

ASHFORD PLANNING AND ZONING COMMISSION
ASHFORD, CT / REGULAR MEETING MINUTES
VIRTUAL MEETING via Zoom
Monday, June 12, 2023

Present: Jeffrey Silver-Smith (Chair), Janet Bellamy (Vice Chair), Alex Hastillo (Secretary), Doug Jenne (Alt), Catherine Sampson, Richard Williams, Nord Yakovleff, William Falletti, 1st Selectman, Ex-Officio Member

Guests: Mike D'Amato, Facilitator and Zoning Enforcement Officer
33 attendees were present at the beginning of this meeting.

Documents for the meeting:

PZ-23-6 Applicant's Presentation / Applicant's Zoning Application rec'd 4/10/23 / Draft Moratorium Language

1. Call to Order / Seating of Alternates: Chairman Jeffrey Silver-Smith called the meeting to order at 7:04 p.m. Mr. Jenne was seated for Mr. Schnubel.

2. Approval of Minutes:

MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO APPROVE THE MINUTES OF THE REGULAR PZC MEETING MAY 8, 2023 AS CORRECTED. MOTION PASSED UNANIMOUSLY.

correction: attending, Mr. William Falletti, 1st selectman, ex-Officio Member of the Commission

3. Public Comments (for items not listed on the agenda):

Ms. C. Acebo asked about the POCD upcoming review, when and who could participate? The initial committee to do the work is either the PZC or its sub-committee; either would ask for participation of interested citizens and others qualified in critical areas. If interested in participating contact Mr. Silver-Smith or Mr. D'Amato.

Mr. Silver-Smith noted that agenda item 6.C. will not be included in this meeting.

4. Bills: none other than Chronicle charge

5. Correspondence: none

6. Public Hearing:

A. PZ-23-2: Special Application per Section 300-171 for Rural Business at 3 Lakeside Drive. owner/Applicant: K. Mozeiko.

The Chairman noted the procedure: 1. Applicant presents / 2. questions from the PZC / 3. public comments (please limit to 3 min.) / 4. Applicant final statements.

Ms. Kristin Mozeiko described her business as helping clients with back pain using the Alexander Technique. She would treat one client at a time in her home; no parking, traffic or other possible disruption of the area would occur. She also manages this service in Mansfield and in two areas in New York. In answer to Commissioners' questions, she noted: no parking on roads, there is plenty of room in the driveway, seven clients per week (one per day), no abutters concerns. *Mr. Yakovleff* asked if this would set a precedent? Our regs do allow for home business per the Chair.

Mr. S. Rodolakis asked when was the septic system upgraded? A year-ago it was inspected and passed per *Ms. Mozeiko*. Also, since clients would only be there for one-hour appointments, there would be little impact on that system. *Mr. P. Varga* noted her home on the corner of Hillcrest and Lakeside Dr. He felt he could support such an application. *Ms. Mozeiko* had no further comments except thanks for consideration.

The Chair then, with no further questions, thanked all for their time and closed the public hearing on PZ-23-2.

B. PZ-23-6: Text Amendment Application: Article 300-4 Town-wide Temporary Moratorium on "Warehouses, Distribution Centers and Research Facilities including Research and Development Testing Laboratories or Centers. Applicant, C. Vidich.

Mr. Charles Vidich put his presentation on the screen and elaborated on each point he made as to why a moratorium would be helpful for both town and land owner. Benefits noted were time for planning and possible revision of regs to determine what uses would be appropriate for the IID area - without pressure from a specific project being put forward. "Best practices" for zoning could be considered. The time would allow for views of citizens, coordination with other town's board actions and specific location advantages (acceptable and unacceptable uses). He spoke of environmental concerns (the building size(s), earth and bedrock, water quality, noise, traffic, setbacks, etc.) all could be fully considered if time set aside for this activity, all to benefit the town. He further noted that CT statutes restrict moratoria; they are a temporary restriction only. Words are powerful so defining terms is important; definitions should be explicit. With 40 years experience handling land use issues, he is willing to assist the PZC.

Mr. Williams stated that when our reg. definitions were last written specifics were taken out because all possible uses could not be determined. *The Chair* also noted that our definitions are general, so cover all possibilities (e.g. for manufacturing). *Mr. Williams* also stated that since all applications for a project would go through our Special Permitting process, that is protection. *Mr. Yakovleff* stated a moratorium would be a lot of time to restrict development in the IID, unfair to the land owner. *Mr. Vidich* responded that a moratorium would not restrict what is currently in our regulations. The IID on both north and south of I84 might be looked at as two separate land uses. *Mr. Williams* noted our current uses permitted are noted in his application. There was discussion about the application's first paragraph re the moratorium itself, the middle section and last section that included topic suggestions for review per *Mr. Vidich*. The actionable moratorium is the first paragraph of PZ-23-6. The use of "town wide" was also a concern. *Ms. Bellamy* asked why not handle things using our special permitting requirements? *Mr. Vidich* replied that it was a matter of nuance. The special permitted language needs to be more precise for different land areas to help insure the development is what the town wants. He noted Stonington, as a suburb, getting more control by being more specific in their permitted use language. The specificity makes it easier for decisions by town and applicant. *Mr. Jenne* felt that the application was confusing between the first paragraph, (all town), middle suggestions and last just the IID.

Public comment followed.

Mr. S. Rodolakis noted the last sentence in the first paragraph [Draft Moratorium Language] was questionable re. subsurface Pyrrhotite. The suggestions are ok; the last paragraph stating no longer than 12 months means no applications during that time even for subdivisions. So he can't have a project in either part north or south of I84. As the IID zone land owner he reviewed again his past efforts at development. Even his project adaptations to PZC comments had not been approved. He and Campanelli really are under a moratorium now. If those opposed to proposals persist, the town should purchase the property.

Ms. Acebo stated that since the IID land is now under better scrutiny, more has been learned about the property. She referred to her letter and the DEEP website data on Pyrrhotite. This is one reason for having a moratorium or some version of it to craft a way for what can be built there.

Ms. J. Roy supports the moratorium or some sort of way to deal with the IID or any large building project. She noted that many have kept saying that the state regulations would cover us. She noted the Cumberland Farms and Doller store buildings. She stated we need our own zoning regulations.

Mr. M. Smith is in favor of a moratorium. It would just be a pause for considering the whole town. We should try to protect what we have and avoid the increasing sprawl. We need to take a step back.

Mr. P. Varga opposes the moratorium. He said he has been attacked by people opposed to his views. Mr. Vidich does not represent him; his property value will be diminished and the moratorium is a childless reaction. Those so opposed to development should purchase the property

Ms. S. Levitt thanked the Commission and supports the moratorium. The regs need to be in line with the POCD.

Ms. C. Acebo noted that a moratorium/pause is not a catastrophe, other towns do have them e.g. Mansfield for consideration of cannabis. We are not unique; it is just allowing time for consideration. It is an opportunity, so take it.

Mr. S. Rodolakis asked why a moratorium since all go through special permit anyway?

Final comments by Applicant:

Mr. Vidich stated that the moratorium was not to stop development in the IID and that Mr. Rodolakis should be a part of the process (if approved) to review the regulations, etc. The application is only designed to create a short pause. It is up to the PZC to decide.

The public hearing was closed for PZ-23-6 and all thanked by the Chairman at 8:35 p.m.

6.C. PZ-23-7 is not under consideration tonight due to legal concerns.

7. Unfinished Business: none

8. New Business

A. PZ-23-8: Application to Reinstate Expanded Subdivision at Lake Woods Lane. Applicant: RNC Ashford

A PZC discussion followed regarding the main issue. As explained by *Mr. D'Amato* the subdivision bond expired in 9/2005 when not all the road construction work had been completed. Therefore, to insure that the road work will be finished adequately when turned over to town responsibility, a new bond is needed to cover increased costs. The expiration date of 9/2005 was set by statute. The applicant is required to make this new application. The town is stipulating that no sale of any subdivision (6 in number) can proceed until the new public improvement bond is secured. The bond needs to be of a higher value. The exact bond value is not stated as we need to consult with both our attorney and NECOG on how best to determine the amount.

Mr. D'Amato put his proposed motion of stipulations on the screen. It is to be part of the motion. He also put the property map up showing properties a-f, subdivisions, that are not to be sold until new bond secured. Stipulating "no sales" provides the town with some insurance. *Ms. Bellamy* asked who works on the road? When the applicant has completed the road, we release the bond and accept the road. *Mr. Falletti* asked about the bond value and was assured that it will be large enough. *Mr. Yakovleff* noted we need to sure the road work is well done before accepting it. *Mr. Jenne* asked what else was to be done? Some repairs and top surface are needed. *Mr. D'Amato* stated that it is normal for banks to notify towns that a bond has expired, but Ashford was not notified by the M&T Bank (formerly Peoples United).

The Chair asked both people representing RCN if they wished to speak. They did not.

MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO APPROVE THE REAPPLICATION OF PZ-23-8, TO REINSTATE EXPIRED SUBDIVISION AT LAKE WOODS LANE, APPLICANT, RCN ASHFORD, AS OUTLINED BY MR. M. D'AMATO, ASHFORD ZONING OFFICER (see attached motion). MOTION PASSED UNANIMOUSLY.

8. B. PZ-23-2: Special Application per section 300-171 for Rural Business at 3 Lakeside Drive. Owner/Applicant: K. Mozeiko

A time limit was noted by Mr. Jenne, see 300-17, where it states the approval is for 2 years.

MR. WILLIAMS MOVED AND MR. JENNE SECONDED A MOTION TO APPROVE THE APPLICATION PER SECTION 300-171 FOR RURAL BUSINESS AT LAKE WOODS LANE, APPLICANT AND OWNER K. MOZEIKO. MOTION PASSED UNANIMOUSLY.

8. C. PZ-23-6: Text Amendment Application: Article 300-4 Town-wide Temporary Moratorium on "Warehouses, Distribution Centers and Research Facilities including Research and Development Testing Laboratories or Centers. Applicant, C. Vitich

Discussion by the PZC included *Mr. Yakovleff* stated a moratorium is unfair to the land owner. *The Chair* asked him if he saw any benefit to come from addressing the issues; he did not as he felt a review would happen anyway. *Mr. Williams* reminded all that the PZC has been working on revising regs; there is no need for others to do this for us. *Mr. Falletti* encouraged many people to be involved in the process. With elections coming up people should consider running for office. He asked if we had obtained legal opinion yet. No was the answer. *Mr. D'Amato* noted that a moratorium needs to have a purpose that would have to be carried out. The PZC can change or adopt new regs at any time. The date for revisiting the POCD was stated as July 1, 2025. Of course work on that can be completed well before that date. The Selectman further noted that a petition mentioned had not been registered with the town and that taxes are a consideration. He noted that our Fire Dept. will need more staff. Volunteers have difficulties getting to a fire because of the distance to travel; few people work in town anymore. He is against the

moratorium. **Ms. Bellamy** noted that the quote that the site determines its use. A moratorium insures that the PZC is not distracted and can be more effective in getting the work done on their regulations. Wording needs fixing in this current application. We need the input from Atty. Slater and our Zoning Officer.

Further suggested was that at the next meeting the Commission should begin working on the POCD. The public should let the PZC know if they are interested and want to contribute. **The Chair** agreed that public input is important. the Chair also agreed that input from Slater and D'Amato is important regarding this application, especially regarding "town wide" etc. The POCD and the regs should work together. There is no text amendment now so we have time. **Ms. Bellamy** said that fairness to the land owner has been stated and desired. Clear regulations are important to be fair. So having clear regulations will result in more fairness for the land owner as he can apply more successfully. **Mr. Williams** again stated his opposition. **Mr. Silver-Smith** suggested tabling the application until the PZC has consulted with Atty. Slater and Zoning Officer D'Amato.

MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO TABLE DECISION ON PZ-23-6, UNTIL THE PZC HAS RECEIVED INPUT FROM LAWYER K. SLATER AND ZONING OFFICER M. D'AMATO. MOTION PASSED WITH 5 YES VOTES (HASTILLO, BELLAMY, SAMPSON, JENNE, SILVER-SMITH) AND 2 NO VOTES (WILLIAMS, YAKOVLEFF).

8.D. not taken up at this meeting

9. Zoning Officer Report

Presently handling permits online, enforcement issues and preparations for this meeting

10. Adjournment

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

*Respectfully submitted by,
Valerie B. Oliver, Recording Secretary'
6/13/2023*