Amato, Ashford Zoning Officer

Attendance counts: 6:59 p.m. = 62 / 9:06 = 122 / 10:33 = 93 / 11:06 = 81 / 11:23 = 75

1. Call to Order: The February 13, 2023 regular meeting of the Planning and Zoning Commission was called to order by Chairman Jeffrey Silver-Smith at 7:01 p.m.

Seating of Alternates: Mr. Brauch was seated for Mr. Dufresne.

2. Approval of Minutes, January 9, 2023

MS BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO APPROVE THE PZC MEETING MINUTES FOR JANUARY 9, 2023. MOTION PASSED WITH ONE ABSTENTION FROM MR. WILLIAMS.

4. Bills, The Chronicle: \$456.94

5. Correspondence, CT Federation of Planning & Zoning Agencies: Yearly Renewal and Annual Conference

The Chairman reminded PZC members of the March 11, 2023 virtual meeting from 9-4:30. The town will pay for Commissioners to attend, just submit registration to the town office. Also a reminder to all commission members was the UCONN CLEAR program being offered by Halloran and Sage. There is one more live session on Thursday February 16 from 4:00 to 5:30 PM. The previous two sessions from Feb 2 and Feb 9 are taped and available to watch and attendance at all three session will meet the state requirement for annual training of Land Use commissioners..

Mr. Baruch was unseated as Mr. Dufresne had arrived at 7:23 PM.

6. Public Hearing

A PZ-22-9 Application for Short Term Rental at 88 Ashford Lake Drive, Article 300-17D, Owner J. Pufahl (Continue to March 13)

B. PZ-23-1 Text Amendment Application: Article 300-14 (definitions) and Article 300-17D (Interstate Interchange Development Zone). Applicant Campanelli Rodolakis LM Acquisition, LLC & Ashford Realty Trust, LLC.

The Chairman read the legal notice for this Public Hearing.

The Chairmen then gave the following instructions regarding protocol for the Public Hearing:

Public Hearing introduction and instructions

The Public Hearing will be held under the assumption of decorum, respect and civility for all in attendance.

The purpose of the Public Hearing is to provide members of the public with the opportunity to learn more about the submitted application and to provide comments on that application to the Commission. Public statements made to the Commission during the public hearing are valuable to the Commission provided they bear upon the specific issues before the Commission as they pertain to this application. This is a public hearing not a town meeting that results in a vote of attending citizens.

The Commission is charged with the responsibility, as officials elected by the citizenry of Ashford, to listen, review pertinent information and evaluate the input from the hearing in rendering a decision on the application before it. At no time prior to deliberations on the application is a commission member to offer his or her support or opposition to the application.

The Commission's decision must be based upon evidence which is provided to the Commission during the course of the public hearing which will also include any written statements received by Town staff prior to the closing of the hearing. Your remarks should be aimed to provide evidence specifically related to the amendments proposed to the Zoning Regulations or to raise questions to help identify where more information may be necessary.

I will remind everyone in attendance that the application before us is for an amendment to the current regulations that apply to the Interstate Interchange Development Zone (IID), that include increases to the current list of allowable special permitted uses, and changes to developmental standards for buildings and structures. There is no current application or site plan submitted before the PZC for a special permit or proposed structure for placement in the IID zone with the requested changes identified.

Even if this text amendment is approved, no project may move forward, and no construction may begin. Development of the property would require a separate Special Permit from this Commission which would require a separate and distinct public hearing should such an application be received. During that public hearing, a wide range of issues, many of which are beyond the scope of review for this text amendment application would be relevant for consideration.

Proper hearing Management Procedures

All comments are directed to the Commission and more specifically the Chair of the Commission. No one is to comment unless recognized by the Chair, including commission members. The public hearing process is not a dialog or back-and-forth between the Commission and members of the public or the applicant and members of the public.

If there is not sufficient time this evening to provide each person who would like to speak with the opportunity to do so, this hearing will be continued to a later date within the next 35 days. Following conclusion of the public hearing, the Commission has 65 days to issue a decision.

The commission wants to hear from everyone wishing to give input on the issue. In the best interest of time and efficiency, we ask that you keep your initial comments to:

- 3 minutes or less. Please **clearly** identify yourself and your address.
- Once all members of the public have had the chance to speak, if time permits attendees may be given the opportunity to speak a second time.
- Please refrain from repeating what others may have already said as this is not the most efficient way for the Commission to utilize the time during the public hearing. If you agree with a previous speaker, it is best if you simply state that you do so and feel free to identify those previous speakers.
- Any comments submitted to the Land Use Office/ZEO will be posted on-line with the meeting materials for this hearing and will be reviewed by the commission members. Anything submitted after the public hearing has closed will not be taken into consideration by the commission.

How the hearing will run-

- Applicant will speak first
- Questions and requests for Clarification from the Commissioners and Town Staff
- Public Comments and Questions (directed to the Commission and not the applicant)
- Final comments from the applicant

All attendees wishing to speak will be given an opportunity. In addition to the public's comments tonight the Commission will also consider the written comments received to the Land Use Office.

Atty. John Knuff and Campanelli Partner was introduced to lead the presentation for the applicant. He began by stating the IID property, at the intersection of I84 and Rte. 89 in the northern section of Ashford, included the Ashford Motel property. The proposed changes are modest. The location of the IID zone is considered a unique untapped resource. The location of only one half to one percent of town land could possibly support 10% of the town budget if the regulations allowed for more approved uses. If the amendments to regulation language were approved, any proposed project would have to file for a special permit, satisfy 300-23. If the town needed to hire a consultant, the project firm/applicant would pay that fee. He stated their work would be transparent; they view it as a collaborative partnership. Comments made at earlier hearings have been taken into account.

Mr. Robert DeMarko also a Partner with Campanelli, a commercial real estate, construction, development, acquisitions and management company, was introduced to provide information on business parks. The Campanelli firm [campanelli.com] has been in business for 76 years. They have built 16 business parks in Massachusetts. Photographs were put on the screen to show projects at Uxbridge, Bellingham, Middleborough, and Boxborough, Mass. The Uxbridge project, most recent, is located at 612 Douglas St. in Uxbridge. A map of Ashford showing the IID zone in blue was put on the screen to explain that there would be no neighbors nearby and the ease of on and off I84 for traffic.

Atty. Knuff noted the IID area of 120 acres with no abutters but state of Connecticut land. He noted that the reason the zone was not used as yet was because many of our permitted uses are not desired. He compared current uses and their designs to those possible with regulation language amended; they feel more open space can be preserved with the text amendments they propose because the language allows for a smaller footprint. A large-scale industrial business would bring in tax funds to offset those currently paid by homeowners. Allowing for a taller building would be better use of the land than having several separate lower height buildings. There is demand for distribution points along the I84 corridor. Our regulations restrict building size, building height and lack diversity in permitted uses. The building footprint, sq. ft. on the ground, is a better measure of impact. The visibility issue was shown in photographs of I84, a tree lined highway with just the flat top of the building exposed.

Mr. Mark Fource, a professional Planner spoke about tax advantages. Some of his figures compared Ashford with Bristol, Windsor and Bloomfield. The savings per home owner were several hundred dollars according to his computations. His detailed charts and tables can be seen in the full presentation on the town web site. Traffic issues were then presented by **Mr. Kevin Solli**, a Traffic Operations Engineer with Solli Engineering, Monroe, Conn. He noted that the Conn. Dept. of Transportation's Traffic Impact Study would be required and also involved would be: local permit processes, 3rd party peer review and multiple steps to insure all traffic issues are covered. He noted trips (vehicles entering or leaving a facility) as estimated for the site, 170 /a.m. and 180 /p.m. Traffic on local roads would be minimal.

[A video of this presentation is included in the recorded meeting session and the PowerPoint presentation, by Campanelli, with many photographs, maps, charts of data and points of information is available online for anyone to review:]

Ashfordtownhall.org

Agenda and Minutes

Planning and Zoning Commission

Atty. Knuff and his colleagues were thanked for their presentation at 8:15 p.m.

PZC members asked questions.

Ms. Bellamy asked how they got the tax rate down; they worked with the town Assessor. Were costs to the town considered e.g. for police, Fire Dept.? These safety factors would be built into the system, but since no building project has been set out it is hard to reply. A Special Permit application would be required. She also wondered about trips per hour; 30 trips in and 30 trips out would also include cars. Impacts on open space can be mitigated by allowing taller buildings with less sq. ft. footprints. **Mr. Silver-Smith** asked about how the reduced mil rate was determined, and **Mr. Williams** was concerned about possible town requirement to supply water and sewage needs. **Mr. Schnubel** questioned building height and was told

that a higher height created opportunities for more future uses. The photos were actual photos of I84 at the intersection. **Mr. Baruch** asked about traffic impact. He was told that a national group provides the trip analysis figures that were used. Total daily trips data could be provided for the PZC. Fire concerns can't really be answered as no building plan is in effect; any possible environmental impact would have to pass current regulations as there are no changes to water, etc. regs. **Mr. Schillinger** asked about local jobs being created; Campanelli wants to hire locally if people are qualified. **Mr. Jenne** asked about maximum footprint size; it was stated that footprint size was dependent upon 30% open space and other regulations. **Mr. Silver-Smith** asked about the Boxborough, MA Cisco property. Campanelli has only owned it for 16-17 months. **Mr. Williams** asked if outlays were expected by the town; no was the answer. **Mr. Silver-Smith** questioned the source of mil rate data. Did the home property costs used reflect those of Ashford? The applicant will work with the town Assessor, as they already have, to come up with a better figure.

[5 minute break until 9:07 p.m.]

The public attendees provided their input.

Mr. C. Vidich, Ashford, a Land Use Planner, noted that buildings over 70' tall are all found in urban areas. Such a tall building would be visible from I84. There is no public water supply there nor public sewer systems - both very necessary. In the Plan of Conservation & Development (POCD) for Ashford poor soil for a septic system was one of the findings. The IID is in an upland for Windham Water Works, and UCONN wells. There is no other place in Connecticut with such an impact on the origins of water supply headways. The site is inappropriate for such a large building, 75' tall. What is the worst-case scenario? Issues noted: leaching system would be poor, there is too much scale for the location, location is far from a labor force and housing. It makes no economic sense; what are the ideas for business/project proposals?

Ms. L. Wrobel, Ashford, Conservation Commission, spoke about the IID zone as a major source of water, e.g. the Fenton River headwaters, watershed for Mansfield and Willimantic, Mt. Hope River origins, part of the Natchaug Watershed. The area forests also thrive there. Such a large building might ruin this watershed area. She referred to a report written by the Eastern Connecticut Conservation District (ECCD) [landcan.org] as important; it should be part of the PZC deliberations.

Ms. C. Acebo, Ashford noted she will visit the Uxbridge site. She feels we are on a slippery slope; a yes vote would open the doors that could not be closed. Increased traffic will appear on Rtes. 89 and 74. The lack of septic/sewer systems is an issue. She concurs that the ECCD report would be helpful. The existing regulations allow uses we want to see.

Ms. K. Olson, Ashford, a Municipal Land Use Atty., focused on the text proposal itself. The proposed text language is too broad with no specificity. Some of the uses mentioned would probably be fine (research and testing center) but a distribution center/warehouse is questionable. What is meant by "industrial facility."? We do not know what is to be proposed. Traffic and taxes are not the major considerations - what would a court do? More detail is needed; be careful as there is no absolute proposal, just broad text. The town needs to consider reasonable proposals.

Mr. M. Gantick, Ashford, Ashford Economic Dev. Comm., questioned how do we sustain the quality of life here with an aging population, rents going up, etc. Our public services need support; the IID is the only place for such development. What are the other options? He urged passage.

Mr. A. Paticchio, Ashford, on the PZC when the relevant regulations were written. The changes proposed are too broad. A million sq. ft building is the size of 17 football fields - huge. The IID zone was not designed for such a large-scale project. The plans shown do not indicate how all the regs will be complied with. A warehouse is not good for this site; it will bring air and light pollution as well as degradation of quality of life. It will bring low paying jobs and high labor turnover. The costs outweigh the benefits.

Ms. L. Zelonka, Ashford, is concerned with the number of trucks on Rts. 89 and 74; have there been any studies? The Willington I84 projects really light up the sky. It is not simply "state land" around the site. It is the Conn. Mountain Laurel Sanctuary land in Union. A building of that size would be visible from I84 and what about other roads as it is on a hill? Water is also a concern. What about the nearby lake community of small cottages? The noted tax savings should be for all citizens owning property. The IID exit area is special. She would prefer business development at the Rte. 74/44 intersection.

Mr. M. Maglaras, Ashford, is owner of Connecticut Foundation's Solutions Indemnity Co. Inc. that has helped many Ashford home owners repair their damaged foundations. He understands the applicant's concerns. He noted also that the surrounding land supports the Nipmunk Sanctuary created in 1933 by 16-17 year olds in the local Conservation Corps. He can't deny that Rte. 89 will be a disaster. What is desirable? In 2014 the POCD stated that all development should be compatible with the rural character of the town. As an undeveloped area, it supports the Fenton River watershed. The applicant does not live here; he does not know us. Reject the proposal.

Ms. K. Smith, Ashford, stated that it was not worth it to her to save a few hundred dollars on her taxes to damage the beauty of Ashford.

Ms. B. Kaufman, Ashford, noted that distribution centers are closing per a recent CNBC report. There have been Amazon closures noted in the press. If a large facility were to close here, who fills the space? Why would we support such a business? Our pastoral/agricultural landscape is important. The tax gain is not worth it. Other concerns were for fire issues and damage to the Mt. Hope River headwaters. Put wisdom first in the decision.

Ms. M. Chatey, Ashford, Economic Development Comm. wants the PZC to approve the text amendment. This area is "the" place in Ashford noted by the POCD for commercial development. let the next steps happen; be open minded. It is the best area for development.

Mr. N. Tella, Willington, spoke about "lessons learned" in his town. The applicant can not promise tax relief. Fed Ex experiences labor turnover. On/off traffic flows can occur on RT. 44 to RI as well as the use of major interstate highways. What about fires in a building storing flammable chemicals? Home prices have decreased around the truck sites in Willington at I84. He urged the PZC to be very careful in their deliberations.

Mr. D. Martin, Ashford, spoke of the fact that the Ashford Motel helps to house those, displaced, in need in Ashford.

Mr. M. Roy, Ashford, He sees no benefit and opposes the applicant's request. He sees the tax relief as a pipe dream. There will be little compliance enforcement. Protecting the watershed is not their priority. He asks for a denial.

Mr. P. Varga, Ashford, Ashford Fire Dept. Chief, supports the applicant. Ashford needs tax relief for property owners; it will help people afford to remain in town. The lack of citizens volunteering is a concern; services may soon require paid staff. Issues can be further addressed in the Special Permitting process. Think of the future. He wishes those with Fire Dept. concerns to contact him.

Mr. J. Bates, Ashford, noted the definitions are too loose. What about retaining walls and set-backs? The I84 location is on a hill, so the photo from I84 will show more of the building. Noise and parking were not adequately noted; the open areas are actually wetlands.

Ms. C. Vidich, Ashford, is opposed. She is very aware of how the watershed, Mt. Hope River, etc. effect the many homes with wells. There will be a lot of runoff. The area is one of the highest elevations in eastern Connecticut.

Ms. S. Leavitt, Ashford, urges purposeful thinking. What about the Fenton River watershed? She opposes the proposal.

Mr. J. Marshall, Willington, an Architect, was against the recent proposal in Willington. Pay attention to traffic, look at the worst case scenario. The Inst. of Transportation Engineers (ITE) [ite.org] notes 2,400 to 10,000 trips as the height of use. He urges diligent deliberations. For example, just a sprinkler system in a large building would require a public water supply. Actually, the people are the only force to limit these businesses allowed by the regulations.

Mr. T. Pippin, Willington, advises to vote no. The hill area there leads to two lakes and sanctuaries. There is no infrastructure there. Storage of toxic chemicals could cause a problem if a fire. He mentioned an incident in Ohio. Often these companies ask for tax abatements. The tax issue and low paying jobs, etc. are concerns. Vote no.

Mr. B. Will, Ashford, thought the presentation was generally vague, an open book to build what they want. Dollars over quality of life is not his idea. The project would affect other towns like Willington, Union, Stafford and even Monson. Automation is really the goal in warehouses not hiring people. Truckers are independent contractors, not controlled by the warehouse owners. Uber type deliveries might be happening in future., so increased traffic. It is cheaper to build one structure than several. The taxes would go to the general fund, not necessarily to homeowners.

Mr. M. Varga, Ashford, feels that people are being priced out of town. There are reductions in those willing to volunteer. More paid staff may be needed in the future.

Ms. J. McCarthy, Ashford, is not for or opposed to the proposal. She does not see a structure there as affecting the rural nature of the town. Ashford needs some development.

Mr. Kenny, Ashford, a watershed inspector with Windham Water Works, (WWW) noted that Windham, water is some of the cleanest in the state. The structure probably would be heated with fuel or propane as there is no gas in this area. Its waste water, septic system, runoff and spills will bring big impacts to the area. Windham Water Works should be asked to consult on the proposed changes.

Ms. P. Summers, Ashford, asks PZC to reject proposal.

Ms. C. Acebo, Ashford, How will Ashford regulate or monitor the site development? An earlier town issue with a gravel pit (not exactly sure) was not made to comply, so how could it be done with this future project?

Mr. W. Falletti, Ashford, 1st Selectman, supports the text amendment. Our Ashford School had 589 students in 1993-4 but only 367 students as of now. Over 20 families are home schooling. Affordability is a concern for many in town. Keep the economy in mind.

Mr. T. Pippin, Willington, is not against business but wants sensible businesses.

Mr. R. Corriveau asks that the PZC look this as an opportunity. Campanelli is a quality operation; consider the proposed changes.

Mr. A. Campbell, Ashford, our Volunteer Fire Dept., noted only a handful of volunteers for fire or rescue operations here. High costs make it difficult to live here. He is for the proposed regulation changes.

Ms. K. Olson again stated wording is too broad with no qualified definitions. What uses are appropriate for the area? The text amendment should be modified. Reasonable growth is desired rather than setting the town up for peril.

Mr. Vidich again noted think of the worst case that would be allowed with their wording. There is no specificity. He suggests the PZC set up a committee to revise the wording to reflect what is truly desired. Regs from other towns could be consulted. He would be glad to serve on the committee.

Mr. Patticchio again, agrees with the last two speakers. It is imperative to take time to deliberate and define proper uses. He would reject the proposal and would like to serve on the committee. Ms. Olson also would like to be on the committee.

The Chair asked the applicant for any further statements. Atty Knuff noted that the current regulations do define all terms except for a distribution center. He will have replies to statements and concerns at the next meeting. He was thanked by the Chairman; several speakers and Commissioners also thanked the Campanelli group for their efforts.

The Chair seated Mr. Baruch for Mr. Williams at 11:23 p.m. [75 attendees]

The Chairman stated that the town attorney should be consulted, and the letters received will be included for consideration with the comments tonight.

MR. HASTILLO MOVED AND MS. BELLAMY SECONDED A MOTION TO KEEP THE PUBLIC HEARING OPEN UNTIL THE NEXT PZC MEETING ON MARCH 13, 2023. MOTION PASSED UNANIMOUSLY.

The public is welcome to send in written concerns or to attend the next meeting to speak in person.

7. Unfinished Business, A. Review of Definitions for "Primary Residence"

MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO TABLE UNFINISHED BUSINESS A, DEFINITION FOR 'PRIMARY RESIDENCE' UNTIL THE NEXT PZC MEETING MARCH 13, 2023. MOTION PASSED UNANIMOUSLY.

8. New Business,

A. PZ-23-1: see above 6. B. This New Business, Public Hearing is still open.

New Business

B. PZ-23-2: Special Permit Application: Article 300-171 for Rural Business at 3 Lakeside Drive.

Owner/Applicant: K. Mozeiko (Receipt Only)

MR. HASTILLO MOVED AND MR. SCHILLINGER SECONDED A MOTION TO RECEIVE THE SPECIAL PERMIT APPLICATION, PZ-23-2. MOTION PASSED UNANIMOUSLY.

New Business

C. PZ-23-3: Special Permit Application: Article 300-10 for Reduction of a non-conforming use, Owner, Ruby Realty LLC. Applicant, D. Famiglietti. (Receipt Only)

MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO RECEIVE THE SPECIAL PERMIT APPLICATION, PZ-23-3. MOTION PASSED UNANIMOUSLY.

Mr. D'Amato will ask applicant if he is willing to have this issue put off until our April meeting.

New Business

D. PZ-23-4: Special Permit Application: Short Term Rental at 7 Amidon Dr., Article 300-17D, Owner/Applicant P. Marcue. (Receipt Only)

MR. HASTILLO MOVED AND MS. BELLAMY SECONDED A MOTION TO RECEIVE THE SPECIAL PERMIT APPLICATION, PZ-23-4. MOTION PASSED UNANIMOUSLY.

9. Zoning Officer's Report - none

10. Adjournment

MR. HASTILLO MOVED AND MS. BELLAMY SECONDED A MOTION TO ADJOURN. MOTION PASSED UNANIMOUSLY AT 11:30 P.M.

*Respectfully submitted by
Valerie B. Oliver, Recording Secretary
2/14/2023*