

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
VIRTUAL ONLINE MEETING via ZOOM
ASHFORD, CT / January 8, 2024**

Present: Jeffrey Silver-Smith (Chair), Luther Brauch (arrived several minutes late), Janet Bellamy, Gerald Dufresne, Tom Hastings, Douglas Jenne, Steve Petch, Jeffrey Schillinger, Mark Schnubel, Richard Williams, Nord Yakovleff

Guests: Mike D'Amato, Zoning Officer and: C. Vidich, J. Love, R & M Holdings (Mr. Campbell), D. Judson, R. Trotta, J. Hendrick, M. Roy, I. Krieger, A. Timseck, T. Kill-Juds, Lauren & Caro....., T. Berry

1. Call to Order: The Jan 8, 2024 meeting of the Planning and Zoning Commission was called to order by Chairman Jeffrey Silver-Smith at 7:00 p.m.

Seating of Alternates: Mr. Jenne was seated from Mr. Brauch.

2. Approval of Minutes, . December 11, 2023:

Ms. Bellamy moved and Mr. Williams seconded a motion to approve the minutes of the Regular PZC Meeting, December 11, 2023. Motion passed with one abstention from Mr. Jenne.

3. Public Comments: none

4. Bills: Recording Secretary's bill for Oct – Dec. 2023

5. Correspondence: Two reports were received from Mr. Vidich; they will be discussed under New Business. A letter received 11.6.23 from C. Smith was read expressing her concerns regarding the IID zone, especially better traffic flow on Rte. 89, and offering suggestions for types of businesses there: medical offices, grocery store, day care centers, restaurant, affordable housing.

6. Public Hearing:

A. PZ-23-11: Special Permit Renewal per Section 300-17D for Short-Term Rental at 21 Lakeside Dr., Owner/Applicant: R&M Holdings, LLC. The public hearing was opened at 7:08 p.m.

The Chair outlined the procedure: applicant opening statement, commission questions, public comments, applicant final statement. Comments to be directed to the PZC Chairman.

Mr. Campbell stated his request that the permit for his short-term rental be renewed

Mr. Williams asked how many days within the last year had the property been rented? The answer was zero days. Mr. Yakovleff asked if the applicant lived there last year? The answer was he lived there 200 days. Ms. Bellamy asked if there were any rentals over 28 days as there had been an ad for a 30-day rental. No was the answer. No complaints had been received by the Zoning Officer.

Mr. Judson, Treasurer for the Ashford Lake Assoc., spoke about increased legal and insurance fees caused by a complaint against the Association by the applicant. It was further explained by Mr. Berry that a person at the property brought in a boat that is not allowed per the Association policies. Upon speaking to the owner about this issue a complaint was filed requiring the Association to hire a lawyer resulting in legal fees and an increase in their liability insurance fees. The insurance fees went up about 22% (normally only a yearly 5% increase). The reported premise for the applicant's complaint was that the Association is mismanaged. Mr. Judson reported that to respond to this complaint about \$8000, unbudgeted, was required. Mr. Berry added that it is a challenge for a lake association to secure liability insurance.

Despite this problem the Chair noted that the PZC and the town are not equipped to monitor or police rental property arrangements. It is an internal problem between the Lake Association and the applicant.

Mr. Trotta, who lives opposite the Lakeside Dr. property, stated that he observed that people did stay overnight at the property and that the applicant did not live there for 200 days – perhaps only being there for a few

hours a day. He asked if a rental agreement was required? Was there accommodation for a transient guest not limited to a renter? He asked for clarifications. The only enforcement is that formal complaints received by the PZC or Zoning Officer are taken into consideration when one applies for a renewal of the short-term rental permit. Mr. Berry asked that some method be put in place so that the Ashford Lake Association knows when the property is being rented or simply guests are staying there. The neighbors there need to know what is going on, and the property owners need to be accountable.

Mr. Campbell expects to have his request approved as there have been no complaints until tonight.

Mr. Williams moved and Mr. Schillinger seconded a motion to close the Public Hearing. Motion passed unanimously at 7:39 p.m.

Mr. Brauch noted he was present, and Mr. Jenne was thanked and stepped back to an alternate member position.

7. Unfinished Business:

A. Status of Training of Commission Members and Requirements going into 2024

In October 2023 the training requirements were modified. January 1, 2024 begins a new training cycle. Training must be completed once every four years OR once every term. Mr. Schnubel stated the following members have completed the training: Hastillo, Silver-Smith, Bellamy, Brauch, Schnubel, Williams, Defresne, and Schillinger. Alternates Jenne and Petch and full commission members Hastings and Yakovleff should get trained so that the PZC is fully compliant, a protection against any complaints.

The Zoning officer will send out links to training programs for those needing training. UCONN CLEAR training is still available online.

B. Final Review of Letter to Town Committees Regarding Revision of POCD

Committees should respond by May 30, 2024. Apparently, the method for making changes to text directly online is not completely clear at present. Because of time constraints, it was suggested that letters be sent to committees so that they are notified and can be preparing any changes to their sections of the POCD. The Chair noted that our expectations will be communicated. Mr. Williams will try to locate his computer data on the 2015 information and get it to the Chairman.

8. New Business:

A. PZ-23-11: Special Permit Renewal per Section 300-17D for Short-Term Rental at 21 Lakeside Dr., Owner/Applicant: R&M Holdings, LLC.

Mr. Berry noted that it is not always easy for a neighbor to submit a formal complaint, so that is a weakness in the regulations. It was stated again that the PZC is not an enforcement organization and that the Lake Association could rule itself that no short-term rentals are allowed. Mr. Schnubel stated he is a member of several HOAs who do have their own regulations. Of course, he does not know what policies the Ashford group has or how it operates. Ms. Bellamy noted that having a business in a residential area requires a responsibility by the home owner to respect and protect his neighbors.

Mr. Silver-Smith moved and Mr. Schnubel seconded a motion to approve the Special Permit Renewal, for one year, per Section 300-17D for Short-Term Rental at 21 Lakeside Dr., Owner/Applicant: R&M Holdings LLC. Motion passed with one no vote from Mr. Yakovleff.

B. Review of Submissions from C. Vidich with the Author and the Commission

Mr. Vidich, 45 years as a professional planner, told of a database he created many years ago containing data for the 169 Connecticut towns. He provided two reports for the Commission. In his first report he reviewed best practices, see pages 3-4, as most important for the PZC to consider. They offer different zoning strategies. Use of “the buildable lot” is a valuable tool used by 45 towns. This concept has come into more use as environmental issues become a major focus. “Low impact development” is now also important to consider. The second document makes use of the UCONN CLEAR software system that helps evaluate watershed land. It is a sophisticated tool released in late October 2023. Mr. Vidich used the program by entering specific land parameters in order to look more closely at the IID zone. He wanted the PZC to know about this newly developed software. He suggested that Mr. D’Amato use the software and report results to the PZC.

In answer to questions, different parameters can be entered, and the PZC could discuss using the system with UCONN CLEAR. Mr. Brauch was concerned that thoughtful parameters be used. Mr. Williams noted that in order to preserve farmland the slope and bedrock standards were “relaxed” in our regulations. Mr. Brauch also is concerned with slope and bedrock standards; he stated the PZC should embrace what is possible with what is appropriate

Mr. Williams reminded attendees that current regulations do require a deposit by the developer that can be used to hire consultants and engineers to evaluate a proposed project.

Ms. Bellamy wondered if steep slopes are changed/flattened, how does that effect water quality?

Noise ordinances were discussed realizing that writing an ordinance was easy compared to enforcing it. Mr. Vidich suggested the first step would be to look at low impact development. The future may include MS4. [This is an EPA program: discharge of stormwater from small municipal separate stormwater sewer systems. The goal is to educate the public about the importance of (and having) only clean water entering natural waterways from stormwater sewer systems.] He urged the PZC to get familiar with the MS4 stormwater management manual to be published in March 2024.

Mr. Silver-Smith thanked him for his reports and all his input. The Chairman also stated that an owner of the IID plans to speak to the Commission at our next meeting about input he has received from consultants about the IID zone.

C. IID Zone Survey Responses

Mr. D’Amato put his survey results on the screen and will send them to the members once the written comments are downloaded (question 6). For each of the 5 questions he gave answer percentages along with colored charts and graphs – making the information more easily understood. The survey was conducted between 11/13 – 12/31/2023 with 318 responses received. There were 140 written comments (question 6) that will be put into a separate document; they will not be edited. Some are just a few sentences, others several paragraphs.

Mr. Williams surveyed several citizens who were not comfortable with the use of a QR code to access online survey and also did not want to pick up a print survey either.

D. Informal Discussion: 22 Nott Highway, J. Love

This was a preliminary discussion so that the possible use of the property at the corner of Rtes. 74 and 44 might be discussed with the PZC before any purchase of land was made or project plans drawn. Mr. Love’s idea was to create an off season storage area for boats, camper vans, RVs and also build self-storage units. He would use 3 of the 18 acres. He would anticipate entry and exit via Rte. 74 and the storage areas away from road view. Demand for storage units should be increased with current apartment construction around the UCONN campus, about 5 miles away. He envisions concrete floors for storage units and a gravel driveway/parking lot for boats and vehicle storage. Although there is some ledge on the land, he indicated that there is enough land suitable for the storage to suffice with minimum tree removal. There would be no blasting and no or very limited septic use.

Mr. Love is an Ashford resident and wants to work with the town if the project goes forward. He would need to create a text amendment to the current regulations in order to get approval for the project as outlined as it is not a permitted use.

Mr. Silver-Smith noted that his idea is a commercial plan for a commercial zone with nothing negative preventing it from moving forward. The Zoning Officer can work with him to create the text amendment.

9. Zoning Officer’s Report: none

10. Adjourn

Mr. Dufresne moved and Mr. Schillinger seconded a motion to adjourn. Motion passed unanimously at 9:25 p.m.

*Respectfully submitted by,
Valerie B. Oliver, Recording Secretary
1/9/2024*

