

## Regular Meeting

The 1708<sup>th</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 October 18, 2022. The meeting was called to order by Chairman Ben Philbrick at 7:00pm. Also present for the meeting were Commissioners Fred Deichmann, Charles Sheehan, and Ryan Deasy; Alternates Gary Belke, Andy Meek, and Marjorie Selinger; and Town Planner Keith A. Brynes. Commissioner Lynn Conway was not present.

Seated for the meeting were Ben Philbrick, Fred Deichmann, Charles Sheehan, Ryan Deasy, and Andy Meek.

**Minutes:**

Mr. Deasy moved to approve minutes of the October 4, 2022 meeting; seconded by Mr. Deichmann. The motion was approved 5-0.

**Administrative Review:**

**22-236ZON Capalbo Stonington Realty, LLC** – Zoning permit application for change of use from Restaurant to Retail (Smoke Shop). Property located at 37 South Broad St., Pawcatuck. Assessor's Map 14 Block 1 Lot 4. Zone GC-60.

Mr. Brynes provided a review of the request for the change of use to retail for a Smoke Shop, noting that there are no proposed changes to the site and that the application conforms to the bulk and use requirements of the GC-60 zone. Mr. Meek asked if there was a limit on the number of smoke shops allowed in town and Mr. Philbrick questioned the operating hours. Mr. Deasy suggested raising those concerns in regulations rewrite discussions.

Mr. Deasy moved to approve the application; seconded by Mr. Sheehan. The motion was approved 5-0.

**PZ2003ZC, SPA, & CAM Mystic Seaport** – Request for minor site plan modifications, and or minor building renovations to previously approved applications for a 3-story restaurant/boutique hotel and accessory structures. Property located at 75 (105) Greenmanville Ave., Mystic. Assessor's Map 173 Block 1 Lot 1. Zone MHD.

Chad Frost, of Kent & Frost Landscape Architect, representing the Seaport, presented the request for the minor modifications, explaining that it was cost-prohibitive to have the restaurant kitchen in the basement so they are proposing to move it to the first floor. This will require redesign of the first floor in order to facilitate the other approved uses, including a reduction of 14 dining room seats, elimination of east side central doorway, new terrace bar with additional outdoor seating, new handicap lifts replacing long ramps on the north and south sides of the building, additional pool deck and terrace lighting, and a new vestibule will be added to the covered porch on the east side of the building. Seating is depicted showing 423 seats, below June 2022 approval for 530 seats.

Mr. Deichmann asked if there is a preference for the handicap lifts over ramps.

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Mr. Frost explained the addition lighting for the pool area, handrail, and step lighting are State safety requirements with downlit lights on the underside of roof.

Mr. Sheehan asked if there would be changes to the grading for FEMA, affecting the requirement for the LOMA. Mr. Deasy inquired about outdoor music or entertainment, and Mr. Philbrick questioned handicap parking spaces and public access to the Seaport.

Mr. Frost noted the grading would not change, the music would be unchanged from what is currently allowed, and parking and access would remain as approved.

Mr. Deasy moved to approve the modifications with the stipulation regarding the handicap lifts, seconded by Mr. Sheehan. The motion was approved 5-0.

Stipulation:

1. Should the proposed handicap lifts not meet the Building Official's requirements, handicap ramps shall be provided instead.

**ZON22-245ZON 452 Liberty St., LLC** (A. Nenna) - Zoning permit application for change of use from Accessory to Office & modification of existing parking & driveway. Property located at 482 Liberty St., Pawcatuck. Assessor's Map 18 Block 4 Lot 12. Zone CS-5.

Mr. Brynes explained the proposal for the change of use and parking modifications, noting a variance was acquired reducing the residential buffer from 15' to 9' and the parking lot buffer from 20' to 9'.

Mr. Deichmann moved to approve the application with one stipulation, seconded by Mr. Sheehan. The motion was approved 5-0.

Stipulation:

1. Rear building may also be permitted as Personal Services or Retail uses.

Mr. Brynes made note to the audience that the public hearing for **PZ2227SUP VIII-HII-Whitehall Avenue, LLC (D. Flanagan)**, originally scheduled to be held this evening, has been rescheduled to the November 1, 2022 meeting.

**Old Business:****Town of Stonington opt out of the state's Accessory Dwelling Unit regulations in CT Public Act 21-29. Public Hearing Closed 10/4/22**

Public Act 21-29, entitled, "An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use Officials, Municipal Affordable Housing Plans and a Commission on Connecticut's Development and Future," was approved by the General Assembly late last year, effective 10/1/21. The Act requires municipalities to permit Accessory Dwelling Units as of right on any lot that contains a single-family dwelling. However, the Act allows municipalities to opt out of this requirement after holding a public hearing on the issue. Opting out of the Act would allow the Town to maintain its current

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Accessory Dwelling Unit regulations (Section 7.1 of the Zoning Regulations).

Link to PA 21-29: <https://www.cga.ct.gov/2021/act/pa/pdf/2021PA-00029-R00HB-06107-PA.pdf>

Link to Stonington Zoning Regulations: [https://www.stonington-ct.gov/sites/g/files/vyhlf3851/f/uploads/zoning\\_regulations\\_27th\\_edition.pdf](https://www.stonington-ct.gov/sites/g/files/vyhlf3851/f/uploads/zoning_regulations_27th_edition.pdf)

Seated for this application were Ben Philbrick, Fred Deichmann, Charles Sheehan, Ryan Deasy, and Marjorie Selinger.

Although he felt Mr. Meek made a good proposal for accepting the State regulation, after reviewing the Town's modified ADU regulations, Mr. Deasy felt we should opt out, allowing for time to see the effectiveness of the Town's. He noted that any potential changes could be addressed during the Regulations rewrite discussions.

Mr. Deichmann also agreed to opt out as he is of the opinion that our modified ADU regulations are quite good, noting that the Commission spent significant time amending them.

Ms. Selinger stated she was in agreement with opting out for the same reasons Messrs. Deasy and Deichmann noted.

Mr. Sheehan stated he appreciated and saw value in the input from the public, but feels that state regulations have a tendency to change again soon after they are enacted. He is of the opinion that we continue to modify our regs in response to productive comments in order to have them more in line with the State's. He also agrees that having the ability to review prospective changes during Regulations rewrite discussions. As such, he is in agreement to opt out of the PA 21-49 ADU regulations.

Mr. Philbrick stated that there are points made in the State regulations that he would like to have discussed in the Regulations rewrite. He, too, voted to opt out.

Mr. Deasy moved to opt out of the State ADU Regulations and read the Draft Resolution:

WHEREAS, the regulatory limitations regarding Accessory Dwelling Units of Public Act 21-29 became effective on January 1, 2022; and

WHEREAS, Public Act 21-29 allows a municipality to opt out of the regulatory limitations regarding Accessory Dwelling Units by January 1, 2023; and

WHEREAS, the Planning and Zoning Commission published public notices of the public hearing date on 9/23/22 and 9/30/22; and

THEREFORE, BE IT RESOLVED, that the Planning and Zoning Commission of the Town of Stonington has affirmatively opted out of the Accessory Dwelling Unit provisions of Public Act 21-29 for the following reasons:

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1. In 2018, recognizing the benefit to the community, the Town liberalized its Zoning Regulations regarding the permitting of Accessory Dwelling Units.
2. The Planning and Zoning Commission is in the process of comprehensively rewriting its Zoning Regulations and this process may result in additional changes that further reflect the goals of Public Act 21-29.

BE IT FURTHER RESOLVED that this notice of action is forwarded to the Stonington Board of Selectmen to complete the process of opting out.

The effective date of this action is upon **Stonington Board of Selectmen vote.**

ADOPTED BY THE Planning and Zoning Commission of the Town of Stonington, Connecticut, this **18<sup>th</sup>** day of **October 2022.**

Mr. Sheehan seconded, all in favor 5-0.

Mr. Deasy moved to adjourn the meeting, seconded by Mr. Deichmann. The motion was approved 5-0. The meeting adjourned at 7:38PM.



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Lynn Conway, Secretary