

## Regular Meeting

The 1702<sup>nd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education District Office at 40 Field Street, Pawcatuck, on Tuesday, August 16, 2022. The meeting was called to order by Chairman Ben Philbrick at 7:00pm. Also present for the meeting were Commissioners Chuck Sheehan, Lynn Conway, Fred Deichmann, and Ryan Deasy; Alternates Gary Belke and Andy Meek; and Town Planner Keith A. Brynes. Alternate Marjorie Selinger was not present.

Seated for the meeting Ben Philbrick, Charles Sheehan, Fred Deichmann, Ryan Deasy, and Lynn Conway.

### Minutes:

Mr. Deasy moved to approve the minutes of July 26, 2022 meeting, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the minutes of the August 2, 2022 meeting, seconded by Mr. Sheehan, the vote was taken, 4-0-1, motion approved.

Roll Call: Philbrick – approve, Deasy – approve, Sheehan – approve, Conway – approve, Deichmann - abstain

### Administrative Review:

**22-187ZON M. Stemm & D. Leavy** – Zoning Permit application for the removal of invasive brush and a downed tree in a non-infringement area. Property located at 112 Mistuxet Ave., Mystic. Assessor's Map 162 Block 4 Lot 1. Zone RC-120.

Mr. Brynes summarized the application. The removal has already occurred but took place in a non-infringement area. Removal of invasive species is commonly approved for the benefit to the area.

Mr. Deasy moved to approve the application with a stipulation, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

#### Stipulation:

1. Recently cleared area adjacent to the cove shall be planted with upland plantings rather than grass, as per AR 8/16/22.

### Public Hearings:

**PZ2217SD & SUP Cherenzia Excavation, Inc. & EG Home, LLC (W. Sweeney)** – Subdivision and Special Use Permit applications for modification of an approved re-subdivision plan consisting of 42 single-family homes within a common interest community on a single reconfigured lot. Property located on Mary Hall & Greenhaven Rds., Pawcatuck. Assessor's Map 7, Block 1, Lots 44 & 44F thru 44L. Zone RM-20.

The hearing was opened and immediately continued to the September 20, 2022 meeting.

**PZ2221RA Town of Stonington PZC** – Zoning Regulation Amendment application to create regulations for cannabis establishments in the community. *PH Continued from 8/2/22.*

Mr. Deichmann recused himself due to not being present at the last meeting and Mr. Meek was seated for the hearing.

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Mr. Brynes reviewed the modifications to the proposed regulations made since the last meeting based on comments from the public and Commission. Notably, the proposed regulations will allow for either a retailer or hybrid retailer, but will still be limited to a single retail business. Other changes include explicit prohibition in the MHD zone, clarification of micro-cultivator odor control requirements, required traffic study and clearer definitions. Mr. Brynes stated that the distance requirements to residential uses can be slightly increased, but siting of cannabis uses would not be possible if they are increased too much.

## Public Comment

Carlene Donnarummo stated that she agrees with most of the modifications but is still concerned about the addition of the hybrid retailers, and if they are passed Section 6.6.7.2 should be removed. She also expressed concern with the NDD zone allowing the use. Mr. Meek asked for clarification as to why there was opposition to the hybrid retail model. Ms. Donnarummo felt it was not what the town voted on.

Ben Tamsky stated he did not feel the hours of operation should be regulated but should be controlled by the state as it does for liquor. He stated that they should be careful that there are still places that this could be built, and that it is not impossible due to distance requirements. He also feels the hybrid retail could be less problematic due to the medical oversight.

## Rebuttal

Mr. Brynes stated that what the town voted on was general and there would still be a limit of one retail facility either way. Cannabis retailers would only be allowed in the NDD when the previous zone was either TC-80 or HI-60 since these zones will also allow cannabis retailers. The State regulations allow towns to regulate hours of operation for cannabis. Mr. Sheehan stated they might want flexibility to stipulate hours of operation for an individual permit rather than the general use. Ms. Conway asked for clarification in the use-table to better explain the maximum limit of 1 retailer and 1 micro-cultivator. Mr. Brynes stated that there is a sentence in the regulations that explains the limitations; the number of other types of cannabis establishments, such as manufacturers and delivery services would be unlimited in the proper districts. Mr. Meek stated they could limit it to a maximum of one retail / hybrid retail use and one non-retail use. Mr. Brynes stated he is unsure if retailers and micro-cultivators are usually licensed for these other support services as one business. The Commission discussed being conservative to start and potentially opening up if it becomes an issue. Ms. Conway expressed concern with distance requirement to residential uses due to the potential traffic issues. Mr. Brynes stated that applicants will be required to submit a parking and traffic management plan in their application which will address traffic and pedestrian queuing. The Commission discussed increasing the distance requirement to 250 feet for residential uses and places of worship.

## Public Comment

Ben Tamsky discussed the use-table and stated he is still confused by the maximum limits the Commission is discussing. Mr. Meek clarified that they are proposing a maximum of one retailer and one of the other cannabis uses including micro-cultivators.

Carlene Donnarummo asked the commission to consider clarifying the chart.

Mr. Brynes reviewed the modifications discussed tonight.

1. Delete the word "either" in Section 6.6.27.5.2.
2. Increase the minimum distance requirement from residential uses and places of worship in Section 6.6.27.2 from 100' to 250'.

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3. Amend regulations to allow a maximum of one retail establishment and one non-retail establishment in Town.
4. Add language in each of the relevant commercial zones and use-chart referring to the limitations above.
5. Amend Section 6.6.27.3.6 to state that hours of operation shall be established during the permitting process.

Mr. Deasy moved to close the public hearing, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to approve conformance with the POCD, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to approved conformance with the Comprehensive Plan, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the regulation amendment with five modifications, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

**2223SD & CAM Masons Island Company (Prominent Development)** – Subdivision & Coastal Area Management Review applications for an 11-lot residential re-subdivision. Property located on School House & Cormorant Roads, Mystic. Assessor's Map 181, Block 3, Lot 1. Zone RM-15.

Seated for this hearing Mr. Philbrick, Mr. Sheehan, Mr. Deasy, Ms. Conway, and Mr. Belke.

Norm Thibeault, project engineer, presented the application. The applicant is proposing 10 building lots and one open space lot. The building lots will be roughly one acre each with a 4.4-acre open space lot. Nine lots will be accessed from a new road, Kingfisher Way, and one will be accessed from School House Road. The property was originally approved for a 21-lot subdivision in 2004 but plans were never filed and the approval expired. The applicant is choosing to reduce the density. The lots will use septic systems and can tie in to public water through Aquarion. They have received approval from the Inland Wetlands Commission with a stipulation for invasive species control in the open space. They have also received approval from the Ledge Light Health District. They have received positive feedback from the Conservation Commission and Police Commission.

A stormwater basin was previously constructed for the neighboring subdivision which they have an easement to discharge into. On the western end of the property, they have created a swale to manage stormwater at the intersection of Kingfisher Way and School House Road. Mr. Thibeault addressed the Town Engineer's comments. He explained DEEP's General Permit process and stated that they will be able to provide a buffer to the cemetery on Old North Road. There will be minor stormwater increases that can be managed with the development of each lot. There is an existing easement in the open space which grants permission to install a septic system for a neighboring property. This easement will prevent them from installing a stormwater pipe as recommended by the Town Engineer, but they are happy to work out a solution. The open space parcel will conserve all of the features noted in the archaeological survey and the location of stone walls to be removed is noted on the plans. Approximately 50% of the stone walls will be repurposed on site. The homes will all be built by the same builder and they will manage the wall repurposing. The shadow plan and layout gives the homes the

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ability to accommodate solar. There is one lot in the floodplain and compensatory storage is not required as the area is tidally influenced.

Ms. Conway asked whether the solution mentioned by the Town Engineer will affect their wetlands permit. Mr. Brynes explained that if it was within 100 feet they would have to revisit their approval with the Wetlands Commission. Ms. Conway asked about blasting; Mr. Thibeault confirmed none would be required. Ms. Conway asked about whether sidewalks could be added. Mr. Thibeault explained there are no sidewalks currently on Masons Island and a waiver is being sought. Mr. Belke asked about road lighting. Mr. Thibeault explained they would like to maintain the dark skies in the neighborhood. The open space will likely be taken over by the homeowners association.

## General Public Comment

Paul Nauman asked for additional information on the proposed septic system in the open space. He also would like to understand why there is a connection to School House Road which is owned by a private association.

Mr. Thibeault explained the septic system was permitted years ago and there is no regulation against it being in the open space. The easement is for a house outside of the development and they would be responsible for maintenance. Mr. Thibeault explained that for fire emergency access it is best to have the roads connect and was previously approved. There are numerous associations on the island that are responsible for their roads, but must traverse on other privately owned roads others to access their properties.

Paul Nauman stated he is still has concerned with the septic system and what house it is associated with. Mr. Brynes stated the easement is in favor of Chandrasekhar and Archana Naik, owners of 28 School House Rd.

Applicant Peter Giordano stated the house is further down on Schoolhouse Road and has not been built yet, but it will have a pipe under Schoolhouse Road that leads to the septic system. The system has already been approved by Ledge Light Health District.

Keith Gove of the Mashantucket Pequot Tribal Nation asked for clarification on the distances from the cemetery and an unanticipated discovery plan in case additional remains are found.

Kathy Marco asked whether the utilities are underground and how many lots will be in the Masons Island Fire District. She is concerned with the drainage to Schoolhouse Road.

Mr. Thibeault stated the utilities are underground. He is unsure which lots will be part of the fire district. Drainage to Schoolhouse Road will be managed with a swale but they will be addressing a solution with the Town Engineer for the last forty feet.

## Public Comment Against

Amy Estabrook expressed concern with the development of the space near her property and its effect on the environment nearby. She encouraged the property owner to conserve the property and the Commission to prohibit the development.

Mr. Thibeault reiterated that they have greatly reduced the size of the development since 2004.

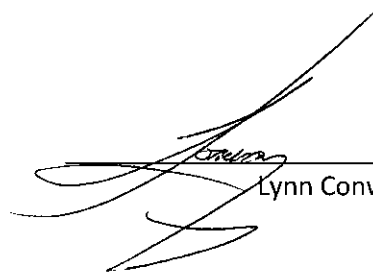
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Rufus Allyn of the Masons Island Company stated that although it was not required, he conserved 47 acres of Masons Island. He feels this application represents the best use of the property with full one acre lots rather than small ones allowed by zoning.

Mr. Brynes stated that Subdivisions are as of right by State law and if they meet the regulations they must be approved. Mr. Brynes reviewed the Town Engineer comments and reviewed the proposed stipulations from the staff report. Mr. Philbrick recommended adding the unanticipated discovery plan and 100-foot buffer to the burial ground. They would only have to move the septic system down to comply. Mr. Brynes recommended continuing the hearing to give the applicant an opportunity to address the drainage issues.

Mr. Deasy moved to continue the hearing to the September 6, 2022 meeting, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to adjourn, seconded by Mr. Sheehan, all in favor 5-0, the meeting adjourned at 9:29pm.

  
Lynn Conway, Secretary