

**STONINGTON BOARD OF POLICE COMMISSIONERS
REGULAR MEETING
Thursday, July 14, 2022 at 5:00 P.M.
STONINGTON POLICE HEADQUARTERS
173 SOUTH BROAD STREET
PAWCATUCK, CT 06379**

MEETING MINUTES

Present: Chairman Robert O'Shaughnessy & Vice Chairman Robert Elmer
Commissioner Bill Turner
Chief Jay DelGrosso & Captain Todd Olson
Absent: Commissioners Patricia Coan & Lisa Tepper Bates

1. Call to Order/Pledge of Allegiance

Chairman O'Shaughnessy called the meeting to order at 5:00 p.m.

2. Remarks of the Public

None

3. Correspondence

None

4. New Business

a. Planning & Zoning Special Use Permit Application: Martin Olson Irrv. Trust (Never Enough Bake Shop, LLC) *COMMENTS NEEDED*

Chairman O'Shaughnessy requested a motion to pass along to Planning & Zoning Commission that the Commission and the Stonington Police Department sees no issues with traffic, parking or safety with this application as presented for a full liquor sales permit. Motion made by Vice Chairman Elmer to approve this application as presented for a full liquor sales permit. Seconded by Commissioner Turner. All in favor, motion approved.

b. Planning & Zoning Special Use Permit Application: Martin Olson Irrv. Trust (Le Petit Chou) *COMMENTS NEEDED*

Present tonight is Dale Price, owner of Kitch in Old Mystic Village. He is looking to apply for a café liquor permit for the sale of wine. Chairman O'Shaughnessy requested a motion to pass along comments to Planning & Zoning Commission that the Commission and Stonington Police Department sees no issues with traffic, parking or safety with this application as presented. Motion made by Vice Chairman Elmer to approve this application as presented for a liquor permit. Seconded by Commissioner Turner. All in favor, motion approved.

c. Even Request: YMCA Turkey Trot*VOTE NEEDED* Motion made by Vice Chairman Elmer to approve the YMCA Turkey Trot as the Commission and Stonington Police Department sees no issues with traffic, parking or safety. Seconded by Commissioner Turner. All in favor, motion approved.

d. Event Request: Mystic Aquarium Penguin Run/Walk *VOTE NEEDED*

Mystic Aquarium representative is here to ask Commission to host the annual Penguin Run/Walk event along the same route as the previous year. Chief DelGrosso has concerns with getting people across Coogan Boulevard and will have an officer present at the event. Chairman O'Shaughnessy asked for a motion to approve the Mystic Aquarium Penguin Run/Walk on October 22, 2022.

Motion made by Vice Chairman Elmer to approve the Mystic Aquarium Penguin Run/Walk as the Commission and Stonington Police Department sees no issues with traffic, parking or safety. Seconded by Commissioner Turner. All in favor, motion approved.

e. Event Request: Mystic Outdoor Art Festival *VOTE NEEDED*

Bruce Flax, member of the Chamber of Commerce reached out to Bay St residents on quantity of tents for this year's event. An agreement was made to reduce last year's tents on Bay Street to 6 tents this year and to carry the number of tents over to next year. Tents will be across the street from the businesses. Last year signs were posted along Bay Street to keep off the grass, do not block driveways or sidewalks. Signs of this type will be posted for this year's event as well.

Chairman O'Shaughnessy asked if anyone from the audience would like to speak about Bay Street to join us at this time.

Roderick Desmarais resident of 2 Bay Street in Mystic is present tonight and is opposed to the event and placement of tents. Discussion on Article 1.2.2 regarding the definition of specific words used in the regulations. This letter will be made part of the file and these minutes (Appendix A)

Mr. Allard resident of 3 Bay Street in Mystic is present tonight and opposed to the event. Discussion ensued on his request for the Board to deny approval of commercial use of residential Bay Street for the Mystic Outdoor Art Festival from an infringement on the use and enjoyment of his property and a violation of zoning law for his district (RH-10). This letter will be made part of the file and these minutes (Appendix B)

Dave Ryan of 8 Bay Street in Mystic is in favor of this year's event. Discussion of his experience of last year's event with surrounding neighbors were pleased with the turn out from the event and saw no nuisances of parking or traffic.

Chairman O'Shaughnessy commented that this issue was reviewed by the town attorney and the Police Commission has the authority over Bay Street and to approve this type of event to be held on Bay Street. Chairman O'Shaughnessy requested to make a motion that the Commission and Stonington Police Department see no issues with traffic, parking or safety with this request as presented. Motion made by Vice Chairman Elmer. Seconded by Commissioner Turner. All in favor, motion approved.

f. Mystic Bascule Bridge Safety Concerns *POSSIBLE ACTION*

Present tonight is Jennifer Lacker, President of Bike Groton and Brian Kent, President of Bike Stonington to request a letter of support from the Stonington Board of Police Commissioners to present to the Department of Transportation of their proposal. Chairman O'Shaughnessy is in favor of the Commission submitting a letter on behalf of the applicants' application as submitted. Motion made by Chairman Elmer to submit support letter to DOT. Seconded by Commissioner Turner. All in favor, motion approved.

g. Planning & Zoning Subdivision Special Use Permit Application: Cherenzia Excavation, Inc. & E.G. Home, LLC (W. Sweeney) *COMMENTS NEEDED*

Present tonight is William Sweeney, Esq. of TCORS representing EG Home, LLC a luxury home builder on application submitted to modify a previously approved application for a construction project located at Mary Hall Road and Greenhaven Road in Pawcatuck to significantly reduce the number of units to 42 single family residential units and by doing so the reduction will increase the open space area. A concept similar to condominium units but will be single-family residences with a Home Owners Association (HOA). Also present is Chris Bennett, Principal with EG Home, LLC, and, Bill Fries, Civil Engineer and Beon, Traffic Engineer. Bill Fries explains the primary access will be located at Mary Hall Road and a secondary access will be located on Greenhaven Road and used for emergency vehicles only.

Present tonight is Mark Bangcroft a resident of 81 Mary Hall Rd. in favor of this project and is happy to see the decrease in the number of houses to be constructed on this site. Mr. Bangcroft asked the Commission to look at the statistics at the intersection of Mary Hall Road again because there have been accidents and a definite speeding issue. Captain Olson will download the information from the traffic signs and review it with the Commission.

Motion made by Vice Chairman Elmer to pass along to Planning & Zoning that the Commission and Stonington Police Department see no issues with traffic, parking or safety with this application as presented. Seconded by Commissioner Turner. All in favor, motion approved.

h. Planning & Zoning Application: Zoning Regulation Amendment Application – Cannabis Establishments *COMMENTS NEEDED*

Present tonight is Keith Brynes, Town Planner, P&Z Department to discuss the public referendum from last fall, the majority of voters passed it, and the six-month moratorium is up in September.

Proposed regulations for retail business hours of operation 8 a.m.-10 p.m. Monday through Saturday and 10 a.m.-6 p.m. on Sunday. Cannabis businesses would not be allowed to operate near churches, schools, rehabilitation facilities, etc. Possible retail locations in areas such as the Packer Building, Davis Standard and Heritage Mills and locations near exit 90 & 92 of I-95. Revisit in the future on development. Commission would like specific locations for potential cannabis businesses to revisit for discussion on nuisances, traffic, safety, parking, noise, odor, lighting. No comments.

I. Planning & Zoning Site Plan Approval & Coastal Area Management Review Application: Town of Stonington (DPW) *COMMENTS NEEDED*

Present tonight is Tom Curioso on discussion of salt shed relocation, no traffic change, 13 large trucks. Chairman O'Shaughnessy commented that the Commission and general public commend Tom Curioso on a job well done by the pavement crew on catch basins and road improvements in various areas of our surrounding townships.

Motion made by Commissioner Turner to approve this application as presented. Seconded by Commissioner Turner. All in favor, motion approved.

J. Planning & Zoning Subdivision & Coastal Area Management Review Application: Masons Island Company (Prominent Development) *COMMENTS NEEDED*

Present is Norm Thibeault for discussion on previously approved School Street to Cormorant Drive application and 2nd egress with a private road operated by HOA of a four (4) acre open space development.

Motion made by Vice Chairman Elmer to pass along comments to Planning & Zoning Commission that the Commission and Stonington Police Department see no issues with traffic, parking or safety with this application as presented. Seconded by Commissioner Turner. All in favor, motion approved

5. Old Business

a. Bay Street

Discussed earlier in meeting.

6. Traffic

a. Application for Permit – Speed Signs on Pequot Trail

State road application has not been approved as of yet.

b. E-mail Re: Town of Stonington Catch Basin Scope/List

This was covered in tonight's meeting earlier.

c. E-Mail Re: Wilcox Rd/Old Stonington Rd

Captain Olson concurs with the resident that the one-way sign gives the impression that you can make a left turn and suggests that the sign be relocated.

d. E-Mail Re: Curb Repainting – Church Street, Mystic

Chairman O'Shaughnessy commented in front of S&P lot no parking sign and parking issues have been addressed. Chief DelGrosso commented the curbs **have been repainted** on Holmes Street and Church Street.

7. Approval of Minutes from Thursday, June 9, 2022 Regular Meeting *VOTE NEEDED*

Motion made by Commissioner Turner to approve the minutes from Thursday, June 9, 2022 regular meeting as submitted. Motion seconded by Chairman Elmer. No discussion, all in favor, motion approved.

8. Report of the Chief

a. Budget Report

Chief announced changes in tracking submission of overtime based on pay rate and purchases in a spreadsheet are working well.

b. Monthly Report

The Department received 2,290 calls for service, 20 citations, 65 MVA and parking tickets are up, and 47 school checks made by officers in and around schools.

c. Special Events Schedule

d. USSS National Forensics Institute Assignment

Training funded by USSS and licensing fees paid by Stonington PD

e. New Police Union Contract *VOTE NEEDED*

Motion made by Commissioner Turner to approve cost of living increase to nonunion members as presented. Seconded by Commissioner Turner. All in favor, motion approved.

f. Hat Changes

Tonight, Lieutenant Peckham is present on discussion of the different types of police hats. A vote was taken on the hats and the original Stonington police hat with one color, gold or silver braid based on rank with the original badge was the winner at 21 votes out of 29. Pin down side hat received 7 votes and present hat received 1 vote. The cost of the hat is \$150.00 and the department will pay \$75.00 and the purchaser is responsible for the next \$75.00.

9. Consent Agenda

a. Village Fair Event Paperwork

Chief DelGrosso commented on several emails received from Beth-Ann Stewart, Executive Director of the 70th Annual Stonington Fair even for August 6, 2022 where she requested that a

portion of High Street in front of the Stonington Free Library be closed from 7 a.m. to 6 p.m. has been approved by the Borough Zoning and she has submitted insurance coverage.

b. Letter Re: Good Job – Officers Wholean & Friend

Chief DelGrosso commented on a phone call he received from a nurse practitioner at the Stonington Primary Care Walk In facility in Pawcatuck. She wanted to express her thanks for Officer Wholean and Officer Friend for their calm and professional demeanor at her facility. She was happy with how the two officers treated her staff and the subject in crisis at her facility. Thank you to Officer Wholean and Friend for a job well done.

c. Letter Re: Thank You – Sergeant Marley

Chief DelGrosso shared a letter received from Deputy Chief John Alves of the Branford Police Department expressing his gratitude for Sergeant Marley's experience and professionalism on the oral board panel and his assistance and time in selecting the best candidate for the position for the department. Chief DelGrosso sent a letter to Tim Marley expressing his appreciation for his service and position representation of the Stonington Police Department. Thank you for a job well done Sergeant Marley.

d. Letter Re: River Glow

Chief DelGrosso shared his letter of approval addressed to Grace Lund regarding the River Glow event scheduled for Saturday, August 6, 2022 (rain date August 7, 2022).

e. E-Mail Re: Thank You – Sergeant Hersh

Chief DelGrosso shared the email he received from Wilfred Blanchette, III expressing his appreciation for Sergeant Hersh's exemplary performance on the Norwich Police Department Oral Board Examination. Her professionalism and demeanor represented a positive image of the Stonington Police Department. Thank you for a job well done Sergeant Hersh.

f. Letter Re: Portuguese Holy Ghost Processions

10. Adjourn

At 6:45 p.m., Commissioner Turner made a motion to adjourn, seconded by Vice President Elmer, All in favor. Meeting adjourned.

Respectfully Submitted,



Bill Turner, Secretary

Appendix A

Presented to Police Commission July 14, 2022

The primary intent of zoning ordinances is to segregate land to prevent the mixing of incompatible land uses. To conserve existing neighborhoods by designating the amount and types of businesses allowed in a given area. Preserving the quality of life for residents in residential zones while allowing for economically vibrant and attractive business in commercial zones. It is broken down into multiple categories to help balance a city to ensure proper land use and provide value to citizens that own property.

There can be no mistake, The Mystic Outdoor Art Festival is a commercial venture as defined by Article 1.2.2. regarding Specific words used in the regulations. The Regulations defines Commercial in the context of uses as a use facilitating the barter, sale or exchange of things of value including wholesale and assembly of articles for sale.

The Chamber sells tent locations to vendors who in turn sell their merchandise. Profits are made by both the Mystic Chamber and the artist who rent the tents to sell their merchandise. This is a commercial enterprise. It does not matter that the Chamber is a non-profit organization. The Chamber makes a profit from the event which helps pay for the salaries of its administration. The artist make a profit from their sales. Neither pay taxes to the town for that income. However the residents of Bay Street pay collective property taxes in the neighborhood of \$100,000 per year. I expect the towns appointed commissioners to adhere to the laws of the land namely the Town of Stonington Zoning Regulations and protect the rights of its tax paying residents.

Stefano
Aug 10

Definitions - Article I Purpose + Authority

New Construction. [ADOPTED FEBRUARY 25, 1993] Structures for which the "start of construction" commenced on or after, December 28, 1961, and included any subsequent improvements of such structures.

Night Club. A commercial enterprise whose primary function is to supply music or live entertainment or both and which may provide food and/or beverages for on-premises consumption.

Non-Building Use. [ADOPTED JULY 20, 1961] A principal use of land to which the buildings on the lot, if any, are accessory, such as a trailer park, junk yard, public parking lot or an open storage yard of materials.

Non-Conforming Bulk. [ADOPTED JULY 20, 1961] See Bulk, Non-Conforming.

Non-Conforming Use. [ADOPTED JULY 20, 1961] See Use, Non-Conforming.

Non-Infringement Area. [AMENDED SEPTEMBER 7, 2004] The area designated by the Commission, or these Regulations, adjoining a stream, floodway, wetland, tidal area, that may not be disturbed, filled or improved, but may be used, with permission from the Planning and Zoning Commission for public trails, greenways, boat access, and water quality restoration activities. The dimension or width of such an area shall be set by the Commission in view of local conditions in terms of soils, slope, use, streams, flood potential, and local geography.

Open Space Development (OSD). [ADOPTED AUGUST 21, 2006] A development which conforms to Section 6.6.22 of the regulations. An Open Space Development may include a subdivision, or resubdivision of land, or may be a Common Interest Community development.

Outdoor Vendors. Individuals seeking to sell wares, produce, crafts or any merchandise from a non-permanent location on a private open lot, or other location not in a public street or on a public sidewalk. *72-80-01-00*

Parking, dedicated off-site (receiver). [ADOPTED JUNE 1, 2004] The parcel or property where the off-site parking is being provided.

Parking, dedicated off-site (sender). [ADOPTED JUNE 1, 2004] The parcel or property where the use requiring off-site parking is located.

Parking, Off-Street. [ADOPTED JULY 20, 1961] Parking space as required for specific uses that is located off a public right-of-way.

*detached
specific*

PEDDLERS AND SOLICITORS ORDINANCE

ORDINANCE OF THE TOWN OF STONINGTON, CT, REGARDING PEDDLERS and SOLICITORS.

WHEREAS, The Town of Stonington currently has an Ordinance adopted December, 1915, which regulates peddlers; and

WHEREAS, Said Ordinance does not provide current restrictions to the extent necessary to regulate the actions and permitting of peddlers and solicitors; and

WHEREAS, Section 7-148 of the General Statutes of Connecticut, Revision of 1958, as amended, specifically empowers Towns to Regulate the use of streets, sidewalks, highways, public places and grounds for public and private purposes; and

WHEREAS, Section 7-148 of the General Statutes of Connecticut specifically empowers the Town to regulate and keep streets, sidewalks and public places free from undue noise and nuisances; and

WHEREAS, Section 7-148 of the General Statutes of Connecticut specifically empowers the Town to make and enforce police, sanitary or other similar regulations to protect to promote the peace, safety, good government and welfare of the municipality and its inhabitants.

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF STONINGTON IN LAWFUL TOWN MEETING DULY ASSEMBLED THAT:

A. That the ordinances of the Town of Stonington be amended by repealing the existing ordinance re: licensing of itinerant vendors (dated September 21, 1915) and adding a section to read as follows:

Peddlers Ordinance

Section 1- Required for persons over 15

No person over the age of 15, except those exempt from regulation by state law, shall engage in the peddling, vending or selling of any provisions, fruits, goods, wares or merchandise upon any of the public highways of the town, or from house to house therein, without first having obtained a license from the Chief of Police.

Section 2- Application: issuance

(a) Any person desiring a peddler's license shall apply in writing to the Chief of Police on forms to be provided by the town, which shall contain such information as may be reasonably required to identify the applicant, and shall also furnish to the Chief of Police such credentials, including photo identification, disclosure of criminal convictions, and proof of liability insurance.

(b) The Chief of Police shall issue such a license to the applicant who thus establishes his/her identity, good moral character, provides proof of insurance and who pays to the town the license fee provided for in this article.

(c) The Board of Police Commissioners may waive the requirement for a peddler's license for special events such as, but not limited to, the Taste of Mystic, Mystic Outdoor Art Festival, or Riverglow.

Ordinance only addresses the ability to waive the requirement for a peddler's license.

CONWAY, LONDREGAN, SHEEHAN & MONACO, P.C.

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August 4, 2021

Fred Allard
3 Bay Street
Mystic, CT 06355

RE: Alleged Zoning Violations on Bay Street

Dear Mr. Allard:

Please be advised that our office acts as the Town Attorney for Stonington. Your and your neighbors' letter of July 27, 2021 to the First Selectman was referred to our office for response. For the following reasons, the First Selectman will not be rescinding Town approval for the Chamber of Commerce's Mystic Outdoor Art Festival.

Placement of Tents on Bay Street Is Not a Trespass On Private Property

Despite there not being an express deed of conveyance to the Town for the roadbed underneath Bay Street, Bay Street is a legally accepted and dedicated Town road. As such, the Town has absolute control and authority over the entire road so long as it continues to be dedicated as a Town road. Only at such point in time that the Town decides to abandon Bay Street would any ownership transfer to abutting property owners. As such, the Town's use of Bay Street, and what it permits to be done on it, is not a trespass.

Zoning Has No Control Over What Uses The Town Authorizes On Its Public Streets


Public streets, and any temporary uses thereof, are controlled by the Board of Police Commissioners. Temporary use of Town streets for festivals, etc. are outside the scope and authority of local zoning. As such, there is no zoning approval necessary before the Board of

this simply is not true.
uses within a zoning district are
controlled by Zoning Regulations not Police Commissioners
And state statutes do not allow police to approve anything inconsistent

Police Commissioners votes to permit certain uses on public streets; and conversely, there is no zoning violation if the Board authorizes some temporary use other than traveling by car.

Based upon our opinions set forth above, the Town First Selectman will not be taking any steps towards attempting to rescind the approval that is in place for the Mystic Outdoor Art Festival to use Bay Street.

Very truly yours,
Conway, Londregan, Sheehan & Monaco, P.C.



Jeffrey T. Londregan, Esq.

Cc: Danielle Chescbrough, First Selectman
Darren Stewart, Stonington Chief of Police

Referring to letter to Mr. Allard by att. Londregan

In Attorney Londregan's letter to Mr. Allard dated August 4, 2021

RE: Alleged Zoning Violations on Bay Street.

The Town attorney expressed ZONING HAS NO CONTROL OVER WHAT USES THE TOWN AUTHORIZES ON ITS PUBLIC STREETS.

This clearly is not the case. In the preceding paragraph Att. Londregan States the Town has absolute control and authority over an entire road.

The question then becomes who in Town wields that authority. The police commission or the planning and zoning commission?

CSS 7-276 Power of Commissioners clearly states:

Police commissioners shall have general management and supervision of the police department of their Town, and of property and equipment used in connection therewith, and shall make all needful regulation for the government thereof not contrary to the law.

Further PA63-133 amended zoning enabling statute CSS 8-2, explicitly to require towns to comply with zoning regulations unless their legislative bodies vote to exempt the town from these regulations.

The Town has not presented any evidence of a vote that exempted the Town from compliance of their zoning regulations.

A decision by this commission to allow a use of the street for a use not allowed by the Zoning Regulations is contrary to Town Zoning Laws.

This sets a precedent that zoning regulations don't apply to the streets that are within a zoning district and this is not supported by State or Local Statutes which clearly state the opposite.

Article I Purpose and Authority

1.1.3 Zoning Map District Boundaries

1.1.2 Zoning Map. [TEXT AMENDED OCTOBER 17, 2006] The areas and boundaries of such districts are hereby established (a) as shown on a map set entitled "Zoning Map Atlas - Town of Stonington" and (b) as specified in Section 1.1.3. Such map set referred to herein as the "Zoning Map," together with everything shown thereon, is hereby made part of the regulations. An original of the Zoning Map Atlas and any amendments thereof shall be maintained on public display in the office of the Town Clerk and the office of the Department of Planning

1.1.3.1 Along Rights-of-Way. Where a district boundary is shown following a street, a public right-of-way or a railroad, the boundary is respectively the center line of such street, or public right-of-way, or a line located midway between the main tracks of said railroad, I-4 Stonington Zoning Regulations Amended through January 1, 2021 and such boundary shall be deemed to be changed automatically whenever the center line of such street or public right-of-way is changed, or said main railroad tracks are changed if the new center line is no further than 50 feet from the old center line at any point.

1.1.3.4 Scope of Controls. After the effective date of the Regulations, all new construction or development, and every change, enlargement or relocation of use, and every reconstruction or structural alteration of a building or non-building use and every change in bulk shall conform to the Use and Bulk Regulations of these Regulations. All new buildings and all newly developed land and non-building uses may be used for any purpose permitted or required by the Regulations of the appropriate district. All existing non-conforming uses and non-conforming bulk may continue subject to all applicable Regulations.

1.2.2 Specific (definitions)

Commercial. A use facilitating the barter, sale, or exchange of things of value and including wholesaling and assembly of articles for sale, but not fabrication.

Article II General Regulations

2.13.1 Performance Standards for All Non-Residential Uses.

2.13.1.2 Continued Enforcement Provisions. Whether or not compliance with Performance Standards in obtaining a permit or certificate of occupancy is required for any particular use, initial and continued compliance with Performance Standards is required of every new non-residential use or change in such use in all districts.

2.13.2.9 Adverse Impacts. No permits shall be issued when the Commission or its agent determines an adverse impact on existing residences cannot be avoided due to additional traffic, noise, congestion, access by safety equipment, or inadequate public facilities

2.3 Permitted Uses [AMENDED NOVEMBER 22, 1988] Uses permitted or allowed in each District listed in Article III and Article IV shall be the only uses permitted or allowed. All other uses are hereby prohibited and shall not be permitted by variance.

Article III District Regulations-Residential Zones

3.3.1 Permitted Uses.

3.3.1.1 Residence, Single family.

3.3.1.2 Duplex housing. Minimum lot requirement two (2) times district lot size

3.3.1.3 Family day care homes. [ADOPTED SEPTEMBER 20, 1986]

3.3.2 Accessory Uses.

3.3.2.1 Agricultural or homemaking educational/training projects.

3.3.2.2 Barns, silos, greenhouses, outbuildings, and solar and energy conservation equipment.

3.3.2.3 Buildings or stands for display and sale of produce primarily grown on premises.

3.3.2.4 Accessory Dwelling Units in accordance with Section 7.1. [ADOPTED JULY 30, 1991; AMENDED JULY 20, 2010; AMENDED DECEMBER 18, 2018]

3.3.2.5 Garages and tool sheds. [ADOPTED JANUARY 9, 1985]

3.3.2.6 Home Occupations, in accordance with Section 1.2.2.

3.3.2.7 Keeping of domestic animals as an accessory to residential uses.

[AMENDED NOVEMBER 19, 2013]

NOTE: No commercial activity involving domestic animals is permitted. With the exception of hens, no more than two (2) adults

Stonington Zoning Regulations

Amended through January 1, 2021

III-11

of a species per household number may be kept and only on the following lot sizes:

.1 Dogs, cats, fowl or others compatible with cohabitation with humans may be kept on the minimum lot area.

.2 Grazing animals such as horses, cows, sheep and goats of no more than two (2) animals on 130,000 square feet.

.3 Keeping of hens in accordance with Section 2.17.

3.3.2.8 Recreational uses and structures such as, but not limited to, swimming pools and tennis courts.

3.3.2.9 Servant or guest accommodations (providing that the lot contains a minimum of 240,000 square feet).

3.3.2.10 Parking of special vehicles.

.1 No more than one (1) commercial vehicle which shall be rated for not more than three-quarter ($\frac{3}{4}$) ton.

.2 No recreational vehicle shall be used for living, sleeping or housekeeping, and shall not be parked in the side yard setbacks.

3.3.2.11 Parking, off street less than 20 cars (only as an accessory use to a permitted use on the same property), in accordance with Section 7.10. [ADOPTED JUNE 1, 2004]

3.3.3 Uses Allowed by Special Permit.

3.3.3.1 Attached housing, in accordance with provisions of Section 6.6.15.

3.3.3.2 Boating facility.

3.3.3.3 Cemeteries, crematoriums, funeral homes.

3.3.3.4 Churches and places of worship.

3.3.3.5 Communication and water towers. [ADOPTED JULY 30, 1991]

3.3.3.6 Community center, library.

3.3.3.7 Congregate Living Facility, Section 6.6.2.

3.3.3.8 Convalescent Home, in accordance with provisions of Section 6.6.3.

Stonington Zoning Regulations

Amended through January 1, 2021

3.3.3.9 Hospitals.

3.3.3.10 Housing for the Elderly, in accordance with Section 6.6.6.

3.3.3.11 Municipal facilities and activities.

3.3.3.12 Public/private recreational facilities.

3.3.3.13 Public utility structures and facilities.

3.3.3.14 Recreational facilities incidental to municipal, church or school facilities.

3.3.3.15 Public or Private Elementary and Secondary Schools. [ADOPTED JUNE 15, 1999]

3.3.3.16 Day care centers (on a minimum of 40,000 square feet). [ADOPTED SEPTEMBER 20, 1986]

3.3.3.17 Yachting facilities.

3.3.3.18 Wellness Centers. [ADOPTED NOVEMBER 7, 2002]

3.3.3.19 Bed and Breakfast Facilities, in accordance with Section 6.6.17. [ADOPTED SEPTEMBER 3, 1992]

3.3.3.20 Parking, off street, 20 or more cars (only as an accessory use to a permitted use on the same property), in accordance with Section 6.6.12. [ADOPTED JUNE 1, 2004]

3.3.3.21 Parking, shared, in accordance with Section 7.10.2.5. [ADOPTED JUNE 1, 2004; AMENDED DECEMBER 22, 2009]

3.3.3.22 Filling, in accordance with Section 6.6.7. [ADOPTED AUGUST 2, 2005]

3.3.3.23 Rehabilitation of Existing Buildings, in accordance with Section 6.6.14. [ADOPTED AUGUST 2, 2005]

3.3.3.24 Height Exceptions for Roof Structures and Architectural Features, in accordance with Section 6.6.20. [ADOPTED OCTOBER 18, 2005]

3.3.3.25 Open Space Development, in accordance with Section 6.6.22. [ADOPTED AUGUST 21, 2006]

Stonington Zoning Regulations

Appendix B

July 14, 2022, presented to the Board of Police Commissioners:

My name is Frederick Allard, owner and resident of 3 Bay Street in Mystic. I have been a resident of Bay Street for 53 years.

I am requesting the Board to deny approval of commercial use of residential Bay Street for the Mystic Outdoor Art Festival (MOAF) by the Chamber of Commerce as:

1. an infringement on the use and enjoyment of my property, and
2. A violation of zoning law for my district (RH-10)

Last year I lost full use of my property for 4 days. I was compelled to take extraordinary measures to protect my property, requiring time and expense that was not reimbursed by the Chamber. For the 2 days of the MOAF I was effectively trapped at home and visitors were discouraged from visiting due to the logistics of a police escort and due to the commotion of tens of thousands of passersby. As a result, I was not comfortable using my porch and was not comfortable leaving the property, including use of my watercraft for 2 days. The erection and dismantling of temporary fencing took several hours on the day before and the day after MOAF.

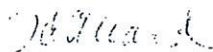
The RH-10 zone does not allow the commercial use intended by the Chamber of Commerce. Your approval violated the stipulations of PA 63-133 which explicitly required towns to comply with their zoning regulations. Note that the land under Bay Street itself is in the RH-10 zone and that zoning regulations shall be uniform for use of land in a zone, per CGS Title 8, Chapter 124, Sec 8-2. Further, the powers of your board—per the state enabling statute—do not allow regulations “contrary to law”, so it appears that your Board does not have the authority to approve the commercial use of Bay Street.

In summary, the use of Bay Street for MOAF would constitute an infringement on my rights to the full and reasonable use and enjoyment of my property.

Furthermore, it appears the Board of Police Commissioners does not have the authority to approve commercial use of Bay Street, which would be contrary to zoning law and apparently beyond the authority granted by CGS Title 7.

I am therefore insisting you deny the commercial use of Bay Street for the MOAF, starting with the denial of tents on Bay Street.

Respectfully,



Frederick C. Allard

Appendix to June 14, 2022 presentation to Board of Police Commissioners re: MOAF: Items that may not have been discussed or detailed

B. "Sec. 8-2: Police Boards. Such boards shall have all of the powers given by the general statutes to boards of police commissioners, shall have general management and supervision of the police department of such town and of the property and equipment used in connection therewith, shall make all needful regulations for the government thereof ...". (Emphasis added)

C. PA 63-133 amended the zoning enabling statute (CGS § 8-2) explicitly to require towns to comply with their zoning regulations unless their legislative bodies vote to exempt the towns from these regulations. (However, per 138 C. 500; 141 C. 349; 143 C. 448, Once a municipality has established a zoning commission, it cannot regulate its actions, except as expressly provided in its municipal charter.)

D. CGS Title 8, Chapter 124, Sec 8-2: Zoning Regulations ... "All such regulations shall be uniform foruse of land throughout each district...."

A. There are other issues on the status of Bay Street that could be deferred to another time, but suffice it to say that the Town realized it did not have rights to Bay Street when the Town was under Federal mandate to install a sewer line in 1971. Any claim that the Town acquired Bay St by vote of the Selectmen in 1902 has not been supported by evidence that property rights were actually acquired through due process, such as dedication.

E. Increased liability to property owners as a result of the large influx of people during MOAF needs to be addressed.