

## Special Meeting

The 1722<sup>nd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, Pawcatuck, on Tuesday, April 4, 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 Fred Deichmann; Alternates Gary Belke and Marjorie Selinger; and Acting Town Planner Samuel Alexander from the Southeastern Connecticut Council of Governments. Commissioner Lynn Conway was absent.

Seated for the meeting were Ben Philbrick, Ryan Deasy, Fred Deichmann, Charles Sheehan, and Alternate Gary Belke.

### Minutes:

A motion was made by Mr. Deasy to approve the minutes of March 21, 2023, seconded by Mr. Deichmann with one minor grammatical change. All in favor, 5-0.

No minutes were taken for the meeting on March 27, 2023. Mr. Deichmann offered to write a brief draft.

### Administrative Review:

**23-048ZON Lockwood Coveside Marina, LLC** - Zoning permit application the demolition and reconstruction of a building. Property located at 830 Stonington Rd., Stonington. Assessor's Map 57 Block 2 Lot 11. Zones MC-80.

The subject building is a former small motel which received a number of variances for setbacks. The structure was deemed unsafe by the building official and the owner is looking to reconstruct it. All outstanding zoning violations on the property shall be resolved to satisfaction of the ZEO before construction begins. Commissioners felt the current sketch is helpful but should be more extensive, especially as property is located on the water. A recommended stipulation would be for the Town Engineer to review the site plan. The commission would like to defer any action until they hear from the ZEO and Town Engineer.

Mr. Deichmann made a motion to table the application, seconded by Mr. Sheehan. All in favor, 5-0.

**PZ2223SD & CAM Masons Island Company (Prominent Development)** - Request a 90-day extension on the filing of the mylar plans for the referenced re-subdivision in order to resolve complications regarding granting of a drainage easement that was not filed on the land records with the previous subdivision. Mr. Sheehan moves to approve the request, seconded by Mr. Deasy. All in favor, 5-0.

### Old Business:

**PZ2303CAM Richard Koup & Charla Andrews (S. Marquardt)** - Coastal Area Management Review application to accompany future zoning permit application for the construction of a single-family residence (SFR) with on-site septic system. Property located at 28 Money Point Rd., Mystic. Assessor's Map 180 Block 2 Lot 31. Zone RA-20.

The Planning Department received a request yesterday that this be tabled to a future meeting in order to provide revised plans.

### Public Hearing(s):

**PZ2235SD & CAM Old Stoneridge, LLC** - Residential Re-subdivision and Coastal Area Management review applications for the creation of two lots. Property located at 111-113 Montauk Ave., Stonington. Assessor's Map 131 Block 3 Lot 6. Zone RR-80 & RC-120. Public Hearing continued from 3/21/23.

## Special Meeting

Norm Thibeault, Licensed Professional Engineer, partner at Killingly Engineering Associates, LLC, presented the application, noting that the homes on the property are in poor condition. The client may be willing to restore for the historical aspect, but not for residency. Currently, there are generic footprints for the homes but they will be more detailed once lot plans are approved. They have received approval from Ledge Light Health District for the septic system designs. The lot is suitable to support single family homes with septic systems. The plans have also received approval from the Police Commission. The rear lot will be limited to a single-family residence with a shared driveway. The only way to further subdivide would be to establish frontage with an additional road for the additional lots.

Mr. Thibeault explained the waiver requests for sidewalks on Montauk Ave. and a landscape plan, as there are currently no sidewalks in the vicinity of the property, the applicants do not feel that sidewalks are necessary for the project, and each lot will be designed accordingly with appropriate landscaping as they are developed.

Theodore Ladwig, Esq., representing Old Stoneridge LLC, explained that his application is not a typical subdivision with the creation of many lots on a cul-de-sac. This proposal ensures that the 30-acre parcel will remain as a single lot in perpetuity. The final plan will carry a note that states that the larger lot cannot be subdivided. The five acres recommended to be contributed to Open Space are not of value to that Open Space. It is hilly, rocky, has a steep slope with boulders so the value is not there. A Fee-in-Lieu of Open Space would be more beneficial for the Town to purchase open space in the future. Were the application to be withdrawn, the 33 acres would be available for development. A portion of the property is in upland review area and only about half is really developable. The commission questioned why, since the land was wetlands, the owner would not give the land to Avalonia, anyway. Attorney Ladwig stated that the applicant prefers to donate the money instead of the land. This is almost a natural conservation area, will remain as such, and the town gets the fee. The applicant feels that this is a win-win.

Public Comment:

Stuart Cole, Chairman of the Conservation Commission, noted that Open Space has been enforced for a couple decades. The regulation says that all subdivisions will have a certain amount of open space set aside and the project is to be presented in front of the Conservation Commission. The regulation has the allowance for a definable hardship of the applicant to be remedied with a Fee-in-Lieu of Open Space. Most of the time these hardship allowances are granted (95%). It is usually for a very tight subdivision or if open space is not practical. There is no definable hardship in this situation. Open space is not just for humans - it is to preserve watershed, migratory paths, wildlife, aquifers, and such. Mr. Cole explained that the hardship cannot be that the applicant prefers to provide the fee.

Francis Falck, property owner of 91 Montauk Ave. and vacant lot 131-3-6C (MBL), stated that the subject property abuts the rear of his properties and explained the history of purchasing his estate. This land has boulders, wetlands, and is overgrown. There are bobcats, deer, coyotes, wild turkeys, etc. It is a wildlife habitat and Dr. Francis does not want to see this land developed with many lots.

Chris Palmer, property owner of 224 Cove Rd., some of which abuts the parcel in question. This land is a wildlife preserve, not easily walked by humans. Mr. Palmer is glad to see something done with this land. He is happy with the idea that it will be developed with one or two houses and not multiple lots. He would love to see a note that the land will not be developed beyond the two homes.

## Special Meeting

## Rebuttal:

Attorney Ladwig stated that notes and written restrictions will work where promises do not. Connecticut General Statutes give the Planning and Zoning Commission the right to divide land, not the Conservation Commission. Mr. Ladwig is not aware of a hardship requirement for to use a Fee-in-Lieu of Open Space. The Conservation Commission does not get to decide. Mr. Sheehan asked about a potential conservation easement which could restrict further development. Attorney Ladwig did not see this being an issue for the applicant, as long as it does not prohibit recreational activities for the family such as the keeping farm animals.

## Public Comment:

Frances Hoffman, Stonington resident and Conservation Commission Member, stated that it is important to define any conservation easement on the plans themselves so that it is well understood by all parties. The Commission agrees that it would entail a metes and bounds description with descriptive terms.

Interim Town Planner, Samuel Alexander, stated that the final decision rests with PZC regarding the Fee-in-lieu of open space vs. physical open space. If physical open space is more suited to be taken from another place on the property, then that can be discussed with the applicant. According to Mr. Alexander, towns across Connecticut vary in terms of accepting fees or the physical space. If it comes down to the applicant accepting a conservation easement in addition to the Fee in lieu, it has to instead be a fee simple transfer.

The Commission would like to hear from the ZEO and are expecting to receive additional information and revised plans. Mr. Alexander guided the commission to leave the public hearing open for the time being. If the commission decides to approve the Fee-in-Lieu of Open Space, an appraisal of the property shall be provided.

Mr. Sheehan made a motion to continue the public hearing to the 4/18/23 meeting, seconded by Mr. Deasy. All in favor, 5-0.

**PZ2304SUP William P. Middleton (R. Sergeant)** – Special Use Permit application to construct an accessory dwelling unit (ADU) in a new detached structure. Property located at 1034 Pequot Trail, Stonington. Assessor's Map 121 Block 1 Lot 6. Zone GBR-130.

Mr. Sergeant explained that the town amended their accessory dwelling unit regulations in 2018 - it is a requirement to apply for a Special Use Permit for an ADU in a new, detached structure. The site has a zoning permit to enlarge the house square footage. Mr. Sergeant reviewed the application site plans, structure plans, and impact statement. There will be a new septic system but it has not received approval from Ledge Light Health District at this time. For that reason, septic plans and thus site plans may change drastically. The commission would like to see the comments from Ledge Light, otherwise they are supportive. The commission feels it is an acceptable plan and a good idea.

## Public Comment in Favor:

Ben Tamsky, 5 Edgemont St, Mystic, stated that the new ADU regulations are one solution to the housing stock issue in Stonington. Mr. Tamsky questioned why the Architectural Review Board reviews ADUs when they do not review single family homes. Is a Special Use Permit requirement necessary? If ADUs are used as short-term rentals, this will only make the affordable housing issue worse.

## Special Meeting

Acting Town Planner, Samuel Alexander discussed floor area issues with Mr. Sergeant. Mr. Alexander explains that at a 6-foot 5-inch ceiling height, the bulk requirements are met even if the attic does not have a floor. If it does have a floor, it would count towards floor area according to the definitions. The accessory dwelling cannot exceed 33% of the principal structure. Currently, the proposed ADU is larger than the principal structure, however it will meet the standards once the new single-family home is built. A 5th stipulation is added regarding obtaining approval for the septic system plan.

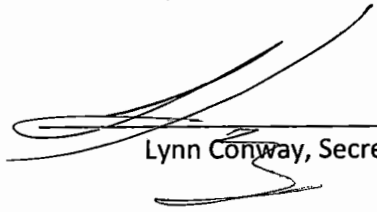
Mr. Deasy made a motion to close the public hearing, seconded by Mr. Sheehan. All in favor, 5-0. Public Hearing closed at 9:13 PM.

Mr. Deasy made a motion to approve the Special Use Permit with the original four stipulations plus an additional, seconded by Mr. Sheehan. All in favor, 5-0.

## Stipulations:

1. Prior to the issuance of any zoning or building permits associated with the Accessory Dwelling Unit, the applicant shall submit proof to the Planning Department that evidence of approval of this Special Use Permit has been filed on the land records in accordance with Section 8-3c(b) of the Connecticut General Statutes.
2. Prior to the issuance of any zoning or building permits associated with the Accessory Dwelling Unit, the applicant shall submit proof to the Planning Department that the existing variance allowing a two-family home at this property has been formally extinguished from the land records.
3. Prior to the issuance of any zoning or building permits associated with the Accessory Dwelling Unit, final plans shall be signed by the Commission and recorded.
4. Zoning compliance for the addition to the primary structure shall be achieved prior to zoning compliance for the Accessory Dwelling Unit.
5. Applicant shall obtain septic system approval from LLHD and provide an updated site plan with any changes.

Mr. Deasy made a motion to adjourn the meeting, seconded by Mr. Sheehan, all in favor, 5-0. Meeting adjourned at 9:16 PM.

  
Lynn Conway, Secretary