

## Special Meeting

The 1715<sup>th</sup> 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, January 17, 2023. The meeting was called to order at 7:00 PM by Chairman Ben Philbrick. Also present for the meeting were Commissioners Fred Deichmann, Ryan Deasy, Lynn Conway, and Charles Sheehan; Alternates Gary Belke, Marjorie Selinger, and Andy Meek, and Town Planner Keith A. Brynes.

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

Mr. Sheehan made a motion to come out of executive session, which began at 6:00 PM, seconded by Mr. Deasy. All in favor, 5-0. Motion passed.

Possible vote on settlement agreement related to pending litigation, namely Allyn, et al. v. Town of Stonington P&Z Commission.

Mr. Deasy made a motion to approve the settlement agreement, seconded by Mr. Sheehan. Alternate Gary Belke was seated in place of Mr. Deichmann for this motion only. The vote was taken, all in favor, 5-0.

### Minutes:

Mr. Deasy moved to approve the minutes of December 20, 2022, seconded by Mr. Sheehan. Motion approved, 4-0-1.

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

Mr. Deasy moved to approve the minutes of December 27, 2022, seconded by Mr. Sheehan. Motion approved, 3-0-2.

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

### Reports:

Staff - Discussion of Land Use Training Guidelines for Planning and Zoning Commission members. Four hours of continuing education are required and the cost can be reimbursed by the town. Many sessions are available virtually.

### 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.

Tonight's meeting serves as an introduction to the application to gather information. It will go to the Architectural Review Board on February 14<sup>th</sup> and return to the PZC for consideration at the February 21, 2023 meeting.

Susan Marquardt, PE, presented the groundwater protection permit and site plan approval applications, explaining the current status of the property and the drainage patterns. Changes to the previous (expired) permit include increasing the stacking lanes in the parking lot from seven to ten, and revision of parking and access drive around the building. Comment from the fire department has not been received regarding the updated plans. Ms. Marquardt explained to Mr. Philbrick that one retaining wall was on the previous permit and a second 2' 6" high wall will be placed behind the convenience store. There will be a later application for signage. There is a drainage plan as well as erosion and sediment control. Ms. Marquardt confirmed that they have met the town engineer's requirements. She also confirmed they have analyzed the turn radius required for emergency vehicles and it will be met.

## Special Meeting

**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.

Mr. Brynes recommends tabling this discussion for the next meeting.

**Public Hearing(s):**

**PZ2230RA Marc Lotti (Mystic River Farm, LLC)** – Zoning Regulation Amendment to remove the word "rabbits" from ZR 2.12 Prohibited Uses, in order to allow for the "keeping, breeding, and raising" of rabbits within the Town. PH continued from 12/20/22.

Mr. Deasy made a motion to reopen this discussion, seconded by Mr. Sheehan.

Mr. Meek commented that this represents a larger issue with the zoning language - and will be addressed in the zoning rewrite. A five-acre lot size minimum seems large for rabbit breeding. The commission discusses the specificity of livestock allowance within the current zoning language. The word "rabbits" was added in 1963 to the prohibition language which originated in 1961. There does not seem to be a clear reason why "rabbits" was added. Per Mr. Byrnes, surrounding towns do not have issues allowing agricultural use of rabbits. Ms. Conway comments that they must consider the zoning and lot size requirements and to the extremes that they could be taken. Mr. Meek believes using zoning restrictions would be more appropriate than lot size restrictions. Per Ms. Conway, allowing this will allow people to invest in practices that may no longer be allowed within the new zoning rewrite. Mr. Sheehan agrees that regulating the zoning instead of lot size would be more appropriate.

The applicant, Marc Lotti, explained that the purpose is not to specify the quantity that is allowed, as that is covered in other sections of the zoning regulations, it is to seek an amendment to allow for an animal that was prohibited in 1963 without a clear explanation as to why.

Public Comment in Favor: None

Public Comment Against: None

Ms. Conway questioned if there is an immediate need to change this regulation and what the commercial intent is for Mr. Lotti. Mr. Lotti explains that the commercial purpose cannot happen if it is not legal, and there is no current plan in place. The applicant is seeking the option to exercise this business. Mr. Deichmann asked if there is harm in waiting for the rewrite which will occur in a little over a year, however the applicant is looking to pursue this by June of 2023. Mr. Meek clarified that they cannot explicitly say why this language is in place, but is questioning whether this is the most efficient method to resolve the regulation. Mr. Conway suggested a committed review and reiterated they must consider the extremes. Mr. Lotti does not want to stall business that would benefit the town, or worse, have to move the business to another municipality.

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

Mr. Deichmann made a motion to approve the application, seconded by Mr. Deasy. The vote was taken, 1-4. Roll Call: Deichmann - approve, Philbrick - opposed, Conway - opposed, Deasy - opposed, Sheehan - opposed. The motion did not pass.

Reasons for denial:

1. The Commission is in the middle of a comprehensive rewrite of its Zoning Regulations which will better address this issue.

## Special Meeting

2. The applicant did not sufficiently demonstrate that the application conformed to the Plan of Conservation and Development.

**PZ2232SUP South Broad Realty, LLC (Meghan Delaporta)** – Special Use Permit application for a full liquor permit for on-site consumption in existing restaurant. Change of owner for restaurant business. Property located at 76 South Broad St., Pawcatuck. Assessor's Map 14 Block 2 Lot 11. Zone LS-5.

The proposal is to serve alcohol at a breakfast and lunch restaurant to open in April. The applicant would like to host bridal and baby showers, Mother's Day brunches, and like events. There are 24 seats in the restaurant; no bars, no TVs, providing encouragement to linger. The standard hours will be 6:30 AM to 2:30 PM. Ms. Delaporta clarifies that 'events' would likely occur after hours.

Public Comments in Favor: None

Public Comments Against:

An email from Betty Latham, 74 South Broad St., Pawcatuck, was submitted to the record (Exhibit 2). Ms. Latham feels liquor should not be served as breakfast and there are enough bars in the area.

The commission discussed stipulations of not allowing live entertainment, as well as a closing time of 10:00 PM for 'events.'

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

Mr. Brynes clarified that a state liquor license runs with the business while the town issued permit goes with the land. Mr. Sheehan pointed out that this is a significant change as the previous business did not have a liquor permit.

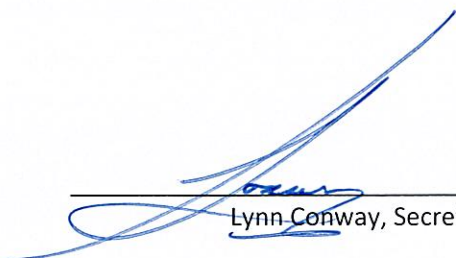
Mr. Deasy made a motion to approve the waivers, seconded by Mr. Sheehan. All in favor, 5-0.

Mr. Deasy made a motion to approve the special use permit with the additional stipulations, seconded by Mr. Sheehan. All in favor, 5-0.

Stipulations:

1. Hours of operation shall be limited to 6:30AM to 2:30PM.
2. Special events shall end by 10:00PM.
3. No live entertainment is permitted.

Mr. Deasy made a motion to adjourn the meeting, seconded by Mr. Deichmann. The meeting adjourned at 8:23 PM.



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Lynn Conway, Secretary