

## Special Meeting

The 1733<sup>rd</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, August 1, 2023. The meeting was called to order at 7:02 PM by Chairman Ben Philbrick. Also present for the meeting were Commissioners Ryan Deasy, Charles Sheehan, Lynn Conway, and Gary Belke; Alternates Andy Meek and Bennett Brissette and Town Planner Clifton Iler were present.

Seated for this meeting were Ben Philbrick, Ryan Deasy, Chuck Sheehan, Lynn Conway, and Gary Belke.

Chairman Philbrick introduced new Alternate Commissioner, Bennett Brissette, for the meeting.

### Minutes:

Commissioner Deasy made a motion to approve the minutes of July 18, 2023, seconded by Commissioner Sheehan, all in favor, 5-0.

No motion was made on the minutes of July 20, 2023; the minutes were not provided for this meeting.

### Commission:

Commissioner Sheehan spoke on the SCCOG meeting held on July 24, 2023. The discussion topics included short-term rentals, upcoming commissioner training dates, and recent legislation on gas stations. Commissioner Sheehan will distribute the slides from the meeting to Chairman Philbrick and Planner Iler for distribution. Commissioner Conway asked whether future training will be held in-person or virtually. Commissioner Sheehan responded saying that he does not know at this time.

### Administrative Review:

**PZ2235SD & CAM Old Stoneridge, LLC** – Request for 90-day extension to file final mylar plans for previously approved 2-lot re-subdivision. Property located at 111-113 Montauk Ave., Stonington. Assessor's Map 131 Block 3 Lot 6. Zone RR-80.

Planner Iler provided a brief description of the project and requested extension.

Commissioner Deasy made a motion to approve the request for extension, seconded by Commissioner Sheehan. All were in favor, 5-0.

### Old Business:

**PZ2309SUP Old Mystic Fire District (K. Richards)** – Special Use Permit application for the on-site placement of two mobile training trailers to facilitate training for firefighters. Property located on Main St., Old Mystic. Assessor's Map 166 Block 6 Lot 11. Zone RA-20. PH closed 7.18.23.

Chairman Philbrick explained for the record that the application was withdrawn on August 1, 2023 and there will be no discussion on the project at this meeting.

### Public Hearing(s):

**PZ2314SUP Jannat, LLC (J. Casey)** - Special Use Permit application to permit construction of 1-story, 3,300 SF convenience store with 3 fuel filling stations with a canopy. Proposal includes parking, repaving, stormwater drainage, and associated site work. Property located at 54 South Broad St., Pawcatuck. Assessor's Map 14, Block 2, Lot 6. Zone LS-5.

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Seated for this hearing were Ben Philbrick, Ryan Deasy, Charles Sheehan, Lynn Conway, Gary Belke, and Alternate Bennett Brissette. Commissioner Conway read into the record the public hearing requirements.

Chairman Philbrick stated for the record that the public hearing will be extended. John Casey, the applicant's representative, requested the extension be continued to the September meeting due to scheduling conflicts. Planner Iler stated he will work with the applicant to file a formal extension request if needed.

John Casey, the applicant's representative, presented the application and project team. Mr. Casey distributed certified mail receipts to Planner Iler for the record. The project's engineer, Kyle Haubert, presented the site plan and renderings.

Commissioner Sheehan asked about the spillway at the detention basin. Mr. Haubert stated that the spillway is designed to operate in a two-year storm and discharge will run to the rip rap and over land to the southern side of the property behind the proposed convenience store.

Commissioner Deasy asked about the site lighting plan and signage. Mr. Haubert stated that lighting under the pump canopy will fire downwards and other lighting on the building will be downfiring LEDs. The photometric plan shows no spillage to adjacent properties, only onto DOT Route 1. Commissioner Deasy and Commissioner Conway asked about lighting of the sign and around the canopy. Mr. Haubert stated that there will be no lighting around the exterior canopy but is unsure of lighting on the sign.

Commissioner Conway asked about previous soil contamination on site. Mr. Casey stated that the old tanks were removed and the site was remediated to DEEP requirements. As part of the excavation, an environmental engineer will review the new tank installation.

Commissioner Meek asked about the right-turn only ingress and egress from Route 1. Mr. Haubert stated that the Police Commission requested the right-turn only egress because of sightlines down the hill to the project site. DOT mentioned that right-turn only ingress was also preferred because otherwise a left turn lane going westbound would be required, requiring significant lane widening.

Commissioner Belke asked about the square footage of the existing building. Mr. Haubert stated that the existing structure is around 2,500 SF and the new structure will be 3,300 SF.

Commissioner Conway asked about the two-year design storm and whether there would be potential site issues for a 100-year storm. Mr. Haubert stated that the spillway will be utilized for the two-year storm and above but the overall site is designed with the 100-year storm in mind.

Commissioner Conway asked about previous uses conducted at the site. Mr. Casey passed out previous legal review submitted to Town staff earlier. Legal counsel discussed the previous and current uses and determined that, based on case law, the gas station use was not abandoned. Commissioner Conway asked if the rental and then sale of the property counts as abandonment, to which Mr. Casey stated that case law would state that sale of property does not constitute as abandonment. Commissioner Meek asked about the intention to relinquish the use permanently and asked what it looked like. Mr. Casey cited a previous case out of East Lyme and stated that the physical manifestation of use (i.e., complete demolition) would need to be conducted. The removal of the gas tanks does not count in this case.

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Mr. Casey reiterated his request to continue the public hearing at the upcoming September 5th meeting.

## Public Comments:

Carlene Donnarummo, 22 Oakwood Avenue, made four requests for the Commission and applicant to consider: 1) Requested abutting property owners be mentioned on site plan and included in the record; 2) Requested the applicant's engineer to testify on the record that draining from site will not impact neighboring properties; 3) Requested the project go in front of ADRB; and 4) Review traffic flow for left-turn entry.

Charles Caldwell, 50 S. Broad Street, spoke against the project. The use has seemingly been abandoned and he is worried about the impact on wetlands from the two-year and 100-year storms becoming more frequent. He stated that the traffic movement plan is unrealistic and many people will be making left turns into and out of the site. Traffic will back up and become an even larger issue than it currently is.

Jon Chase, representing a nearby property owner (Aldin Associates), stated that new information provided ahead of this public hearing will be spoken on at the future public hearing date. Chairman Philbrick and Planner Iler confirmed the next public hearing for this project will be in September.

## Rebuttal:

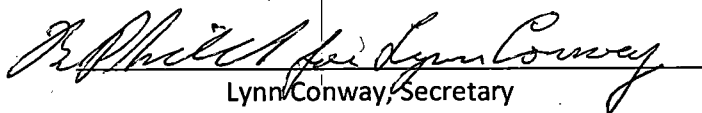
Mr. Casey stated that the late submittal of updated site plan was because of late comments received by the Town Engineer. They are not anticipating any future site plan or application changes between now and the September meeting.

Mr. Casey stated that traffic and stormwater concerns are more regional issues and this project in particular would not be contributing to the larger problem. He requested that the Commission only consider the development at this site, not the regional issues. Mr. Haubert confirmed that drainage from Route 1 is managed by the DOT. The Town Engineer has reviewed the drainage plan and believes there will be minimal, if any, impacts on the wetlands.

Chairman Philbrick followed up on site lighting concerns and requested the applicant update the photometric plan and renderings to match each other.

Chairman Philbrick requested a motion to continue the public hearing to the September 5, 2023 meeting. Motion made by Commissioner Deasy, seconded by Commissioner Sheehan. All were in favor, 5-0.

Commissioner Deasy made a motion to adjourn the meeting, seconded by Commissioner Sheehan. All were in favor, 5-0. The meeting was adjourned at 7:56 PM.

  
Lynn Conway, Secretary