

Regular Meeting

The 1718th meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office at 40 Field Street, Pawcatuck, on Tuesday, February 21, 2023. The meeting was called to order at 7:01 PM by Chairman Ben Philbrick. Also present for the meeting were Commissioners Ryan Deasy, Charles Sheehan, and Lynn Conway; Alternates Gary Belke and Marjorie Selinger; and Town Planner, Keith A. Brynes. Commissioner Fred Deichmann and alternate Andy Meek were absent.

Seated for the meeting were Ben Philbrick, Ryan Deasy, Charles Sheehan, Lynn Conway, and Marjorie Selinger.

Minutes:

Mr. Deasy moved to approve the minutes of January 17, 2023, seconded by Mr. Sheehan. All in favor, 5-0. Motion approved.

Mr. Deasy moved to approve the minutes of February 7, 2023, seconded by Mr. Sheehan. All in favor, 5-0.

Commission:

- *Desegregate CT: Work Live Ride Act Presentation*

There was no one present at the meeting to represent Desegregate CT. Mr. Brynes read notes from the associated working draft on page 10 of the meeting report.

- Mr. Brynes explains the need for the Commission to appoint a member to the Southeastern CT Regional Planning Commission. Mr. Sheehan volunteered as he has similar experience in the past.

Old Business:

PZ2229SPA & GPP Amara-UZ, LLC – Site Plan and Groundwater Protection Permit applications for construction of a 4,500SF retail convenience store with drive-thru window, a 5,625SF retail building with associated parking and site improvements. Property located at 376, 380 & 384 Liberty St., Pawcatuck. Assessor's Map 18, Block 5, Lots 1-4. Zone CS-5.

Susan Marquardt, PE, of Loureiro Engineering Associates, Inc., discussed the revised plans that were submitted to the Police Commission and Architectural Design Review Board, both giving favorable reviews of the application. The revisions were for the proposed retaining wall and the review of a firetruck's ability to move throughout the site. There was a discussion regarding the one-way road between the buildings; Ms. Marquardt explained the location of the relevant signage for traffic. DOT has reviewed the traffic signage plans, including those for "No Entry."

Mr. Sheehan discussed the class of the survey provided with the application, noting that a class A2 survey is typical, while this application consists of a class D survey. This will suffice assuming there have been no changes since the 2004 survey and that the original A2 survey is bound into the application plans.

The applicant currently has no potential tenants for the site.

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Mr. Sheehan made a motion to approve the Groundwater Protection Permit application with eight stipulations, two of which were added during discussion.

Mr. Sheehan made a motion to approve the Site Plan application with the same eight stipulations. The motion was seconded by Mr. Deasy. All in favor, 5-0. Motion passed.

Stipulations:

1. Prior to the issuance of a Zoning Permit, final plans shall be signed by the Commission and recorded.
2. Final plans shall be reviewed to the satisfaction of the Town Engineer and Pawcatuck Fire District.
3. The applicant shall post an Erosion and Sedimentation Control Bond, meeting the requirements of Section 8.6.3 of the Zoning Regulations, prior to the issuance of a Zoning Permit. The bond amount shall be established by the Town Engineer after an estimate of the costs of installing and maintaining appropriate erosion and sedimentation control measures is provided by the applicant and approved by the Town Engineer. Work shall remain bonded for a minimum of one year from the date of Zoning Compliance.
4. Multi-Tenant Signage Program shall be approved by the Commission prior to the issuance of any sign permits.
5. Drive-thru window speakers shall not be operated after 10:00PM, nor before 6:00AM. Drive-thru window shall be closed from 11:00PM to 6:00AM.
6. Maximum seats in the convenience store shall be limited to 8.
7. Additional one-way directional signs shall be added.
8. Final plans shall include A-2 survey in the bound plan set.

PZ2233CAM Jaclyn, Steven & April Martorelli (LRC Group) – Coastal Area Management Review application for construction of retaining walls and a kayak launch. Property located at 33 Dubois Dr., Mystic. Assessor's Map 175 Block 4 Lot 10B/8. Zone RM-15 & RC-120.

There was no one is present to present this application. Mr. Brynes reviewed the application as it reads in the submitted report. This lot is a previously non-conforming trailer park that has been redeveloped into 5 residential duplexes and 3 single-family houses. Mr. Brynes read comments from DEEP as well as the recommended stipulations within the report. He explains there are no zoning issues; this is largely a judgment call depending on if the commission finds the plans meet the requirements of the CT Coastal Management Act. Mr. Brynes read guidance from the relevant statutes.

The commission agreed that the comments from DEEP can be used to persuade in either direction, and expressed concern regarding the steepness of the lot and the respective wave action zone. As no one is present to represent the applicant, the commission felt it has not been demonstrated that the proposed changes are an improvement. Mr. Brynes explained that

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a motion of denial implies the goals of the application are inconsistent with those of the Coastal Management Act.

Mr. Deasy made a motion to deny the application, seconded by Mr. Sheehan. All in favor, 5-0. Motion passed.

The application was found by the Commission to be inconsistent with the following goals and policies of the Connecticut Coastal Management Act:

- To manage rocky shorefronts so as to ensure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies; CT General Statutes Section 22a-92(b)(2)(B)
- To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions...; Section 22a-92(b)(2)(E)
- To promote non-structural solutions to flood and erosion control problems except in those instances where structural alternatives prove unavoidable and necessary to protect commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses; Section 22a-92(b)(2)(F)
- To regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources; Section 22a-92(b)(2)(I)
- To maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures; Section 22a-92(b)(2)(J)

PZ2302BR Mason Island Co. (Advanced Improvements, LLC) – Bond Reduction/Release application for an Erosion & Sedimentation Control Bond#21-006 associated with PZ2009SUP & CAM application. Requesting full release of \$6,775.00. Property located at Great Marsh Rd., Mystic. Assessor's Map 180 Block 2 Lot 36F. Zones RA-20 & RC-120. Application tabled.

Public Hearing(s):

PZ2301SUP Fiore Properties, LLC (G. Costa & S. Reis) – Special Use Permit application for a liquor permit for retail sales of beer in a convenience store. Property located at 116 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lot 8. Zone LS-5.

The applicants, Mr. Reis and Ms. Costa, explained their business will consist of locally sourced food and beverages and will be open from 5 AM to 10 PM instead of 6 AM to 9 PM to accommodate for local businesses such as Davis Standard, the Police Station, etc., and places that have 'early bird' hours.

No public comment in favor.

No public comment against.

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Mr. Reis clarified that any beer signage will adhere to the zoning regulations. There are no plans for neon signs or displays of that nature. There will be no seating for customers.

Mr. Sheehan made a motion to close the public hearing, seconded by Mr. Deasy. All in favor, 5-0.

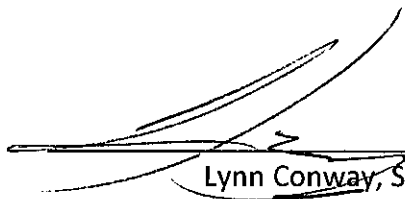
Mr. Deasy made a motion to approve the waivers requested, seconded by Mr. Sheehan. All in favor, 5-0.

Mr. Deasy made a motion to approve the Special Use Permit, seconded by Mr. Sheehan. All in favor, 5-0.

A warm thank you was given to Keith A. Brynes for his 18 years of service to the town as he moves on to another opportunity.

The commission has a short discussion about certain towns in CT being successful in creating more affordable housing. It may be worth Stonington's time to look into how these towns accomplished this.

Mr. Deasy made a motion to adjourn, seconded by Mr. Sheehan. All in favor, 5-0. Meeting adjourned at 7:50 PM.



Lynn Conway, Secretary