

Special Meeting

The 1712th 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, December 6, 2022. The meeting was called to order at 7:00 by Chairman Ben Philbrick. Also present for the meeting were Commissioners Fred Deichmann, Ryan Deasy, and Lynn Conway; Alternates Gary Belke, Marjorie Selinger, and Andy Meek; and Town Planner Keith A. Brynes. Commissioner Charles Sheehan was not present.

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

Minutes:

Mr. Deasy moved to approve the minutes of the November 1, 2022 meeting, seconded by Mr. Deichmann. All were in favor, 5-0, motion approved.

Mr. Deasy moved to approve the minutes of the November 22, 2022 meeting, seconded by Mr. Deichmann. All were in favor, 5-0, motion approved.

Reports:

Commission:

Brandon Flack request for consideration of changes to the Town's bonding requirements for land use development, specifically subdivision lots.

Fair Haven Farms Subdivision owners Brandon and Cindy Flack: This is a request to look at subdivision regulations. Mr. Flack is bringing to the town's attention that a burden and hardship is created with the erosion and sediment control bond requirements for subdivisions. Mr. Flack's approved eight-lot subdivision is currently without improvements. The lots will have individual owners, developers, etc. As it stands currently, Mr. Flack will have to put up bond for all 8 lots to do work on any of them. The bonding amount per lot has already been created which would make the individual bonding process easier. The proposal is to bond each lot individually with the town given the flexibility to adjust the level of those bonds depending on when they are submitted.

Mr. Deichmann questioned the quantity of lots to be developed in the next few years. Mr. Flack claimed that in that time frame about half (4) would be developed with a plan to save one or two for the Flack children.

Ms. Conway wanted clarification on how this would apply to other subdivisions across town. Mr. Flack explained that it is up to the town's discretion on how bonds are administered and that this subdivision would particularly benefit from individual bonding.

Mr. Brynes states that while the commission could approve this, it would set a precedent in town. He also clarified that this was not brought to the Board of Zoning appeals because it does not require a variance. Mr. Brynes mentions that the town attorney (not present), also confirmed that there is nothing in the regulations to prevent this. Mr. Deasy asks if this has been done before and the answer is no.

Mr. Flack mentioned that the different phases of improvements for different lots would suggest a reason to have individual bonding, and it is an effort to protect open space.

Ms. Conway is concerned that the town needs criteria and guidelines to make this 'discretionary' call, particularly for consistency in the future and to have reasoning to approve or deny a proposal.

Mr. Brynes noted that a precedent would be set for similar subdivisions but not those with pre-existing roads and improvements, as these lots do not have either. Mr. Brynes also explained that the town has had bad experience with collecting bonding money and the regulations were amended, creating this requirement.

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Mr. Deichmann questioned if there is legitimate basis for distinguishing between similar subdivisions with or without improvements. Mr. Deasy recommends tabling this discussion so that parameters can be better defined.

Mr. Flack recommends that the definition and/or parameters should begin with the feature of whether or not lots have pre-existing improvements.

Mr. Philbrick is in favor of tabling this discussion to gather further input from other departments. This does not require a motion. The plan is to continue this conversation at the first meeting in January.

Vote on increase in compensation for Department of Planning commissions' minutes taker.

Mr. Brynes explained that the goal is to bring the compensation to the same rate as other boards, an increase to \$125. He stated that the finance director claimed that all land use boards should vote. The funds come out of each department's budget. The compensation was previously \$100.00, with the recommendation to raise it to \$125.00.

Mr. Deasy made a motion to approve the recommendation, seconded by Mr. Deichmann, and all were in favor, 5-0, motion approved.

Administrative Review:

22-279ZON Thomas H. Walter (M. Tripoli) - Zoning permit application for change of use from personal services to retail (vape shop), and associated sign. Property located at 145 Liberty St., Pawcatuck. Assessor's Map 16 Block 12 Lot 1A. Zone LS-5.

This application is for the change of use for a portion of an existing building at 145 Liberty St., Pawcatuck. The former tattoo studio will become a vape shop and they will use the detached sign already there. The other portion of the building is a podiatrist office. This property meets LS-5 and parking requirements. There are opposite peak times for a podiatrist and a vape shop, and no requirements with school nearby.

Mr. Deichmann questions if there are any limitations on the quantity of vape shops within town. Mr. Brynes stated there is not a limit and the local governments are not allowed to regulate vaping to the extent that the state can.

Mr. Deasy moved to approve the application, seconded by Mr. Deichmann. An additional comment from Mr. Meek that we should consider how many tobacco and vape shops the town desires. Mr. Philbrick clarifies that it can be something to look at for the zoning rewrite. All were in favor, 5-0, motion approved.

PZ2003ZC, SPA, & CAM Mystic Seaport – Request for modification to rear deck wall material for 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, Landscape architect, with Attorney John Casey, explained the change to the project proposal: the stone wall that was originally going to wrap around the pool/patio area on the river side of the building will now be wood decking. The flood waters would pass through until contact with the pool. Mr. Frost clarified that the stone wall was not load bearing.

Ms. Conway is concerned that this is a major change to the riverbank view with stone being very consistent among the existing properties and that this appears to be a late change affected by cost.

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Mr. Frost claims that a new structural engineer has entered the project and aesthetic purposes are the main reason for this change. Wood veneer is already part of the building above the patio, and there will still be stone veneer as well.

Mr. Philbrick questioned if there will be treatment to the wood, which will be sealed with oil and will eventually silver. Native wood is too expensive and energy intensive as it requires a thermal treatment.

Mr. Frost also confirmed that the riverside area of the lot will consist mostly of lawn and ornamental grasses outside of the patio area.

Mr. Deasy moved to approve the application, seconded by Mr. Deichmann. An additional comment from Ms. Conway stated that the commission reviewed these plans many times and they were very specific - one major concern was the view from the river and this plan is altering what was approved and it is too late to make such a change.

The vote was taken 4-1, motion approved.

Roll Call: Philbrick – approve, Deichmann – approve, Deasy – approve, Meek – approve, Conway - deny

Old Business:

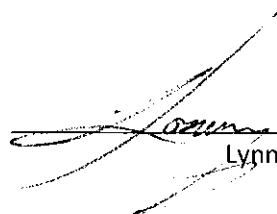
PZ2228BR Ground Up Construction, LLC – Bond Release application for PZ2101SPA & CAM and 21-173ZON for construction of 15 paved parking spaces adjacent to and serving the retail and residential uses at 11 Cottrell St., Mystic. Assessor's Map 182 Block 4 Lot 4. Zones RH-10 & DB-5.

Mr. Deasy moved to approve this request as submitted, seconded by Mr. Deichmann, and all were in favor, 5-0, motion approved.

PZ2229SPA & GPP Amera-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.

This application will be tabled for the next meeting. The applicant wants to make revisions to the plans responding to comments from the town engineer.

Mr. Deasy moved to adjourn the meeting at 7:42 pm, seconded by Mr. Deichmann, all were in favor, 5-0, motion approved.


Lynn Conway, Secretary