

ASHFORD PLANNING AND ZONING COMMISSION
ASHFORD, CT / REGULAR MEETING MINUTES
VIRTUAL MEETING via Zoom
Monday, May 8, 2023

Present: Jeffrey Silver-Smith (Chair), Janet Bellamy (Vice Chair), Gerald Dufresne, Alex Hastillo (Secretary), , Catherine Sampson, Mark Schnubel, Jeffrey Schillinger, Richard Williams, Nord Yakovleff, John Calarese (Alt), Doug Jenne (Alt)

Guests: Mike D'Amato, Facilitator and Zoning Enforcement Officer

Online attendance: some having trouble getting into online meeting / names noted: Ken Slater, W. Falletti, C. Silver-Smith, M. Varga, B&T Guerin, P. Ralston, J. Parks, The Lees, S. Palmer, P. Summers, J. Midworth, M. Panek, S. A. King, J. Murphy, C. Vidich, J. Leavitt, S. Morytko, C. Baker

1. **Call to Order / Seating of Alternates:** Chairman Jeffrey Silver-Smith called the meeting to order at 7:11 p.m. All commission members present, no alternates seated

2. Approval of Minutes: April 10, 2023 Regular meeting and April 17, 2023, a special meeting

MS. DUFRESNE MOVED AND MR. WILLIAMS SECONDED A MOTION TO APPROVE THE MINUTES OF THE REGULAR PZC MEETING APRIL 10, 2023 AS CORRECTED. MOTION PASSED UNANIMOUSLY.

[correction, Mr. John Calarese was present at the April 10th meeting. see minutes of 4/17/2023]

MR. WILLIAMS MOVED AND MS. BELLAMY SECONDED A MOTION TO APPROVE THE MINUTES OF THE SPECIAL PZC MEETING APRIL 17, 2023 AS CORRECTED. MOTION PASSED WITH ONE ABSTENTION FROM MR. YAKOVLEFF.

correction, p. 1, 1st motion, Mr. Dufresne / not Ms.

3. **Public Comments:** Ms. Acebo asked if three PZC member seats and three alternate PZC seats were up for election in November 2023? Yes.
Ms. Silver-Smith, acting as a citizen, thanked the PZC Chairman and the PZC for how they were handling the meetings.
Mr. P. Ralston noted that residents would want to know how the PZC members voted, a sort of report card. He felt that the way these important meetings were being held was inadequate and ineffective. He thought it important for PZC members and the Selectmen to meet citizens face to face at meetings. He found it difficult to locate information on the website.

4. Bills: none.

5. Correspondence: 4/6/223 Freedom of Information Act request by C. Vidich.

Mr. Vidich's letter and response from Mr. D'Amato are on the town website. His concern was about "calculation procedures for determining the threshold of 20% of the land area within 500 feet of the site of the proposed Zoning text amendment" [re PZ 23-1]. Mr. D'Amato's response dated 5/2/23, noted answers to all 5 specific questions and is available online.

6. Public Hearing:

A. PZ-23-3: Special Permit Application per Section 300-10 for Reduction of a non-conforming use at 54 Seckar Rd. Owner/Applicant Ruby Realty, LLC (Hearing Continued from 4/17 Special Meeting)

Atty. Famiglietti, representing the applicant, stated that concerns regarding fire truck or emergency vehicle entrance issues were discussed with the Fire Chief, and an inspection was carried out. The Fire Chief is satisfied and either

option for access was approved. Atty. Slater was consulted; since the use is more conforming, residential, single use, he sees a basis for approval. The Chairman asked if there was any downside to the negotiated application. Atty. Slater felt the plan was a good solution.

There were no Commissioner comments. Floor was opened to Public Comment. It was expressed that people were unable to get into the meeting. Mr. D'Amato stated he was allowing people in and there was a temporary back up.

With no further public comments, Atty. Famiglietti made her closing remarks noting that the applicant had agreed to the nine conditions and wondered if there were any further questions. There were none.

MR. DUFRESNE MOVED AND MS. BELLAMY SECONDED A MOTION TO CLOSE THE PUBLIC HEARING. MOTION PASSED UNANIMOUSLY.

7. Unfinished Business

A. PZ-23-1: Special Permit Application per Section 300-10 for Reduction of a non-conforming use at 54 Seckar Rd. Owner/Applicant: Ruby Realty LLC

The nine conditions were read by Mr. D'Amato.

1. land records require completion of a Certificate of Action
2. the current religious permitted use will be "willfully terminated with sale of the property"
3. all three buildings will have common ownership
4. the current parcel (MBL23-A-9) shall not be reduced in size from the current configuration of about 24 acres without the approval of the Commission.
5. the use will continue to be treated as a preexisting non-conforming use.
6. no more than three (3) dwelling units shall be established on the property without the prior approval by the Commission.
7. Prior to the issuance of a Certificate of Occupancy for the former chapel/rectory, the driveway shall be constructed as depicted on the "Improvement Location Survey" prepared for Our lady of Mount Carita, OBS Inc, dated 9/17/10 and with revisions to 11/17/10 or to the satisfaction of the Ashford Fire Department.
8. a Certificate of Occupancy shall be obtained from the Building Official prior to use or occupancy of the former chapel/rectory.
9. all other approval by other agencies including Building Department and/or Eastern Highlands Health District are expressed or implied by the approval of this Special Permit application.

MR. HASTILLO MOVED AND MR. WILLIAMS SECONDED A MOTION TO APPROVE THE SPECIAL PERMIT APPLICATION PER SECTION 300-10 FOR REDUCTION OF A NON-CONFORMING USE AT 54 SECKAR RD., OWNER/APPLICANT RUBY REALTY LLC, WITH THE NINE CONDITIONS STIPULATED ABOVE BY THE ZONING OFFICER. MOTION PASSED WITH ONE ABSTENTION FROM MR. YAKOVLEFF.

B. PZ-23-1: Text Amendment Application; Article 300-14 (Definitions) and Article 300-19 (Interstate Interchange Development Zone). Applicant Campanelli Rodolakis LM Acquisition LLC & Ashford Realty Trust LLC. (Decision possible but no required)

Mr. Williams explained the history of the zoning of this IID area. When he worked on both the Plan of Conservation and Development (POCD) and on the PZC he wrote the regs we have now; for the sections in question, the text of the regs was kept the same (as written 10-15 years earlier). It was felt then that if changes were sought, they could then be addressed - as the situation confronts the PZC now.

Mr. Yakovleff stated that Ashford citizens had expressed their concerns. **The Chair** noted that all PZC members represented the interests of Ashford citizens; our zoning regulations and the POCD should be considered by all members.

Mr. Williams reminded members that 1% of the total construction costs was to be provided by an applicant so that the town could hire professional consultants to help in our decision making. He noted two other earlier proposals or applications, for trash disposal and wind energy, that failed to go forward. **Mr. Williams** stated that the applicant was trying to make the regulations allow for more uses, uses that might get PZC approval. He noted the IID zone would not remain rural indefinitely.

The issue of "warehouse" was a concern. Often "uses" in zoning regulations do not mention every single use, just some examples. Although some felt the exit was a gateway to Ashford, other felt that was not the purpose of the exit. It was pointed out that the POCD does refer to the exit as a "gateway."

Mr. Schillinger noted that the text amendment does not say what is to be developed. The PZC needs to consider what these language changes would do in the future.

Mr. Silver-Smith stated that both our regs and the POCD should be studied; the application does not fit with the statement that use should be "compatible with area development." Agricultural, food and fiber, uses were mentioned. He read sections of both regulations and the POCD.

Mr. Williams pointed to p. 35 of the POCD where it discusses the lack of development there, a frustrating issue.

Mr. Schnubel reminded members that the footprint was the measurement around the perimeter of the building while the structure size measured the square footage of the inside, all the floor space. So with a 50' tall building and several floors within the footprint, the square footage is a very different number.

Mr. Silver-Smith traveled to Uxbridge and noted that the retaining walls were very high. The Charlton facility built by Campanelli also had high walls.

Mr. Schnubel said the grade should be looked at; the impact of "exempting retaining walls from setback requirements" is a concern.

Ms. Bellamy thanked the Chair for his efforts. The PZC needs to get the full picture. Changing our regulations will affect all in Ashford. She noted that at an earlier hearing a former PZC member had said warehouses had been rejected. There should be no piecemeal changes. Both the current regulations and the POCD reflect a vision for our town. The PZC members need to visit the IID to better understand the situation. **Mr. Williams** disputed what the former PZC official had said.

The Chairman said he had studied the sites built in Massachusetts by Campanelli. Of 15 sites, 9 were less than 250,000 sq. ft.; we allow that now. Twelve are less than 500,000 sq. ft., and only 3 are greater than 500,000 sq. ft. 60% are under 250,000 sq. ft.

Mr. Hastillo seconded Ms. Bellamy's views. If changes are approved, we cannot take it back.

Mr. Schnubel informed the PZC that Willington has a building height limit of 40' and Sturbridge a building height of 35,' except that a hotel could be taller. Our 35' building height is the norm.

Mr. Dufresne asked that wetlands, ponds, water table and history of the area be considered. He noted farmers in the past rejected the land as difficult terrain for farming.

Mr. Dufresne made a motion to deny the application.

[8:28 p.m., 132 attendees]

Mr. Schnubel said it would behoove the Commission to research mistakes other towns have made and look at those towns that have done it right, like Sturbridge. Their regulations are more in depth than ours (even including tree planting). We might choose to be more thorough.

Mr. Schnubel seconded the motion.

Ms. Bellmay suggested that the motion include "not consistent with our current regulations and the POCD." **Mr. Williams** disputed that view.

The Chairman allowed that times have changed, and we do need to look at our regs in line with the fact that the POCD is to be revisited in two years. The Commission needs to make thoughtful decisions in regarding development within the IID Zone and what meets the needs of all of the towns citizens going forward.

Mr. Schnubel agreed that these sections need to be revised; we should take advantage of all the professional expertise available to us. A motion to accept or to deny was discussed briefly.

To repeat:

MR. DUFRESNE MOVED AND MR. SCHNUBEL SECONDED A MOTION TO DENY THE TEXT AMENDMENT APPLICATION, PZ-23-1, ARTICLE 300-14 (DEFINITIONS) AND ARTICLE 300-19 (INTERSTATE INTERCHANGE DEVELOPMENT ZONE), APPLICANT CAMPENELLI RODOLAKIS LM ACQUISITIONS LLC & ASHFORD REALTY TRUST, LLC. MOTION PASSED WITH 8 YES VOTES (HASTILLO, SCHNUBEL, DUFRESNE, SCHILLINGER, SAMPSON, BELLAMY, SILVER-SMITH AND YAKOVLEFF) AND ONE ABSTENTION (WILLIAMS).

The Chairman stated that discussions regarding revisions to the regulations for the IID Zone would be on the agenda for future meetings. Atty. Slater left the meeting at 8:48. [122 in attendance]

7. C. Review of Definitions for "Primary Residence"

A definition provided by Atty. Slater was shared with the commission (Original forwarded to members on 3/13/23). The definition was thorough except for defining the term "most of the time". Mr. Silver-Smith defined most of the time as "at least 183 days in any one calendar year" as more specifically defining the length of time required to be considered a permanent residence. Members voiced agreement with the language.

Since this is a text amendment, Mr. D'Amato indicated that going through the proper channels would take until about June or July to be formally accepted.

8. New Business

A. PZ-23-6: Text Amendment Application: Town-wide temporary Moratorium on "Warehouses, Distribution Centers and Research Facilities including Research and Development Test Laboratories or Centers. Applicant: C. Vidich (For Receipt Only, no discussion)

All fees and paperwork have been received. This will be on the next meeting agenda.

9. Zoning Officer Report: 231 Ashford Center Rd.: Norcross Webster Scout Reservation: Perry Heritage Center construction

Mr. D'Amato asked for approval from the PZC to go ahead and handle this at the Zoning Enforcement Officer level as he was concerned that our regs were not 100% clear as the authority to dispatch the structure on this parcel of land. A map of the property showing the proposed new building near two smaller things that would be removed was put on the screen as well as a drawing of the new building. The Perry Center would only be used for extra space for existing activities currently taking place in inadequate areas. There are no regulatory issues. Mr. D'Amato was asked to handle the process and report to the PZC on progress.

MR. DUFRESNE MOVED AND MS. BELLAMY SECONDED A MOTION TO MOVE TO AN EXECUTIVE SESSION. MOTION PASSED UNANIMOUSLY AT 9:09 P.M. [16 attendees]

The Executive Session ended at 9:24 p.m.

Mr Williams aske the ZEO about the burned-out home near the Fire Dept. on Rte. 89? Various town agencies are in discussions regarding prioritizing various land concerns and as to which department should take the lead on dealing with the situation.

10. Adjourn

MR. WILLIAMS MOVED AND MS. BELLAMY SECONDED A MOTION TO ADJOURN. MOTION PASSED UNANIMOUSLY AT 9:27 P.M.

*Respectfully Submitted by
Valerie B. Oliver, Recording Secretary
5/9/2023*

