

## Special Meeting

The 1662<sup>nd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday August 11, 2020. This meeting was rescheduled from August 4, 2020.

The meeting was called to order by Chairman David Rathbun at 7:00pm. Also present for the meeting were Commissioners Gardner Young, Ben Philbrick, and Fred Deichmann; Alternate Charles Sheehan, and Town Planner, Keith Brynes. Alternates Peter Chomowicz and Ryan Deasy were not present. Commissioner Lynn Conway arrived later.

Seated were David Rathbun, Gardner Young, Ben Philbrick, Fred Deichmann, and Charles Sheehan.

### Minutes:

Mr. Philbrick moved to approve the minutes of the 7/21/20 meeting; seconded by Mr. Deichmann. All in favor 5-0, motion approved.

### Administrative Review:

**Consideration of Extension of Temporary Policy Regarding Zoning Enforcement and Permitting During the COVID-19 Pandemic. The proposal is to extend to 11/1/20.**

Mr. Brynes summarized the Enforcement Policy that was adopted by the Commission in May 2020 to provide relief for businesses during the COVID-19 pandemic. The Governor's Executive Order 7MM has since offered much of the same relief. However, the Governor's order and the town's policy both expire in September. There have not been complaints and it has been helping local businesses through the pandemic. The First Selectmen has recommended extending the policy. Mr. Philbrick recommended extending the policy to the end of the year.

Mr. Philbrick moved to extend the policy to December 31, 2020; seconded by Mr. Deichmann. All in favor 5-0, motion approved.

Ms. Conway arrived and was seated in place of Mr. Sheehan.

**20-179ZON Garbarino & Garbarino Enterprises** – Zoning Permit application for placement of an outdoor 12' x 10' removable cooler and 2 propane tanks. Property located at 30-32 Williams Ave., Mystic. Assessors Map 161, Block 16, Lot 2. Zone LS-5.

The applicant is requesting a walk-in cooler and propane tanks behind the existing building. Mr. Brynes reviewed the recommended stipulations. Ms. Conway asked for clarification on the business. Julia Leeming, project architect, explained that the space was formerly Mystic Soup Co. on Williams Ave. and will be renovated into a pizzeria and bakery.

Mr. Deichmann moved to approve the application with recommended stipulation; seconded by Ms. Conway. All in favor 5-0, motion approved.

### Stipulation of Approval:

1. Construction shall conform to all relevant flood hazard requirements.

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**Attorney Ted Ladwig request for interpretation of ZR 7.1.1 Accessory Dwelling Units, specifically, structure total area vs. Gross Floor Area.**

Mr. Ladwig reviewed his submitted brief which argues that the Accessory Dwelling Unit regulations should base eligibility on minimum "total area" as worded, rather than "gross floor area." His client has a home with a total area over 2,000SF, but a gross floor area under that threshold. Mr. Brynes stated that the town has consistently interpreted this regulation as gross floor area. Since there is no definition for total area, gross floor area offers the clearest guidance. Ms. Conway expressed her agreement with the town's interpretation and the intent. Mr. Deichmann agreed but stated the applicant is correct about the specific language and lack of a definition for total area. Mr. Philbrick asked where else in the regulations this comes up. Mr. Brynes explained a search would have to be done to identify. Mr. Deichmann discussed having the Zoning Permit application go before Zoning Board of Appeals and having the Planning and Zoning Commission bring clarity to the language with a Regulation Amendment. Mr. Ladwig stated the application was filed under the current regulations and should the Commission want to move forward with fixing the regulations the applicant should be able to move forward regardless. Ms. Conway expressed her disagreement because the interpretation has been consistent over the past thirty years. Mr. Rathbun recommended tabling the application and asking for the Town Attorney to review the interpretation request. The Commission agreed with his recommendation; no decision was made.

**20-188ZON Ralph Arganese (M. Cline)** – Zoning Permit application for placement of 56' x 11.75' office trailer for the school bus depot. Property located at 50 Extrusion Drive. Assessors Map 36, Block 4, Lot 2A. Zone M-1.

Mr. Brynes explained that the office trailer is used due to the poor condition of the building. The Fire Marshal asked that the trailer be placed 24 feet from the building. They will still have to maintain setbacks. Ms. Conway stated that an approval should include a time limit and asked whether there are plans to renovate the building. Michael Cline from First Student stated that the school district has been looking to relocate the bus depot for many years but has been unsuccessful. Vicki Mathieu from First Student stated they are in the second year of a five-year contract. Mr. Cline asked for the Commission to approve the trailer through the contract period. Should they be rehired without finding a new location, they would need to come back to the Commission for an extension.

Mr. Deichmann moved to approve the application with 2 stipulations; seconded by Ms. Conway. All in favor 5-0, motion approved.

## Stipulations of Approval:

1. Trailer shall be a minimum of 24' from the building.
2. Approval expires along with the current contract between First Student and the Board of Education.

**PZ2007SUP 30 Extrusion, LLC (S. Cherenzia)** – Request for minor changes to approved Special Use Permit application for the construction of two (2) mini-warehouse storage facilities (17,920± square feet & 14,400± square feet), with associated parking, landscaping, and drainage. Property located at 30 & 40 Extrusion Dr., Pawcatuck. Assessor's Map 36 Block 4 Lots 2D & 2E. Zones M-1 & RR-80.

Mr. Brynes reviewed the minor modifications that are required for the manufacturer of the building. The revisions to the sizes of the buildings are largely imperceptible.

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Mr. Philbrick moved to approve the application; seconded by Mr. Young. All in favor 5-0, motion approved.

**Old Business**

**PZ2014BR BVS Stonington Development, LLC (Readco)** - Bond Reduction/Release application for work performed under PZ1817SD, SUP, & GPP People's United Bank applications for construction of a 25,206 SF medical office building (Hartford Healthcare). Property located at 350 Liberty St., Pawcatuck. Assessor's Map 17 Block 1 Lot 13, Zones CS-5 & RM-20.

Development of the Hartford Healthcare building was completed a year ago. An erosion and sedimentation control bond was required. There have been no erosion or sedimentation issues and staff recommends full release of the \$74,700 bond.

Mr. Philbrick moved to approve the application; seconded by Mr. Young. All in favor 5-0, motion approved.

Mr. Deichmann moved to adjourn; seconded by Ms. Conway. All in favor 5-0, the meeting adjourned at 7:55pm.



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Ben Philbrick, Secretary