

ASHFORD PLANNING AND ZONING COMMISSION
ASHFORD, CT / REGULAR MEETING MINUTES
VIRTUAL MEETING via Zoom
Monday, March 13, 2023

Present: Jeffrey Silver-Smith (Chair), Janet Bellamy (Vice Chair), Luther Brauch, Alex Hastillo (Clerk), Doug Jenne, Catherine Sampson, Jeffrey Schillinger, Richard Williams, Nord Yakovleff / Gerald Dufresne arrived later, John Calarese.

Guests: Mike D'Amato, Facilitator and Zoning Enforcement Officer, William Falletti, 1st Selectman
Online attendance counts: 6:50 p.m. 74 / 6:59 107 / 7:02 158 / 8:45 256 /

1. Call to Order /Seating of Alternates: Chairman Silver-Smith called the meeting to order at 7:00 p.m.. Mr. Jenne was seated for Mr. Dufresne.

2. Approval of Minutes:

MR. SCHILLINGER MOVED AND MS. BELLAMY SECONDED A MOTION TO APPROVE THE MINUTES OF THE REGULAR PZC MEETING FEBRUARY 13, 2023. MOTION PASSED UNANIMOUSLY.

3. Public Comments (for items not listed on the agenda): none

4. Bills: none

5. Correspondence: none reported

6. Public Hearing:

A. PZ-22-9: Application for Short-Term Rental at 88 Ashford Lake Drive. Article 300-17D, Owner J.Pufahl (No discussion-Continue to April 10)

B. PZ-23-1: Text Amendment Application: Article 300-14 (Definitions) and Article 3000-19 (Interstate Interchange Development Zone). Applicant Campanelli Rodolakis LM Acquisition LLC & Ashford Realty Trust, LLC. (P.H. continued from Feb. 13)

Ms. Bellamy made a statement to explain that as an eight-year member of the Ashford Conservation Commission, she was aware of a possible conflict of interest. However, she had no part in the deliberations or writing of the Conservation Commission's letter regarding this PZ-23-1 issue; she also recused herself from their February meeting where the issue(s) were discussed. Atty Knuff, representing the applicant, then stated his view of her remarks.

To begin Mr. Silver-Smith provided extensive information as to how the public hearing would be conducted

The 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. If you spoke at the last meeting, please allow those who have not spoken to go ahead. In addition to the public comments tonight the Commission will also consider the written comments received by the Land Use Office. Please remember that this hearing is concerned with text amendments to the current zoning regulations. There is no application for an actual building or business. All are thanked for their interest and cooperation.

Presentation by Applicant Campanelli Rodolakis LM Acquisition LLC & Ashford Realty Trust LLC

Campanelli Atty. Mr. John Knuff made the opening remarks stating the firm's interest in working in an open and cooperative atmosphere. He responded to the "anonymous flier's" information sent to citizen's homes. He referred to the information as containing outrageous allegations. Trust is needed as well as open minds; the flier served to cloud judgements.

Each statement from the flier was put on the screen and rebuttal provided. The recent (today) submission of revised language in the application was noted as negating two of the flier statements: the sq. ft. footprint has been reduced to 1.1 million sq. ft. and the height of the building reduced from 75' to 55'. Another point he made was that no public water supply would be affected; all wastewater will be collected and treated on-site; at Lake Chaffee from 57,000 to 70,000 gal./day of wastewater is issued and 4,700 gal./day from the Ashford Motel. With 30% of the land left as open space there will be no trucks removing a "mountain" of land from the site.

The expected impact on the town mil rate would envision about \$852.00 less in taxes to each home owner. A letter from the Uxbridge, Mass., 1st Selectman was shown, stating their experience and the reduction in taxes having to be paid by homeowners there. Traffic would be somewhat reduced due to their changes in "uses" for the IID zone. He stated that the flier statement of no public water or sewers was not correct. He indicated too that the area south of I84 near Morey Pond, shown on screen, would be preserved.

The proposed text amendments now include a maximum height of building at 55'; no hazardous waste will be included in the e-commerce handled at site. Photos were shown of the intersection showing top of building of 55', just showing a bit above the trees. A drawing of the site with rectangular building was also shown - limited to 1.1 million sq. ft. footprint.

Presentation by Kurt Prochorena, VP Loureiro Engineering Assoc., Plainville, CT

Mr. Prochorena reviewed all the issues related to water, noting all the regulatory standards required for each issue and concern. All work is governed by local and state regulations. The Conn. Dept. of Public Health (DPH) and the Eastern Highlands Health Network (EHHN) are the major agencies involved with issuing required regulations. He reviewed design and permitting processes as they affect groundwater, aquifers, treatment of sewage, wastewater dispersal, stormwater runoff, well water quality testing, site specific considerations, etc. In this review he noted several critical publications: The *Connecticut Stormwater Quality Manual*, the *Eastern Connecticut Conservation District Low Impact Design (LID) Guidance Checklist* and the 11/24/2020 report from Jean Pillo of Eastern Conn. Conservation District with four recommendations. Points made were that the work can not affect other wells, water quality and drinking water would not be affected and a subsurface waste disposal system would

be used. He also noted that lighting will be low impact smart lighting, LED, energy efficient and controlled by use and time of day.

Presentation by Kevin Solli, Traffic Operations Engineer with Solli Engineering, Monroe, CT

Mr. Solli made a very similar presentation regarding trip analysis as he did at the first Public Hearing, Feb. 13th. He showed charts for trips comparing numbers, considering reduced traffic, due to recent changes made by the applicant. A CT DOT traffic impact study is required and reviewed by the Office of State Traffic Administrators and the Conn. DOT. Both the intersection and trips generated (enter and exit numbers) are studied. His figures for trip generation were based on 1.71 trips for every 1,000,000 sq. ft. of building.

Presentation by Mark Fougere, owner Fougere Planning & Development, Milford, NH, on Tax Implications

Mr. Fougere provided updated information regarding the average valuation of house in Ashford provided by the Ashford Town Assessor. The new figure was \$237,000, down from the original presentation of \$324,500. Mr. Fougere then went on to show potential tax savings for a higher valued home in Ashford (\$400,000= \$1049.00) and a lesser valued home (\$190,000= \$498.00) based on potential revenues to the town applied solely to tax reduction resulting from such a business at the IID area.

Letter by Ashford Fire Chief Paul Varga, on the town web site, was noted.

Concluding remarks were made by Mr. Knuff. They are open to suggestions and are happy to work with the Planning & Zoning Committee. The presentation ended at 8:28 p.m.

Mr. Silver-Smith thanked all for their presentation and opened the meeting to questions by the PZC Commissioners.

Mr. Baruch thanked the team for robust information and asked first about tax calculations and projected revenue. Vehicle taxes were not included [vehicles using the facility]. Mr. Fougere stated that that information could be obtained. He noted though, that only if a truck/vehicle were housed in Ashford for three months or longer would a tax go to the town. The second question concerned an inadvertent contamination. Did the plans allow for handling that? The engineering could be done in such a way that no waste would get outside. Mr. Prochorena noted that regulations include spill control, specialized to the operational nature of the a proposed facility.

Mr. Yakovleff spoke about trucks traveling to Providence, RI, and wouldn't they opt to travel south on Rte. 89 to Rte. 44, etc.? There is nothing to really stop this. A third party review could be arranged and welcomed by the applicant.

Ms. Bellamy asked what happens if this state-of-the-art building is no longer occupied? The response noted these buildings have a long shelf-life and can be retrofitted; although expected to last for 20-50 years, they can be repurposed. Mr. Knuff noted they do not expect this for several decades.

Mr. Williams noted a fee was not mentioned in the proposal. Our regs indicate a fee of 1% of the value of the building being built or \$50,000, whichever is greater, to fund payment for a consultant's analysis. Mr. Knuff said they would welcome it.

In response to the concern of trucks using Rte. 89 to travel to Providence, ***Ms. Collene Byrne, a Solli Engineer***, reported that due to various conditions (fuel economy, deceleration, many turns, narrow roads, many stops, etc.) trucks would opt for larger highways. Their use is more economical and safe despite perhaps a longer route on the map. Truckers prefer highways.

Mr. Schillinger asked if the applicant would be the owner and operator of the facility? "It could be" was the answer. They currently operate 16 other centers. Regardless, if own, lease or sell, all would have to comply with the regulations. Campanelli is expected to continue to own. [256 attendees at this point]

Mr. Silver-Smith wondered when water / well water testing was to be done when it comes to evaluating such a property? The applicant stated that is part of the design process so done very early on.

Public Comments Began at 8:47 p.m.

Ms. P. Summers expressed losing quality of life if warehouse built. She noted growing Amazon workspace injuries re an OSHA report. 93% of those injured were unable to perform their jobs as before. Critical services to the country are provided by teamsters.

Mr. J. Parks, Atty, Somers, CT hired by some Ashford residents noted that the Ashford IID is not located near any other IIDs, so many safeguards are not included. The text amendment is not the way to do this; it is radical

and not envisioned by the original zoning regulations. The infrastructure is not designed for parking on the road side. There will be too many trucks and too little parking considering 160 loading docks. A distribution center is a free-wheeling area - active day and night. This should be put to a town vote. The Public Hearings have seen good suggestions. Work on comprehensive amendments.

Mr. L. Gag asked that this scenic area be preserved; the intersection is the entry to Ashford. The Ashford "Plan for Conservation & Development" page 34 deals with the IID. A 1.1 million sq. ft. building suits the applicants need for profit. The applicant should be willing to work within our current regs. Please do not betray our citizen's plan.

Mr. Jenne was asked if he attended the last Public Hearing? Yes, he did, and he has read the materials except for those sent out this afternoon.

Ms. K. Olson, Attorney said she had spent all afternoon preparing a seven-page Memorandum of Law regarding this issue. As a land use attorney, she said the law is clear about notifications. This PZ-23-1 has now been modified, so the game has been changed. The applicant should reapply - otherwise the PZC (and town) are in peril and could be subject to challenge. The process should start over. One hour plus has been spent talking about a special permit, yet the text language has not even been approved. Such size buildings and set backs have never been approved in this town. Once the text language is changed the PZC is duty bound to approve a new building project - [application?]. The PZC needs to step back and look at the regulations. If approved, adequate oversight is lost. She urged a new application and revised and reformed regs to better control what goes on at this property.

Mr. Knuff stated that the applicant can make changes. Changes can happen, ask your town attorney regarding the ability to make changes. There is clear case law.

Mr. R. Rudewicz felt that Mr D'Amato's 3/7/23 letter expressing what to discuss and review was not correct. It seemed to eliminate topics. The presentations were all concerned with future uses they envision. It would seem important to be able to consider the various impacts of such a large project. Regulation 300-19 states "not negatively impact adjacent development." Why can't water be discussed? As a rural area environmental concerns should be considered by the PZC. The situation is out of control.

[see 3/7/23 letter to the PZC containing "Application Summary" and "Application Process Guidance" on Ashford website, PZC documents, select March 13, select "Staff Memo PZ-23-1 Text Amend."]

Mr. Silver-Smith noted that the PZC is allowing the applicant to talk about the future. The Commission thanks Mr. Rudewicz.

Ms. L. Zalotka travels 89 to 190 daily. Just off 190 to 89 there is a sign "Entering Watershed." There is a swamp there. She also noted mil rate info was vague, night lighting now, from the Willington I84 complexes, can be seen from Westford Hill area. These other area truck stops can be heard on Rte. 89. She wondered why the area was ever made an IID in the first place? Where is the water coming from? The area should be left forest and ponds.

Ms. C. Sohazzo asked that the community be supported. Some 250 are against this amendment. Why was the project denied in Willington? There is enough traffic already. The value of the town is its woods, stars and the people. [251 attendees at this time]

Mr. M. Gantick noted that considering the POCD, why the text amendment being considered. Sustainability requires resources. Ashford needs a financial infusion. If not on this property, where else can development be? As an engineer, it is an opportunity if done in a sensible way and is protective of the environment.

Mr. P. Ralston was concerned about the process of adequately notifying citizens about the meetings and public hearings. He wondered if there was an adequate way for those without computer access via Zoom to be part of the meeting? He noted laws and specific town zoning regulations in his remarks. He noted other zoning decisions such as the Cumberland Farms (where accidents have occurred and an historic building destroyed) and the Dollar General (where entrance and exit adds to intersection difficulties) where little public input (or vote) was obtained. The PZC meetings should be held in person, face to face; ask questions; why is a survey crew working at the site now? What type of lab is envisioned? Are all letters, pro and con, from Ashford residents? There should be a public vote on a matter so critical for the town. Citizens should be vigilant about critical changes being proposed for their town.

Mr. Silver-Smith will let him know that all proper protocols were followed; the Land Use Office. will send info to him. He was thanked for his input.

Ms. C. Acebo noted that the last minute changes by the applicant have not been formally received by the PZC. A new proposal is needed. She is opposed to the text changes but advises the regulations be revised. You are elected to the PZC to represent us, the citizens. A building should be proposed that is designed to fit in with our regulations.

Mr. W. Abikoff opposes the amendments that he feels could change the character of the town. The proposed changes are like an atomic bomb for our town; changes should be incremental.

Ms. K. Harvey stated that the presentation made everything sound so great. She and family moved to Ashford to have a farm. They just recovered from having to replace their foundation. She felt it is shocking to entertain such a monstrosity of a project. We should not sacrifice the landscape for a few hundred dollars.

Ms. C. Trotta of Ashford Lake area and a Real Estate Broker thinks that Campanelli could sell the property as Atty. Olson said. Then Ashford has no way to deny an application. In Plainville, Conn., the Amazon site of 61 acres has 664 employees. It is not reasonable to compare us with Uxbridge, Mass. of 14,000 population, 34 fire fighters and 25 police officers. How is the number of 15,000 gal. of water/day determined? Just a sprinkler system would take lots of water, more when activated. Roads could be widened as Rte. 89 is a state road; what about littering road sides? She is opposed to the amendments.

Mr. A. Patichio noted that even with the recent changes, nothing is modest. The POCD did not envision such development. Why should we substitute their ideas for our own? We should not let them define our regulations. He questioned the correctness of the schematic shown for what could be done there. He recommends that the PZC consider all the POCD requirements for the IID and also the zone area south of I84 as it is near residential homes. Consider the different nature of the uses added to be included in the zone. Why were they not in our original (and current) regs.? Make your decision based on the POCD and what type of development would reflect Ashford. There is no Ashford High School. The full- scale remaking of our regulations to suit their needs should be rejected.

Break taken from 9:57-10:02 p.m.

Mr. T. Pippin of Willington, who spoke at the last hearing, urges a no vote for many of his same reasons. Taxes are the same in Willington.

Mr. M. McGlaris asked for no further rebuttals e.g. that for Ms. Bellamy and Ms. Olson

Ms. C. Vidich told of going door to door to have residents sign a petition, representing all areas of the town. She was impressed with viewpoints and cooperation. She obtained 500 signatures. She asks for rejection of proposal.

Ms. M. Roy feels the proposals are not in keeping with the POCD. A patchwork approach to zoning is not effective. Special permit regs need to be stronger. Our town could be put at risk legally. The text amendment goes with the land not the owner. The project is way out of line for our town. Please vote no.

Ms. J. Tanner of Lake Chaffee, also referred to the March 7th D'Amato letter, traffic noise, stormwater, etc. not to be considered. His comments that the petition should be ignored is wrong. It does represent the opinions of many citizens. See 300-25b that does not seem to be followed about promoting health and welfare of the public, etc. That, in itself, should be valued. With no notice at all in the Jan, Feb or March Ashford Citizen, it seems that the PZC did not want to bring the meeting topics to the town community in a newsletter all residents receive. She feels the town has been blind-sided. Look at implications of proposed changes, the exact words used and what they actually mean.

[see 3/7/23 letter to the PZC containing "Application Summary" and "Application Process Guidance" on Ashford website, PZC documents, select March 13, select "Staff Memo PZ-23-1 Text Amend."]

Mr. Silver-Smith said that although nothing was in the local Ashford Citizen meetings were placed in required newspapers.

Mr. K. Landin expressed concern that Mr. Knuff did not say who might occupy the building. Rte. 89 traffic is a big concern. Trucks to Providence and New London with no police equals a problem. The project is way over our heads; it would open a Pandora's Box. Do not make exceptions to the regulations. It is inappropriate for us.

Mr. P. Varga, Fire Chief, supports the text amendment; he feels that the town needs to look forward especially for future generations. The IID is in a perfect spot for development. His visits to Uxbridge saw no traffic issues. Ashford needs to move forward; added revenue is needed to help offset taxes. Without development the financial situation is untenable.

Mr. B. Will supports upholding our regulations. No amount of tax relief is worth it. In Uxbridge last year a 4% tax reduction: e.g. \$5,300 tax due saw a reduced saving of \$233.00. He looked at other Conn. towns and saw no tax savings. He supports rural economic activity, see 300-2, purpose and goals of Ashford's zoning regulations. Nothing proposed fits this. Vote no.

Ms. K. Glaude, opposed, but feels we can do what Mr. Varga said without spoiling the landscape.

Mr. D. Roy is opposed; thinks proposals are insane.

Mr. C. Vidich stated that if approved there is no due process (for the two property owners nearby). There should be an updated and improved way for Ashford to notify its residents of PZC meetings.. Need better communication. There is a way to do automatic notifications; look at what Mansfield does. This has been an anonymous process: footprint 1.5 million sq. ft. now 1.1 million / footprint of 4 floors is 4.4 million sq. ft. / surface

water quality standards have not been mentioned / Rte. 89 is the dividing line between the Fenton and the Mt. Hope / over 11% coverage also degrades water quality There should be a moratorium on all development in the IID until regs are developed that are more appropriate. Neither the DPH nor EHHD have the finances and staff to handle monitoring of suggested project. Campanelli does good work, but this is out of scale for Ashford. Look over and extend the Public Hearing process with such a significant change. Look at the consequences.

Mr. J. Trinqu of Union spoke as one who lives near the IID zone as have his grandparents. He views proposals negatively and opposes.

Ms. S. Palmer wants a rural community and does not want urban amenities here. She values what we have.

Mr. B. Brown is not in favor. Their taxes to the town will not help us individually; it is our language and our regulations. They should not be made by a profit making entity. Their motive is profits. Vote no.

Ms. R. Bolier owns a farm. She can hear I84 traffic now as her home is just off Rte. 89. She wishes to avoid higher traffic and trash. Work on the zoning and move Ashford forward in the right way; things are not the right way now - we need all our ducks in a row.

Ms. L. Wrobel, Chair. Conservation Commission sees democracy flourishing in Ashford as the controversial proposal(s) have brought many together. She is impressed with many who have spoken.

Ms. K. Olson felt she was rebuked by Mr. Knuff. A text amendment can't be modified without a public hearing. Ten days before a public hearing a notice is to be placed with the town clerk. Failure renders the amendment invalid. This notification allows those affected by an amendment to be enabled to prepare intellectually for the issue. It was only 7-10 hours ago that she received the applicant's changes. There was not adequate notice to the town clerk's office. One can't change the game after the public hearing has been held. The PZC should consult with a land use atty., submit changes and modify the amendment. If challenged you are put in peril. You need "appropriate" regulations for the IID zone.

Ms. S. Morytko asked what about the cost to the town to administer the development? The land could be sold leaving all testimony moot. Best to deny the application, and let them apply for a special permit in order for the town to know what it is dealing with.

The Pubic Hearing ended at 11:23 p.m.

The PZC Chair thanked each individual when that person spoke.

Mr. Knuff made closing remarks that included one more presentation by the applicant if the hearing is extended. After that he felt that that should be the end of the hearing process. He wishes to respond to comments made tonight.

The Chair noted he will extend the hearing until the next meeting and will consult the town attorney. The public hearing will include "some" public comment and more deliberation by members. Ms. Bellamy asked that any documents be provided early on so that they can be studied. Once the new agenda is posted, anyone wishing to post information will be advised to attend the meeting and speak, per Mr. D'Amato. Mr. Williams thanked Mike for all his work in preparing and posting documents for the Commission.

Th Public Hearing will be continued on April 10, 2023.

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

MR. WILLIAMS MOVED AND MS. BELLAMY SECONDED A MOTION TO TABLE UNFINISHED BUSINESS. MOTION PASSED UNANIMOUSLY.

8. New Business

A. PZ-23-1, decision. No deliberations held.

B. PZ-23-5, 1-Lot Resubdivision Application: 285 Turnpike Rd., Owner: Micah+Kristin Bond.
Applicant: A. Bushnell. (For receipt only)

MR. HASTILLO MOVED AND MR. WILLIAMS SECONDED A MOTION TO RECEIVE PZ-23-5, AN APPLICATION FOR 1-LOT RESUBDIVISION AT 285 TURNPIKE RD., OWNER: MICAH+KRISTIN BOND: APPLICANT A. BUSHNELL. MOTION PASSED UNANIMOUSLY.

9. Zoning Officers Report: See above.

10. Adjourn

MS. BELLAMY MOVED AND MR. WILLIAMS SECONDED A MOTION TO ADJOURN. MOTION PASSED UNANIMOUSLY AT 11:46 P.M.

Respectfully submitted by, Valerie B. Oliver, Recording Secretary, 3/15/2023