

The 1725th meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education Office, 40 Field Street, Pawcatuck, May 2, 2023. The meeting was called to order at 7:00 PM by Chairman Ben Philbrick. Also present for the meeting were Commissioners Ryan Deasy, Chuck Sheehan, Fred Deichmann, and Lynn Conway; Alternates Gary Belke and Marjorie Selinger; and Acting Town Planner Samuel Alexander from the Southeastern Connecticut Council of Governments. Alternate Andy Meek was not present.

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

Minutes:

Mr. Philbrick mentioned that the minutes from March 27, 2023 should include that the meeting adjourned at 9:10 PM with a motion from Mr. Deichmann that was seconded by Mr. Deasy. The Board accepted these edits and Mr. Deichmann made a motion to approve the minutes, seconded by Mr. Deasy. All were in favor, 5-0.

Mr. Deichmann made a motion to approve the minutes of April 18, 2023, seconded by Mr. Deasy. Mr. Philbrick stated, for the record, that Ms. Conway should not have been seated for the PZ2235SD & CAM Old Stoneridge, LLC discussion. Her vote did not, however, change the outcome. Mr. Belke should have been seated. All were in favor of the motion, 5-0.

Administrative Review:

23-097ZON D'Amato Investments, LLC (Gary Schulte) – Zoning permit application for change of user for storage space/manufacturing of wine production & storage (Passionfruit Estate, LLC), in Units 30 & 31. Property located at 40 Taugwonk Spur Rd., Stonington. Assessor's Map 84 Block 1 Lot 3. Zone LI-130.

Mr. Alexander read from the staff report, including information such as the applicant will do all wine bottling and packaging, the building lacks floor drains, and there will be no in-house wine tastings. The suggested use from the applicant is permitted as long as they are under 10,000 square feet, which they are in this case. The Commission discusses whether a special use permit is required for sales.

Gary Shulte, applicant, stated that in this zone they are able to use up to 10% of space for sales and they have 1,500 square feet in total. They have a liquor distributing license and their plans have been approved by the Fire Marshal. The hours for sales will be limited, such as 3-6 on Fridays / Saturdays.

Mr. Deasy made a motion to approve the application with the one stipulation, seconded by Mr. Sheehan. All in favor, 5-0.

Stipulation:

1. There shall be no public events or tastings permitted.

23-074ZON Ram Krisna PR, LLC - Zoning permit application to construct exterior stairs with deck/landing at the rear of building. Property located at 80 Stonington Rd., Mystic. Assessor's Map 153 Block 3 Lot 1. Zone GC-60.

There was a short discussion regarding the use of the upstairs space in this building.

Mr. Deasy made a motion to approve the application, seconded by Mr. Sheehan. 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.

Alternate Ms. Selinger was seated in place of Mr. Deichmann for this discussion and vote.

It was noted that the proposed patio on the application is located the RC-120 non-infringement zone and thus corrective adjustments had been made, addressing the Zoning Enforcement Officer's concerns.

Susan Marquardt, Professional Engineer, Loureiro Engineering, stated that the plan now has less grading and terracing than the previous application. The driveway now comes in at the front of the house. The original application had a stone trench for roof runoff which is now proposed to be captured through a rain garden.

There was a discussion regarding erosion protection. Ms. Marquardt clarified that a hay bale silt fence will be used and will be down gradient from the actual building work. There is no protection against wave action. They would like to keep natural vegetation on the property. The Commission asks about protection of the slope and house from wave action. Mr. Sheehan stated that he believes the lack of protection is an oversight and that there will be ramifications.

Mr. Deasy made a motion to approve with 5 stipulations, seconded by Ms. Selinger. The vote was taken 4-1.

Roll Call: Philbrick - approve, Sheehan - approve, Deasy - approve, Selinger - approve, Conway - deny.

Stipulations:

1. Prior to the issuance of any Zoning Permits, final plans shall be signed by the Commission and recorded.
2. Plans must conform to all relevant Flood Hazard regulations.
3. Dock requires permitting through CT DEEP.
4. Applicant to provide post-construction certification of rain garden by a licensed Professional Engineer.
5. Erosion & Sediment Control Plan to be revised to show hay bale-backed silt fence to be:
 - a. Extended along the northerly property line to Money Point Road.
 - b. Extended downslope of southerly temporary construction entrance to Money Point Road.

Public Hearing(s):

PZ2305ZC Paul & Sharyne Cerullo (Maple Lawn Farm, LLC) – Master Plan Zone Change application from the existing RR-80 & GBR-130 zones to the Agricultural Heritage District (AHD) zone. The proposed master plan seeks to create a campus for food, education, and events. Properties located at 343 Wheeler Rd. & Wheeler Rd. Stonington. Assessor's Map 94 Block 1 Lot 4 & Map 86 Block 1 Lot 4. Zones RR-80 & GBR-130.

Seated for this public hearing were Mr. Deasy, Mr. Sheehan, Mr. Philbrick, Mr. Deichmann, and Ms. Conway.

Bob Mercer, architect for the applicants, explained that Wheeler Rd. cuts through this parcel of land with 20 acres on the eastern side of the road and 15+ acres on the western side. The road was imposed on the farm in 1901, after the farm began operation in 1737.

The applicants, Mr. and Mrs. Cerullo, commended the town for the implementation of the AHD zone and its purpose. The Cerullos would like to keep this property operating for generations to come. They have spent the last 13 years dismantling and repairing the homestead and its grounds. The Cerullos presented a slide show of photos from these renovations consisting of building restoration, barn building, pond filling, etc. There was a discussion regarding the historical features of the home and its prior residents. The Cerullos sought guidance for how to move forward with the protection of this property.

There was an extensive discussion of the meaning of the word "contiguous" and whether a town road imposed on their farm should be an exception to this rule.

The Commission discussed the idea of hardships and whether this is a discussion for the Zoning Board of Appeals. It was mentioned that the town is working on rewriting the zoning regulations and this could be addressed. The language should be discussed with the Town Attorney as to find a way where the new wording cannot be taken advantage of by properties in similar situations.

Public Comment in Favor:

Laurie Cerullo, 267 Taugwonk Rd., would like to keep this property alive for the current and future generations due to its cultural impact.

Jessica Cerullo, 16 Cutler St., claimed the property draws international artists and will continue to do so. The property should be protected.

Public Comment Against:

Kathy Michalove, 614 Wheeler Rd., discussed the low traffic currently on Wheeler Rd. and how that would be affected if events such as weddings were held on the property. She would not like to see massive parking lots installed on the property. Mrs. Michalove was concerned about the use of the land for following generations and if the Cerullos' intentions will be upheld.

Edward Janusz, 587 Taugwonk Rd. - Mr. Janusz claimed the acoustics of the area have changed with construction, proximity to the interstate, and the loss of trees. Mr. Janusz was concerned how this will continue to be impacted by events at this property, as well as the use by future owners.

General Comment:

Ben Tamsky, 5 Edgemont St., Mystic - Mr. Tamsky wanted to clarify for the applicant that they have a right to apply for a text amendment to the zoning regulations without waiting for the finished rewrite.

Applicant Rebuttal: The actual application is more specific as to the proposal. They would like to have weddings. The conferences at the property are not outdoor. The parking would be in one field and would not disrupt the rest of the grounds, animals, etc.

Mr. Alexander stated that it would be premature to go further with the application at this meeting without a determination of the parcels' status without an interpretation of the word "contiguous."

The commission discussed their authority for an application of this nature. It was reiterated that the applicant can begin the process of a potential text change if they desired.

Mr. Sheehan made a motion to close the public hearing, seconded by Mr. Deasy. All were in favor, 5-0. The public hearing closed at 8:42 PM.

Mr. Deasy made a motion to deny the application, due to interpretations of the language, seconded by Mr. Sheehan. All were in favor, 5-0.

Reason:

1. Due to interpretations of the Zoning Regulations language, the application does not meet the requirements of the Agricultural Heritage District (AHD).

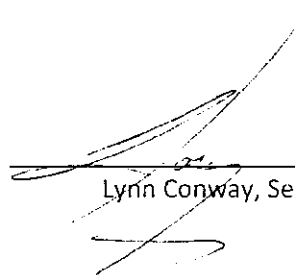
PZ2306SUP & GPP GX3 LLC (CLA Engineers) - Special Use & Groundwater Protection Permit applications for construction of a new 30,000 sq ft warehouse & retail building with accessory outside lumber & building materials storage, and associated landscaping & parking. Property located at 511 Liberty St., Pawcatuck. Assessor's Map 20 Block 2 Lot 4. Zone HI-60.

Seated were Mr. Deasy, Mr. Sheehan, Mr. Philbrick, Mr. Deichmann, and Ms. Conway.

Per Mr. Alexander, there was a late request from the applicant to continue the public hearing to the next meeting.

Mr. Deasy made a motion to continue the public hearing, seconded by Mr. Deichmann. All were in favor, 5-0.

Ms. Conway made a motion to adjourn the meeting, seconded by Mr. Deichmann. All were in favor, 5-0. The meeting was adjourned at 8:45 PM.



Lynn Conway, Secretary