

**ASHFORD PLANNING AND ZONING COMMISSION  
MINUTES, REGULAR MEETING via ZOOM  
Ashford, Connecticut / Tuesday December 12, 2022**

**Present:** Jeffrey Silver-Smith (Chair), Janet Bellamy, Douglas Jenne, Gerald Dufresne, Alex Hastillo, Jeffrey Schillinger, Mark Schnubel, Nord Yakovleff, Richard Williams

**Guests:** Mr. Mike D'Amato, Ashford Zoning Officer

Carolyn Trotta, Ralph & Bonnie Sherman, Tracy Smith, Robert Corriveau, R & M Holdings, Irwin Krieger, Mark Peterson, Alan Cavagnaro, Judy Campbell, Lisa Day-Lewis, Bernard D., Tom Barry, Carmen Hall, Bluebird Farm, Shirley Hoak, Starr Potts, Erica Backmann, Kay Warren, Kyle Ravenelle

*Materials supplied by Zoning Officer:*

*Applications and maps for PZ 22-3, 4, 8 and 9 / separate parking map for PZ-22-3 / 2 support letters for PZ 22-3.*

**1. Call to Order:** The Dec. 12, 2022 regular meeting of the Planning and Zoning Commission was called to order by Chairman Jeffrey Silver-Smith at 7:02 p.m.

**Seating of Alternates:** Mr. Jenne was seated for Ms. Sampson.

**2. Approval of Minutes, November 14, 2022**

**MS. BELLAMY MOVED AND MR. DUFRESNE SECONDED A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF THE PZC HELD NOVEMBER 14, 2022. MOTION PASSED WITH ONE ABSTENTION FROM MR. WILLIAMS.**

**3. Public Comments - none**

**4. Bills: none**

**5. Correspondence - none**

**6. Public Hearing began at 7:06 p.m.**

**A. PZ-22-3: Special Permit per Section 300-17D for a Short-Term Rental, 34 Amidon Dr., Owner/Applicant, T. Corriveau**

Mr. and Mrs. Bob Corriveau outlined the rental plan as seven days or a bit longer between April and November as it is really a summer property. It is not their primary residence as they live in Enfield. Ms. Bellamy noted that our regulations [Article 4B, Section 4, Short-Term Rentals no. 3, on p.32 of Ashford Zoning regs] states that the rental property must be the primary residence of the owners. There was some confusion on this point. The site map placed on the screen showed that parking would be for three cars on a grassy right side of the house. Abutters Warren and Dewey were in support of the rental proposal. Both floating and fixed docks were noted as well as property paddle boat. No renters would be allowed to bring any type of boat onto the property in compliance with lake association rules. Any issue could be addressed as the owner could get there within 30 or so minutes. Neighbors have agreed to report any problems to the owners.

Questions from commission members included distance of parked cars to the lake (20-25') number of people renting at one time (4 adults and children), security issues (monitoring can be done via the internet to make certain renters are the correct people, no parties or bonfires are to be allowed).

Pubic attendees' concerns were several. Mr. Sherman noted traffic speeding on a narrow dead-end road with hill complicating matters is an issue as well as the fact that the house has been for sale in the recent past. If the property were to be sold with a rental permit approved, would the new owner just be able to rent without a new application? He was told by the Zoning Officer that the short-term rental permit was for the property; the only change would be the owner. All provisions approved by special permit would stand. The initial special permit is only for one year. A new application is required for further rentals. If there were reported problems a second special permit might not be approved. A provision could be written into the special permit that the short-term rental provision would not follow if the property were to be sold. The owner was willing to have such a provision added to the special permit.

Mr. Corriveau responded that in about 20 years with visitors driving on the roads no accidents have happened. The speed limit is 15 mph although not posted. Ms. Tracy Smith, as a close neighbor, voiced her concern for safety with strangers nearby. Mr. Irwin Krieger also was not in approval of short-term rentals as he felt

that a proliferation of such rentals could happen changing the area altogether. He wondered how the town would monitor the rental periods? The Chairman noted that the PZC was not a policing agency but that any formal complaints would be investigated by the Zoning Officer. Complaints could well result in further rental denial.

Mr. Silver-Smith further noted that formal reporting agencies like Air-B-and Bs could serve as a reference point revealing the number of times a property has been rented as an example. Ms. Kay Warren, residing at 31 Amidon, supported the Corriveau's request for the short-term rental. She noted the "No Turn Around" sign had helped to slow down drivers. Two letters were also received in support of the special permit per Mr. Silver-Smith.

The Public hearing was closed at 7:31 p.m.

### **Public Hearing**

#### **B. PZ-22-8: Special Permit per Section 300-17D for a Short-Term Rental, 21 Lakeside Drive, Owner/Applicant, R & M Holdings LLC**

Mr. Robert Campbell, H & M Holdings, the owner/applicant outlined the rental plan. He is fully aware of the zoning regulations as he just built the new home at Ashford Lake. The property is his primary residence; he would occupy the home for six months of the year. He was accompanied by Mr. Gardner Peterson who did the engineering and surveying for his home and Ms. Lisa Day-Lewis, a super host owner of the Tolland Inn, so that they could answer any questions. The Chairman noted a site plan provided showing adequate parking. The home size is 1,700 sq. ft.; rentals would be for four adults and children. The new septic system and existing well were approved by Eastern Highlands and the Windham Water Works notified. With no further questions the public hearing was closed at 8:03 p.m.

### **Public Hearing**

#### **C. Public Hearing concerning opting-out of the provisions of Public Act 21-29 pertaining to Accessory Dwelling Units**

Mr. D'Amato stated that Public Act 21-29 is a concern since if we are to opt-out, his recommendation, it must be done before Dec. 31, 2022. By doing the opt-out we retain our current regulations regarding accessory dwellings (in-law apartments) and have the time to rewrite them if necessary. If we do not opt-out, then on January 1, 2023 the state guidelines would supersede our regulations prior to our efforts to review and edit and we would be in out of compliance.

Mr. D'Amato noted also that if the PZC opts-out then the BOS must be informed and they must opt-out also by a 2/3 majority vote. The Chair stated that the opt-out gives us more time to be compliant with the state regulations. Both Ms. Trotta, a Real Estate Agent, and Mr. Alan Cavagnero, a PZ commission member from S. Windsor, both recommended that Ashford opt-out. Killingly would share their regulation if that would help Ashford. The public hearing was closed at 8:18 p.m.

### **7. Unfinished Business - moved to consideration after 8. New Business**

### **MS. BELLAMY MOVED AND MR. SCHILLINGER SECONDED A MOTION TO MOVE AGENDA NO. 7 AFTER NO. 8. MOTION PASSED UNANIMOUSLY.**

### **8. New Business**

#### **A. PZ-22-3: Special Permit per Section 300-17D for a Short-Term Rental, 34 Amidon Dr., Owner/Applicant R. Corriveau**

Commission members voiced their concerns. Ms. Bellamy's concerns were that the property was not the primary residence of the applicant, the closeness of neighbors and parking on grass near the lake might cause damage to the lake. Mr. Williams and Mr. Jenne thought modification of our regs might be needed for the future.

The PZC acknowledged that both lake associations could make their own regulations or rules. The Chair noted letters received from the lake associations requesting a moratorium on these rentals until they write their own rules. He thanked both Mark and Janet for their work on the topic that has alerted the associations to tackle the subject. An un-hosted vs. hosted rental situation (see [Zoning regs Article 3 Definitions p. 26](#)) was discussed, and [Zoning regs Article 4B, Section 4, no. 3. Short-Term Rentals on p 32](#) was noted by Ms. Bellamy. Both need to be looked at regarding "primary residence." Mr. Schillinger asked what type of enforcement could lake associations take? Ms. Bellamy noted that lake association rules could be stricter than the PZC regs. The lake associations lack funds for enforcement, and more renters would add to the issue of lake quality generally.

The chair stated that any Commission member part that has a role on any of the Lake regulatory boards, or of an HOA for example, should recuse themselves from any vote regarding interests of that organization. Ms.

Bellamy stated that the property was not the primary residence of the applicant; the PZC would be setting a precedent if approved.

**MS. BELLAMY MOVED AND MR. HASTILLO SECONDED A MOTION TO DENY THE SPECIAL PERMIT PER SECTION 300-17D FOR A SHORT-TERM RENTAL AT 34 AMIDON DR., OWNER/APPLICANT, R. CORRIVEAU, FOR THE REASONS STATED. MOTION PASSED WITH 6 YES VOTES (BELLAMY, HASTILLO, SCHNUBEL, JENNE YAKOVLEFF AND SILVER-SMITH), ONE NO VOTE (SCHILLINGER) AND 2 ABSTENTIONS (WILLIAMS AND DUFRESNE).**

**B. PZ-22-4: Special Permit per Section 300-17D for a Short-Term Rental, 21 Lakeside Dr., Qwner/Applicant R&M Holdings, LLC**

Mr. D'Amato noted again that if the property were approved and then it was sold to a new owner, the special permit remained with the property. By including in the special permit that if sold there would be "willfull termination" of the special permit that situation could be avoided. The applicant replied that he had no concern regarding this issue.

**MR. HASTILLO MOVED AND MR. SCHILLINGER SECONDED A MOTION TO APPROVE THE SPECIAL PERMIT PER SECTION 300-17D FOR A SHORT-TERM RENTAL, 23 LAKESIDE DR., OWNER/APPLICANT, R&M HOLDINGS LLC., PROVIDING THAT SUCH PERMIT WILL BE WILLFULLY TERMINATED WITH THE SALE OF THE PROPERTY. MOTION PASSED WITH ONE ABSTENTION BY MR. WILLIAMS.**

**C. PZ-22-4: 3-lot Subdivision. 385/393 Pumpkin Hill Road. Owner T. Bunte. Applicant D. Famiglietti**

The Applicant spoke with Mr. D'Amato, asking to renote the abutters and therefore asks for an extension and consideration of the application at the next meeting.

**MS. BELLAMY MOVED AND MR. DUFRESNE SECONDED A MOTION TO ACCEPT THE REQUESTED EXTENSION AND CONTINUE THE APPLICATION COINSIDERATION AT THE JANUARY 2023 MEETING.**

**D. Discussion on PA 21-29 Opt-Out and recommendation to be sent to Board of Selectman**

Ms. Bellamy expressed concern that any Ashford regulation be sensitive to affordability.

**MR. DUFRESNE MOVED AND MR. WILLIAMS SECONDED A MOTION TO OPT-OUT OF PUBLIC ACT 21-29 PERTAINING TO ACCESSORY DWELLING UNITS. MOTION PASSED UNANIMOUSLY.**

**E. Applications for receipt only:**

**PZ-22-9: Application for Short-Term Rental at 88 Ashford Lake Drive, Owner/Applicant, J. Pufahl**

**MR SCHILLINGER MOVED AND MR. HASTILLO SECONDED A MOTION TO RECEIVE THE APPLICATION FOR SHORT-TERM RENTAL AT 88 ASHFORD LAKE DRIVE, OWNER/APPLICANT, J. PUFAHL. MOTION PASSED UNANIMOUSLY.**

**F. PZC Meeting Schedule**

The Commission members approved the 2023 PZC Meeting Schedule as written. The actual location (Town Hall, Zoom, hybrid.) of the meeting will be noted on future agendas.

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## **7. Unfinished Business**

### **154 Westford Hill Road Update**

**MR. DUFRESNE MOVED AND MS. BELLAMY SECONDED A MOTION TO MOVE TO EXECUTIVE SESSION AT 9:11 P.M. MOTION PASSED UNANIMOUSLY.**

Executive Session ended at 9:22 p.m.

**9. Zoning Officer Report**

Mr. D'Amato reported working on the issue of short-term rentals, additional work due to assistant's medical leave, and work on hybrid technology.

**10. Adjourn**

**MR. DUFRESNE MOVED AND MR. WILLIAMS SECONDED A MOTION TO ADJOURN. MOTION PASSED UNANIMOUSLY AT 9:23 P.M.**

*Respectfully submitted by Valerie B. Oliver, Recording Secretary, 12/13/2022*