

Special Meeting

The 1735th 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 September 5, 2023. The meeting was called to order at 7:00 PM by Chairman Charles Sheehan. Also present for the meeting were Commissioners Ryan Deasy, Gary Belke, and Andy Meek; Alternates Ben Philbrick and Bennett Brissette; and Town Planner Clifton Iler. Commissioner Lynn Conway was not present.

Seated for this meeting were Charles Sheehan, Ben Philbrick, Ryan Deasy, Gary Belke, and Andy Meek.

Minutes:

#1734, August 15, 2023 - Carlene Donnarummo objected to the way a statement was captured. Mr. Deasy made a motion to approve the minutes of August 15, 2023, with the requested change from Mrs. Donnarummo. there was no call for a second. The vote was taken to approve, 4-0-1.

Roll Call: Sheehan - approve, Deasy - approve, Philbrick - approve, Mr. Belke - approve, Meek - abstain

Per Chairman Sheehan, the order of this meeting was re-organized. Public Hearing #2 will occur before Public Hearing #1 to accommodate for anticipated length of discussions.

Correspondence:

St. Edmund's Retreat 8.30.23 correspondence from Masons Island Neighbors.

Town Planner, Clifton Iler, provided a review of the letter from the Masons Island neighbors regarding alleged zoning violations that occurred upon the expansion of St. Edmund's retreat. The alleged violations are being investigated by the Zoning Official. There is intent to remediate and resolve the complaints. Frank Marco read a letter that is part of the record.

Mr. Sheehan thanked and praised Mr. Philbrick for his service as Chairman of this Commission.

Administrative Review:

23-201ZON James Constantine (Greenhaven Shores Section 2) - Zoning permit application for the erection of a wooden kayak rack and hitching post style dinghy racks. Property located off Riverside Dr., Pawcatuck. Assessor's Map 9 Block 3 Lot DK. Zone RC-120.

The applicant, Mr. Constantine, stated there was no additional information beyond what was already submitted. This is not an association; just a collection of neighbors.

The Commission confirmed with the applicant that there shall be no additional lighting and that the structure will be about 5 feet tall.

Mr. Deasy made a motion to approve the application, there was no call for a second. All in favor, 5-0.

Old Business:

PZ2317BR BCMAN, LLC (R. Manfredi) - Bond Release/Reduction application for work performed under application PZ1904SPA & GPP and PZ2132SPM. Property located at 62 Voluntown Rd., Pawcatuck. Assessor's Map 18, Block 2, Lot 7. Zone HI-60.

The Town Engineer had commented and had no concerns with the Bond Release.

Mr. Deasy made a motion to approve this application, seconded by Mr. Belke. All in favor, 5-0.

Special Meeting

PZ2320CAM Daniel & Amy Carlin (B. Deluca) – Coastal Area Management Review application to accompany future zoning permit application for the demolition of existing single-family residence (SFR) and the construction of a new SFR. Property located at 264 North Water St., Stonington. Assessor's Map 100, Block 1, Lot 16. Zones RM-15 & RC-120.

Kyle Haubert, CLA Engineers - The new building proposal meets the bulk requirements. It is in a flood plain and thus the first floor will be built one-foot above base flood elevation. The garage will be vented to accommodate potential flooding. The property will connect to existing sewer and water services. Mr. Haubert discussed the erosion and sediment control for this project. Mr. Haubert confirmed for the Commission that this lot is not in a wave action zone.

Per Clifton Iler, there are no flood plain issues and there was an agreement from Mr. Haubert on the recommended stipulations.

Mr. Deasy made a motion to approve the application with the existing stipulations. This was seconded by Mr. Belke and all were in favor, 5-0.

Stipulations:

1. The site plan shall be updated to show include the RC-120 Zone delineation.
2. Modifications to the site development plans, if necessitated following CTDEEP comments, shall be reviewed and approved by Town staff and the Commission, as necessary.
3. Modifications to the site development plans, if necessitated following Town Engineer comments, shall be reviewed and approved by Town staff and the Commission, as necessary.
4. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
5. Prior to the issuance of a Zoning Permit, the final plans shall be signed by the Commission and recorded.

Public Hearing(s):

Seated for the public meetings were Ryan Deasy, Ben Philbrick, Charles Sheehan, Gary Belke, and Andy Meek. The hearings began at 7:21 PM.

PZ2316SUP & GPP PRC Holdings, LLC (D. McKay) - Special Use Permit application to permit construction of 1-story, 8,220 SF commercial office building. Proposal includes parking, a sub-surface sewage disposal system, stormwater drainage, and associated site work. Property located at 8 Alice Court, Pawcatuck. Assessor's Map 18, Block 2, Lot 5E. Zone HI-60. *PH continued from 9/5/23.*

Mr. Deasy made a motion to reopen this public hearing, seconded by Mr. Belke, all were in favor, 5-0.

David McKay, representing the applicant, stated they have withdrawn their request for a waiver to supply a legal description as one has since been supplied. In response to a concern expressed at the prior meeting, Mr. McKay confirmed for the Commission that storm water will be captured in the stormwater basin and will not runoff to the neighboring properties. The water will exit via the southwest corner towards an existing watercourse.

No Public Comment.

Mr. Deasy made a motion to close the public hearing, seconded by Mr. Belke.

Special Meeting

Mr. Deasy made a motion to approve all requested waivers, seconded by Mr. Philbrick, all were in favor, 5-0.

Mr. Deasy made a motion to approve the special use permit and groundwater protection permit with the three recommended stipulations, seconded by Mr. Belke, all were in favor, 5-0.

1. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
2. Prior to the issuance of a Zoning Permit, the final plans shall be signed by the Commission and recorded.
3. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of a Zoning Permit. The bond shall be either in the form of a certified check or irrevocable letter of credit meeting the requirements of ZR 8.6.3. The bond amount shall be established by the Town Engineer after an estimate of the costs of installing and maintaining appropriate erosion and sedimentation control measures is provided by the applicant and approved by the Town Engineer. Work shall remain bonded for a minimum of one year from the date of Zoning Compliance.

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. *PH continued from 8/1/23.*

Mr. Philbrick made a motion to continue the public hearing from 8/1/2023, seconded by Mr. Deasy, all in favor, 5-0.

Attorney John Casey responded to the question regarding the need for a review from the Architectural Review Board, noting it was approved. He submitted into the record a petition consisting of 34 signatures from town residents in support of the application. Atty Casey stated that the storm water will be managed on-site, and the proposal received approval from the Wetlands Commission.

The Commission questioned the project engineer, Kyle Haubert, about the plan for water that runs comes from Route 1 onto the property. According to Mr. Haubert, the proposed site is graded so that the water will remain on Route 1 and not enter the property, and confirmed for the Commission that all travel signage will be approved by DOT with the request to have an additional "No Left Turn" sign for a total of two with this message. Commissioners discussed the times for fuel delivery (between 12 AM and 6 AM), as well as the delivery drivers' familiarity with the site.

Public Comments Against:

Attorney John Chase, representing Aldin Associates, 60 So. Broad St., discussed the petition that Atty Casey presented into the application record. Individuals who were against the project spoke at a prior meeting and were of their own volition. Atty Chase discussed comments from a prior report from the Town Planner; this was submitted into the record. According to Atty Chase, the prior Town Planner did not come to a conclusion on the abandonment of this property. Atty Chase claimed there is an issue of 'fundamental fairness' in regards to the timeline of a full hearing and the time of comments from the Town Attorney.

The Commission expressed confidence in the Town Planner and understanding of comments from the Town Attorney. Atty Chase then introduced David Battista.

Special Meeting

Speaking against, David Battista, Licensed Professional Engineer, reviewed the letter and documents that have been submitted and prepared by himself. Mr. Battista reviewed relevant sections of the Stonington Zoning Regulations. He asked the applicant to address signage issues regarding lines of view toward Route 1.

Atty Casey questioned why this letter was submitted now as it was written prior to the last meeting.

Atty Chase elaborated on comments from Mr. Battista. There was a discussion regarding whether parking spots along Route 1 adhere to state regulations for parking at gas stations located on state highways. This regulation was submitted to the record. Atty Chase presented Mark Temple.

Against; Mark Temple, Licensed Environmental Professional, had an issue with the line of sight to dispensers when fuel is being dropped off. The design requires haulers to block the view of the dispensers. According to Mr. Temple, this produced the applicant's idea of scheduling deliveries from 12AM-6AM. Mr. Temple questioned if this meant the lights will be left on? Deliveries at this time will be dangerous. Mr. Temple also expressed concern over the level of contaminants that will occur through drip leaks.

The Commission discussed that there are zoning and technical issues that need to be addressed, as well as the adequacy of the storm water management.

Atty Chase presented John MacNeil and further discussed the issue of legal abandonment. Atty Chase submitted GIS Maps for the record. Atty Chase read a regulation regarding a 1,500-foot radius requirement between gasoline stations. Atty Chase also discussed the legal use of the word 'erect' as well as its official definition.

Against; John MacNeil, Director of Facilities and Construction, was asked a series of questions by Atty Chase.

The Commission took exception to a statement from Atty Chase regarding the possibility that the Commission would overlook a regulation.

There was a discussion regarding when the gas station at 60 So. Broad St was established.

General Comments:

Carlene Donnarummo, owner of a parcel across the street (So. Broad St (24-2-5)), asked to see the plans for the storm drains and catch basins that will service the flow from Route 1.

Comments Against:

Charles Caldwell, 50 So. Broad St, questioned the petition with 34 signatures. Mr. Caldwell was concerned about traffic and wetlands. He has lived next door since 2006.

Comments in Favor:

Applicant and owner of Jannat, LLC, Ahmed Choudry, stated that he has been a resident of Pawcatuck for thirty years. He owns many gas stations and always adheres to all regulations.

Special Meeting

Rebuttal:

Atty John Casey discussed the 1,500-foot radius regulation and the fact that this is a pre-existing, non-conforming use. According to Atty Casey, the tanks were removed due to their age and their removal is not evidence of abandonment.

Mr. Deasy made a motion for a five-minute recess, seconded by Mr. Philbrick, all in favor, 5-0. The meeting resumed at 9:30 PM.

Atty Casey addressed the issues presented by Atty Chase including, but not limited to, the parking, time of deliveries, the left turning exit from the lot, the convenience store use, etc.

Kyle Haubert responded to issues regarding the erosion and sediment control plan, sight lines and exit driveways for the site, the storm water management plan, interior landscaping, parking, traffic impact, storm water on Route 1, etc.

The Commission discussed the drain locations with Mr. Haubert and Mrs. Donnarummo. According to Mr. Haubert, the DOT has reviewed the storm water management plan and has no issues. The flow on Route 1 will not change.

The Commission confirmed with the applicant that there will be 17 parking spaces.

Atty Chase disagreed that the gas station and convenience store uses are separate and a special use permit is required. The prohibition is on the 'erection' of a gasoline station.

Mr. Deasy made a motion to close the public hearing, seconded by Mr. Philbrick, all were in favor, 5-0. The Public Hearing was closed at 9:56 PM.

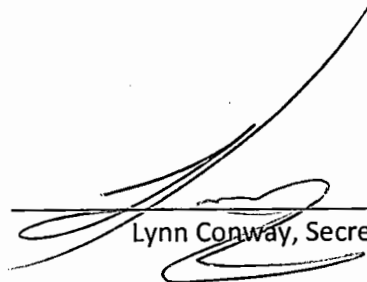
The Commission confirmed a list of the outstanding questions that need to be addressed:

- The 1,500 ft radius separation issue
- The requirement of a special use permit (zoning)
- Parking questions
- Use of the word 'erection' and 'abandonment'
- Technical issues such as intersectional side distance

Mr. Deasy made a motion to table this decision, seconded by Mr. Philbrick, all in favor, 5-0.

Mr. Deasy made a motion to adjourn the meeting, seconded by Mr. Philbrick, all in favor, 5-0.

The meeting was adjourned at 10:02 PM.


Lynn Conway, Secretary