

## Special Meeting

The 1659<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday, June 16, 2020. The meeting was called to order by Chairman David Rathbun at 7:01pm. Also present for the meeting were Commissioners Gardner Young, Ben Philbrick, and Fred Deichmann; Alternates Charles Sheehan and Ryan Deasy; and Town Planner Keith Brynes. Peter Chomowicz was not present and Ms. Conway entered the virtual meeting later.

Seated for the meeting David Rathbun, Gardner Young, Fred Deichmann, Ben Philbrick, and Charles Sheehan.

### Minutes:

Mr. Philbrick moved to approve the minutes of the May 26, 2020, meeting, seconded by Mr. Deichmann. Mr. Deichmann recommended a correction. The vote was taken all in favor 5-0, motion approved.

### Administrative Review:

Commission interpretation regarding modification of existing retaining wall in building setbacks. 104 Noyes Ave., Lords Point Assessor's Map 129, Block 8, Lot 1. Zone RM-20.

Mr. Brynes explained that two retaining walls on the site are deteriorating and the owner would like to repair and merge them. It will create a slightly larger patio and extend on one side, but not significantly. The commission had asked that a regulation amendment regarding retaining walls be drafted, however, that will take a couple of months to get on the agenda. It has been the town's position that retaining walls over three feet must comply with the setbacks, but no formal commission decision has been made. The applicant is looking for guidance and has provided renderings of the proposed modifications. Mr. Deichmann asked if there would be any infringement on pedestrian and vehicle access. Mr. Brynes responded it would not. Mr. Philbrick stated a new wall would look better than the current wall. Applicant, Michael Zerbini, stated that there are cracks in the wall and he has gotten feedback from contractors that it must be fixed to prevent a larger issue, additionally explaining the reasoning for the size of the modification. Mr. Sheehan asked about the assessment and whether the wall had any tilt. Mr. Zerbini responded it is tilting toward the neighbor currently.

Mr. Sheehan stated that there is an existing retaining wall that has been there for some time and the proposal is an improvement to correct a structural deficiency. As such, he is inclined to allow them to proceed with the repair. It is an existing non-conformity and it will not be worsened. Mr. Zerbini explained the rendering further to describe the shape.

Mr. Sheehan moved to approve the request, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Ms. Conway arrived and was seated. Mr. Sheehan was unseated.

**20-101ZON Aquarion Water Co. (Tighe & Bond)** – Zoning Permit application for Streamflow Release and Tube Settlers Project including construction of 1-story PAC (Powder Activated Carbon) building, relocation of existing 340SF shed, and related site improvements. Property located at Deans Mill Water Treatment Plant, 349 Mistuxet Ave., Mystic. Assessor's Map 133, Block 1, Lot 2. Zone GBR-130.

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Mr. Brynes summarized the application. The PAC building will be located behind the main building and will be mostly out of sight from the road. Water treatment related activities are allowed in the non-infringement area and they are exempt from a wetlands permit.

Ms. Conway moved to approve the application, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

**20-102ZON RoxRiv Realty, LLC (Kenneth Baldwin, Esq.)** – Zoning Permit application for construction of 29' 6" x 11' 6" Verizon Wireless equipment shelter, generator and 1,000-gallon propane tank with underground fiber line and associated improvements. Property located at 12 Coogan Blvd., Assessors Map 164, Block 4, Lot 1. Zone TC-80.

Mr. Brynes summarized the application. The applicants have received a variance for the location and a wetlands permit, and bulk and use requirements have been met. Mr. Philbrick asked about the proposed retaining wall height. Ken Baldwin stated at its highest point it is three feet and will provide more room on the west side for the generator, noting it will not be visible from the road. Mr. Deichmann asked about security. There are bollards to prevent car access and intrusion alarms for the equipment shelter area.

Mr. Philbrick moved to approve the application, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

**20-107ZON Horses Healing Humans (Jeremy Ostrout)** – Zoning Permit application for construction of 22' x 48' greenhouse structure. Property located at 340 New London Turnpike. Assessors Map 138, Block 3, Lot 1. Zone GBR-130.

The application was tabled with no discussion.

**20-116ZON Maarten C. de Jong** – Zoning Permit Application for proposed wooden boardwalk access to dock. Property located at 228 Wamphassuc Rd., Stonington. Assessor's Map 127, Block 16, Lot 4A. Zone RC-120.

Mr. Brynes summarized the application. They recently received approval for a dock from DEEP and are asking for access to the dock. There is normally no activity permitted in the non-infringement area, but the regulations do allow for boat-related access. Mr. Philbrick asked about the number of footings in the upland area. Mr. Cherenzia stated its about 160 feet at 8 feet offset, equating to about 20. Mr. Cherenzia stated the raised boardwalk is better for the environment and maintenance. It will disturb the area less than a gravel path.

Mr. Deichmann moved to approve, seconded by Mr. Young, all in favor 5-0 motion approved.

**Correspondence:**

**6/5/20 Correspondence from CT Siting Council** re: Petition #1410 for construction of a 3-megawatt AC solar photovoltaic electric generating facility and associated electrical interconnection on two parcels at the Elm Ridge Golf Course located to the east and west of North Anguilla Rd. at the intersection with Elm Ridge Rd. Property located at 223 Elm Ridge Rd. & N. Anguilla Rd. Pawcatuck. Assessors Map 22, Block

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2, Lot 1 & Map 39, Block 1, Lot 9. Zones RR-80 & GBR-130. **(The Commission will not discuss the merits of the Petition at this meeting.)**

Mr. Brynes stated that the request is not in the jurisdiction of the town, it is up to the CT Siting Council. The commission can provide comments to the council by July 4<sup>th</sup>. Mr. Brynes asked the commission if they would like to hear a presentation and discussed the site and neighborhood concerns. There is also public comment available directly to the siting council. The commission discussed hearing from the engineer and the selectmen. Mr. Sheehan spoke about the siting council being very responsive to commission comments. Mr. Rathbun stating hearing more and putting it on the agenda for the June 30<sup>th</sup> meeting.

**Old Business:**

**PZ2006SD & GPP D6 Realty, LLC (A. Hayward)** - Subdivision and Groundwater Protection Permit applications for a free split and subdivision of a 1.13-acre lot. Property located 3 Country Lane, Pawcatuck. Assessor's Map 21 Block 1 Lot 3. Zone RA-20.

The application was tabled with no discussion.

**Public Hearings:**

**PZ2004SPA & GPP 1189 Pequot Trail, LLC** – Site Plan and Groundwater Protection Permit applications for implementation of approved Master Plan for activities, events, house renovation, and construction of an 80' x 30' equipment storage building. Property located at 1189 Pequot Trail, Stonington. Assessor's Map 135 Block 2 Lot 1. Zone AHD-2. *Continued from 4/7/20.*

Robert Valenti, applicant, presented the application. The site plan is largely the same from the original master plan approval with the one change being the addition of an equipment shed. They have worked with the State Archaeology department to locate a possible historic cemetery. The graves were removed prior to the home being built. There is no evidence of a second smallpox burying ground on the site. The groundwater protection permit application is supported by the Aquarion Water Company.

Mr. Philbrick asked about the design of the building. Mr. Valenti stated he hasn't finished the design but it will be a dry building for storage that will match the barn. Mr. Philbrick asked about the music. Mr. Valenti stated some will take place in the barn and some by the home. Mr. Sheehan asked if there was an engineering report. Mr. Brynes stated there was not due to the minor change. Mr. Brynes reviewed the overlay district and master plan process.

**Public Comment in Favor:**

Shelly Mancini, 71 Langworthy Avenue, Stonington spoke in favor of the application and commented on the applicant's positive upkeep of the property.

Bill Middleton, 1034 Pequot Trail, Stonington spoke in favor of the application and the work the applicant has done so far.

Peggy Roberts, Greater Mystic Chamber of Commerce, 11 Joy Avenue, Stonington spoke in favor of the application and the applicant's work.

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Steve Coan, 4 Fallon Road, Pawcatuck, spoke in favor and stated that the project is an asset to the community.

Maureen Fitzgerald, Ocean Community YMCA, spoke in favor and the facility.

Lisa Konicki, Ocean Community Chamber of Commerce and resident, spoke in favor of the application.

Phil Monte, 162 Nautilus Way, spoke in favor of the property and commented how well kept the property is.

**Public Comment Against: None**

**General Comment: None**

Mr. Brynes reviewed the comments received by agencies and reviewed recommended stipulations from the staff report. Mr. Brynes reviewed the approval process and recommended designating where music could occur. Mr. Brynes recommended 300 feet from the property line. Mr. Philbrick asked if it could be 500 feet. Mr. Valenti stated that 300 feet would work for them. Mr. Cote explained that the setback would create a very small envelope on the property for them to work with. Mr. Sheehan discussed that the direction of the speakers and system is important and can be more significant than distance. Mr. Sheehan discussed having the applicant direct the speakers to the unoccupied land to the east. The amplified music will be directed towards the east and south so as to minimize the impact on the residential neighborhood. They are also agreeable to 200 feet from the property line. The applicant's Attorney, Rich Cody spoke about the stipulation on management practices for waste disposal. Mr. Sheehan recommended that they draft their own practices and follow them. Town staff will review and approve the practices.

Mr. Young moved to close the public hearing, seconded by Ms. Conway, all in favor 5-0, motion approved.

Mr. Deichmann moved to approve the site plan with stipulations and groundwater protection permit, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

**Stipulations:**

1. Location of portable toilets for events and proper waste disposal practices for the horse farm, following the practices recommended by Aquarion Water Co., shall be summarized and sent to staff for review.
2. Site driveway shall be maintained to ensure that emergency vehicles can adequately access the property.
3. Electrical amplification system shall be directed to produce sound to the east and south away from residential properties.

**PZ2005RA Alan Drouin** – Regulation Text Amendment application to remove Accessory Dwelling Unit ZR 7.1.1.8.2.4 requirement that any additions to an existing detached structure and/or any new construction shall not be located closer to the street than the primary dwelling unit. *Continued from 4/7/20.*

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The applicant, Mr. Drouin, stated they are proposing to create a structure in front of their house in compliance with setbacks. Mr. Deichmann questioned the change of the zoning regulations as opposed to obtaining a variance. Mr. Drouin said that it affects over 100 lots in town that are currently prevented from doing this although they have sufficient land. Mr. Sheehan discussed impact on other lots and that he may be better served by a variance. The commission discussed their hesitation to consider an amendment for one property. Mr. Drouin explained that there is a loophole in the Regulation that would allow a garage to be constructed and then converted to an ADU after.

## Public Comment in Favor:

Julia Leeming, 175 Barnes Road, spoke in favor of the application. She stated that the requirements are very strict and provide strong checks and balances for the design, making this section unnecessarily restrictive. Ms. Leeming plans to construct an accessory dwelling unit for her parents and the site plan would be very thoughtful with a great deal of checks and balances.

## Public Comment Against: None

## General Comment: None

Mr. Sheehan stated that he agreed with Ms. Leeming's comments and understood her argument.

Mr. Brynes reviewed the history of applications for accessory dwelling units. He also reviewed the benefits and confirmed the loophole, as well as any potential risks. Mr. Brynes reviewed the alternatives. Mr. Brynes stated the POCD is generally in favor of this concept and reviewed agency comments and commission decisions.

Mr. Deichmann moved to close the public hearing, seconded by Ms. Conway, all in favor 5-0, motion approved.

Mr. Philbrick moved to approve the regulation amendment, seconded by Mr. Young. Ms. Conway stated her concern with changing the regulation for one lot and recommended doing the research to further understand the impact. Mr. Philbrick asked about the ZBA position. Ms. Conway stated that they must make their decisions independently. Mr. Deichmann stated he would like to see more properties affected to make a change. The commission discussed further researching the situation so it is a more thoughtful process. The vote was taken 0-5, motion denied.

Mr. Philbrick moved to adjourn, seconded by Mr. Young, all in favor 5-0, the meeting adjourned at 8:40pm.

  
Ben Philbrick, Secretary