

Special Meeting

The 1707th 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 4, 2022. The meeting was called to order by Commissioner Ben Philbrick at 6:00pm. Present for the meeting were Ben Philbrick, Fred Deichmann, Charles Sheehan, Ryan Deasy, Gary Belke, Andy Meek, Marjorie Selinger and Town Planner Keith Brynes. Member Lynn Conway was not present.

Executive Session on the status of litigation, Allyn, et al. v. Town of Stonington P&Z Commission, pursuant to General Statute §1-200(6)(B), strategy and negotiations with respect to pending claims or pending litigation.

Present for the Executive Session were all Commission members and alternates in attendance, Town Planner, Keith Brynes, and Town Attorney, Jeffrey Londregan. Mr. Deichmann recused himself from any discussion.

Mr. Deasy motioned to enter Executive Session; seconded by Mr. Sheehan. The motion was unanimously approved.

At 7:00pm Mr. Sheehan moved to exit the Executive Session; seconded by Mr. Deasy. The motion was approved 5-0. No other motions or decisions were made regarding the Executive Session.

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

Minutes:

Mr. Deasy moved to approve minutes of the September 20, 2022 meeting; seconded by Mr. Sheehan. The motion was approved 3-0-2, with Mr. Deichmann and Ms. Selinger abstaining.

Mr. Deasy moved to approve the minutes of the September 27, 2022 meeting; seconded by Mr. Deichmann. The motion was approved 4-0-1, with Mr. Sheehan abstaining.

Administrative Review:

Request 90-day extension to file final subdivision mylars for approved applications PZ2213SD & PZ2220GPP Brandon & Cynthia Flack.

Mr. Brynes explained the request for an extension to file the final Subdivision plans with the Town Clerk as allowed by State Statutes. Final plans have already been provided for the Commission's signature.

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

22-220ZON Town of Stonington - Zoning Permit application for placement of a 9.5' x 9.5' granite monument to honor military Veterans who have served from the Town of Stonington. Property located 173 South Broad St., Pawcatuck (Stonington Police Department). Assessor's Map 37, Block 1, Lot 2. Zone GC-60.

Mr. Brynes reviewed the application for the proposed monument which will be located in front of the Police Station and is approximately the size of a parking spot. Mr. Philbrick asked about the lighting for the monument. First Selectman, Danielle Chesebrough stated that there is not funding for additional lighting at this point, but they are hoping to have up-lighting in the future.

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

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22-222ZON Mystic Land Co., LLC (M Lynch) - Zoning Permit application for a Change of Use from Office to Retail for "No Other Book Like This" bookstore. Property located 7 Roosevelt Ave., Unit 1, Mystic. Assessor's Map 174, Block 16, Lot 3. Zone LS-5.

Mr. Brynes stated that the use of a book store is allowed in the zone and has sufficient parking.

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

22-20ZON TOS Human Services (E. Roise) - Zoning Permit application to demo and reconstruct tennis courts and add pickleball courts. Property located 176 So. Broad St. (Spellman Dr.). Assessor's Map 25, Block 1, Lot 19-1. Zone RR-80.

Mr. Brynes summarized the application. The tennis courts at Spellman Park will be reconstructed and extended slightly for the addition of 2 pickleball courts. Mr. Deichmann asked how close they are to the street. Project architect, Eric Roise, stated they will be 25 feet from the Spellman Dr. right of way.

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

Public Hearing:

Town of Stonington opt out of the state's Accessory Dwelling Unit regulations in CT Public Act 21-29.

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

Mr. Brynes presented the application. The purpose of the hearing is to hear public input on whether the Commission should opt out of the State's Accessory Dwelling Unit (ADU) requirements in CT Public Act 21-29 in order to maintain the Town's more restrictive regulations. 22 new ADUs have been permitted since the Town updated its regulations in 2018 to allow ADU's for more homeowners. Mr. Brynes reviewed CT Public Act 21-29 and the differences between this Statute and the current Zoning Regulations. Mr. Brynes reviewed recommendations in the Town's guidance documents, including the Plan of Conservation Development. Mr. Brynes reviewed the process to opt out which requires a public hearing, a supermajority vote of the Commission, and a supermajority vote of the Board of Selectmen. The opt out process must be completed by January 1, 2023 or State Statutes apply. Mr. Meek asked if setbacks would still apply under the Public Act. Mr. Brynes confirmed they would. Mr. Sheehan asked if what most other towns have done. Mr. Brynes stated it is still early before the State's deadline, so he has mostly seen towns opting out. Mr. Sheehan stated he is in favor of opting out to ensure that the town will be developed in an orderly manner as is their charge. Mr. Philbrick added that they may make additional changes in the comprehensive rewrite of the Zoning Regulations.

Public Comment:

Ben Tamsky recommended allowing the Public Act to take effect to create potential for additional affordable housing units only if protections are taken against short term rentals. The Public Act specifically allows short term rental regulation for ADU's. He encouraged the Commission to regulate short term rentals to be owner occupied. Mr. Tamsky submitted his written comments (Exhibit 3).

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Leslie Driscoll stated that she is in support of the Town opting out to maintain local control. She would like to see the minimum house square footage in the Town's Regulations reduced down from 2,000 square feet.

Rick Newton stated that he is generally in favor of less regulations and would be in favor of adopting the state's Public Act as the Town has a shortage of workforce and affordable housing. He agreed with Mr. Tamsky's comment that there needs to be a restriction for short-term rentals. He is also concerned about the square footage restriction of ADUs in the current regulations.

Laura Graham stated that she is in favor of allowing the housing stock to grow in creative ways through existing lots and homes. This will allow for better results compared to larger scale projects. She also recommended tax incentives for ADU's to be deemed affordable. She agreed that having local control is important, but she hopes then the Commission will look at making it easier for residents to apply for an ADU.

Carlene Donnarummo commented on the process to opt out and the current progress on the comprehensive rewrite of the zoning regulations. She stated that she expects the comprehensive rewrite will bring the Town's regulations more in the line with the State Statutes. She trusts the commission will decide what to add to the Town's regulations in this process and is in favor of opting out. She also encouraged the Commission to enact regulations on short term rentals. Ms. Donnarummo submitted her written comments (Exhibit 4).

The Commission discussed the comprehensive rewrite process and potentially adding public comment to all of the Zoning Rewrite workshop meetings. Mr. Brynes stated that reducing the minimum house square footage size in the Zoning Regulations is the main item that would enable more homeowners to permit ADU's.

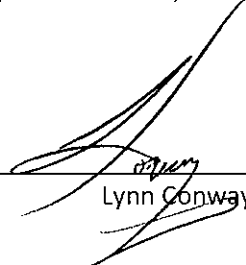
Mr. Meek expressed that he would be in favor of not opting out and feels that the best-intentioned planning is falling short of the community's needs for housing. He feels it would set a new baseline and push the Town towards its housing goals. Mr. Belke stated that he is in favor of opting out due to the timing of the comprehensive zoning rewrite. Ms. Selinger stated that she is torn but feels that due to the comprehensive zoning rewrite it would be a good time to enact parts of the Act. Mr. Meek raised concern that during the zoning rewrite process, items may be shot down and this Act would protect the its intentions.

Mr. Sheehan moved to close the public hearing; seconded by Mr. Deichmann. The motion was approved 5-0.

Mr. Deasy moved to postpone the decision to the next meeting; seconded by Mr. Sheehan. The motion was approved 4-1.

Roll Call: Philbrick – approve; Deasy – approve; Sheehan – approve; Selinger – approve; Deichmann – deny.

Mr. Deichmann moved to adjourn; seconded by Mr. Deasy, all in favor 5-0, the meeting adjourned at 7:58pm.



Lynn Conway, Secretary