

Meeting Summary Report

OCTOBER 17, 2023 | REGULAR MEETING

Town of Stonington
Planning and Zoning Commission



Town of Stonington Planning and Zoning Commission

COMMISSIONERS

Charles Sheehan

Chairman

Ryan Deasy

Vice Chairman

Lynn Conway

Secretary

Gary Belke

Member

Andy Meek

Member

Bennett Brissette

Alternate

Ben Philbrick

Alternate

Vacant

Alternate

Agenda items are on file for public review in the Stonington Department of Planning
152 Elm Street
Stonington
860.535.5095
dop@stonington-ct.gov

Stonington Board of Education District Office is wheelchair accessible. If you plan to attend this public meeting and you have a disability which requires special arrangements, please call 860.535.5095 at least 24 hours in advance. Reasonable accommodations will be made to assist your needs.

AGENDA

Regular Meeting

Tuesday, October 17, 2023 - 7:00pm

Stonington Board of Education District Office

40 Field Street, Pawcatuck, CT 06379

1. Call to order: 7:00 p.m.
2. Appoint Alternates:
 - Ben Philbrick (seated 9/5/23)
 - Bennett Brissette (seated 10/3/23)
3. Minutes:
 - #1737, September 27, 2023
 - #1738, October 3, 2023
4. Correspondence:
5. Reports:
 - A. Staff
 - B. Commission
 - C. Zoning Enforcement & Violations
 - D. Administrative Review
 1. **23-246ZON Mystic Alchemy, LLC (P. Zagarenski)** - Zoning permit application for a change of use from Office to Tourist Home. Property located at 3 Main St., Old Mystic. Assessor's Map 166 Block 4 Lot 6. Zone CS-5.
6. Old Business:
 - A. **PZ2323BR Spruce Meadows, LLC** - Bond Reduction/Release application for work performed under PZ1203SUP & GPP TFB3 LLC, applications for construction of two multi-unit residential structures and associated improvements. Property located at 100 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lot 5. Zones LS-5 & RR-80.
7. Public Hearing(s):
 - A. **Town of Stonington Planning & Zoning Commission** - Adoption of Phase 1 of the Zoning Regulations Comprehensive Rewrite.
PH continued from 9/19/23.
 - B. **PZ2318RA Paul & Sharyne Cerullo** – Zoning Regulation Text Amendment to clarify Agricultural Heritage District (AHD) ZR §7.24.3.2 definition of contiguous parcels of land in common ownership divided by a street.

MEETING PROCEDURES

PUBLIC HEARINGS

Public hearings are an opportunity for public participation during the review of a development proposal.

Applicants will make an initial presentation. The public can then speak "in favor," "in opposition," or under "general comments." A signup sheet is located at the main entrance. Participants are not required to sign up, however, the list will be used to organize the order of interested speakers.

Any questions will be addressed as part of the applicant's rebuttal. Once a public hearing has been closed, neither the applicant nor the public can participate in the proceedings.

NEW SUBMITTALS

No action will be taken on these items. New submittals require routing to other town agencies, and in some instances will be scheduled for a public hearing at a later date.

8. Future Public Hearing(s):
 - A. **PZ2322SPA & GPP Fair Housing of Connecticut, LLC (M. Ranelli)** - Site Plan Approval and Groundwater Protection Permit applications for an Affordable Housing Project submitted pursuant to CGS 8-30G. Proposal consists of 113 single-family housing units and associated site improvements. Properties located at 207, 215 & an unaddressed parcel on Liberty St., Pawcatuck. Assessor's Map 16, Block 4, Lots 12, 12A & 13. Zone LS-5.
PH Scheduled for 11/21/23
9. New Submittal(s):
 - A. **PZ2324SUP Hero Holdings, LLC (C. Burkhalter)**- Special Use Permit application to permit amplified recorded and amplified live music at *The Hounds* event venue. Property located at 769 Stonington Rd., Stonington. Assessor's Map 75 Block 1 Lot 6. Zone GC-60.
 - B. **PZ2325SPA Unicorn Project, LLC (B. Middleton)** - Site Plan Approval application to modernize and update an existing motel. Project includes new exterior materials, bringing railings and stairs up to code, new covered entry, replacement pool, rooftop solar panels, and two additions (416SF & 648SF). Property located at 247-251 Greenmanville Ave., Mystic. Assessor's Map 171 Block 1 Lot 1. Zone TC-80.

Special Meeting

The 1737th meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via Microsoft Team Meeting on Wednesday, September 27, 2023. The meeting was called to order at 7:00 pm by Chairman Chuck Sheehan. Also present for the meeting were Commissioners Ryan Deasy, Gary Belke, Lynn Conway, and Andy Meek. Francisco Gomes, Project Lead from FHI Studio. Alternates Ben Philbrick and Bennett Brissette along with Town Planner Clifton Iler were also present.

Chairman Sheehan started the meeting by stating there would be no discussion on Phase One of the Zoning Regulations rewrite due to it being an open public hearing item. The agenda for this evening's meeting would be devoted towards discussion of Phase Two and a potential schedule.

Francisco Gomes, FHI Studio, shared a presentation on Phase Two discussion topics and asked for the Commission's insight on potential key issues, including: bulk and use requirements, parking, climate and resiliency, commercial and industrial uses, affordable housing, and more. Members of the public in attendance also shared their interested subject areas.

The conversation then focused on how best to engage the public during the process and where and how the public engagement process would be done. Town Planner Iler said he will work with Francisco and team to create a public engagement schedule prior to kicking off Phase Two.

Mr. Deasy motioned to adjourn, seconded by Mr. Belke, all in favor, 5-0. Meeting adjourned at 8:07pm.

Clifton J. Iler, AICP, Town Planner

Special Meeting

The 1738th 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 October 3, 2023. The meeting was called to order at 7:00 PM by Chairman Charles Sheehan. Also present for the meeting were Commissioners Ryan Deasy, Andy Meek, Gary Belke, Alternates Bennett Brissette and Ben Philbrick, and Town Planner Clifton Iler. Commissioner Lynn Conway was not present.

Seated for this meeting were Ryan Deasy, Charles Sheehan, Gary Belke, Andy Meek and Alternate Bennett Brissette.

Minutes:

Mr. Deasy made a motion to approve the minutes of September 19, 2023, as written, all were in favor, 5-0.

Correspondence:

Expansion of St. Edmund's Retreat: 9/8/23 letter from Masons Island property owners. Town Planner, Clifton Iler, explained there was no additional commentary at this time. It is still under review by the ZEO.

Commission Report:

Mr. Philbrick, representing the POCD Implementation Committee, discussed the beginning stages of revising the 2015 plan for 2025 as it must be amended every 10 years. There will be two more meetings in October focused on generating public input.

Administrative Review:

23-242ZON Brookside Associates Ltd. Partnership - Zoning permit application for a minor driveway modification at The Glennon 100-unit affordable housing project as per Connecticut OSTA requirements. Property located at 111 South Broad St., Pawcatuck. Assessor's Map 37 Block 1 Lot 1B. Zone GC-60.

Attorney James Philopena, on behalf of Attorney Bill Sweeney, explained that the project was previously approved in May 2022 and was subject to review by OSTA. Originally proposed was a second curb cut that allowed ingress and egress, however, following review, there is a modification to permit a right turn ingress only. Attorney Philopena stated that the modification was approved by the Pawcatuck and Stonington Fire Departments, and the Chairman of the Stonington Police Commission.

It was noted that the Town Engineer has not reviewed the application as he is on vacation, and that Fire Department response vehicles are still able to navigate this turn.

Mr. Deasy made a motion to approve the application with the two proposed stipulations and a third stipulation that the plans are to be reviewed and approved by the Town Engineer. This was seconded by Mr. Philbrick, all were in favor, 5-0.

Stipulations:

Special Meeting

1. Prior to the issuance of a Zoning Permit, final plans shall be signed by the Commission and recorded in the Town's Land Evidence Records.
2. All previous stipulations from PZ2206SUP & GPP Brookside Associates Ltd. Partnership shall be met in addition to this approval.
3. Plans shall be reviewed and approved by the Town Engineer.

Old Business:

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 closed 9/5/23.

The Commission noted that, prior to this meeting, they had received and reviewed the requested feedback from the Town Attorney. They agreed that the feedback is sufficient to proceed with deliberation on the application.

Mr. Deasy made a motion to approve the application with the eight recommended stipulations and the requested waivers, seconded by Mr. Belke. There was discussion regarding the hours of operation currently proposed to be 6:00 AM to midnight. Mr. Philbrick noted other local gas stations close prior to midnight, and with late night deliveries scheduled for this station, the commission agreed to amend proposed stipulation #8 to read that the hours of operation for both the convenience store and gas pumps shall be limited to 6:00AM to 11:00PM.

The Commission commended Mr. Iler for his timely work in moving this application forward.

The vote was taken and all were in favor, 5-0.

Stipulations:

1. The approval of this application is predicated upon #IW23-02MOD, which is currently under appeal in Superior Court. This Special Use Permit is at the applicant's own risk and may be considered invalid if the IWWC permit is overturned.
2. Update photometric plans and site renderings to remain consistent with the proposed lighting fixtures for the site to the satisfaction of the Town Planner.
3. Final site plans shall be reviewed to the satisfaction of the Town Engineer.
4. Prior to the issuance of a Zoning Permit, the final plans shall be signed by the Commission and recorded.
5. The sidewalk easement to the Town shall be recorded along with the final plans.
6. 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.

Special Meeting

7. Modifications to the site development plans, if necessitated in order to receive a DOT Encroachment Permit, shall be reviewed and approved by Town staff and the Commission, as necessary.
8. Hours of operation for both the convenience store and gas pumps shall be limited to between 6:00AM and 11:00PM. Fuel deliveries shall be limited to between 12:00AM and 6:00AM.

PZ2323BR Spruce Meadows, LLC - Bond Reduction/Release application for work performed under PZ1203SUP & GPP TFB3 LLC, applications for construction of two multi-unit residential structures and associated improvements. Property located at 100 South Broad St., Pawcatuck. Assessor's Map 25 Block 1 Lot 5. Zones LS-5 & RR-80.

Mr. Iler explained that, currently, no comments have yet been received from the Town Engineer, ZEO, or Fire Marshal. It was recommended that this discussion is tabled until those comments are received.

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

Public Hearing(s): Began at 7:18 PM

PZ2321ZC & CAM Pawcatuck Riverview. LLC (M. Kepple, Esq.) – Zoning Map Amendment to IHRD-5 & Coastal Area Management Review applications for the rehabilitation of an historic mill building for 58 residential units and one detached residential unit. Property located at 21 Pawcatuck Ave., Pawcatuck. Assessor's Map 5, Block 5, Lot 2. Zone MC-80.

Project Attorney, Mark Kepple, explained that the application serves as a request to amend the zoning map and convert this lot to the IHRD-5 zone. Atty Kepple discussed the history and use of this building and the site. Currently, the building is not weathertight and presents a substantial liability to the town. Mr. Kepple discussed the benefits to the town that would come from renovating this building. Attorney Kepple discussed the compliance of this project with the POCD's desire for the revitalization of older mill buildings in Stonington. This project would also be seeking to attain historical credits so the facade will meet both state and town requirements of maintaining this historical image. Attorney Kepple noted there has not been any opposition from any of the town's commissions or review boards, and they are not seeking any waivers. Mr. Kepple discussed the zoning changes that were introduced by a prior Town Planner which allow for the revitalization of mill buildings with housing units. This project, and the associated site cleaning, requires teamwork between the applicant and the town. Atty Kepple discussed the associated Environmental Assessment and the possibility of a Department of Economic and Community Development Grant. He noted that the brownfield remediation process can take as long as three years. A letter was received from DEEP on the date of this meeting that states the project is consistent with Coastal Area Management policies.

Project Architect, John Seger, of Seger Architects, discussed the lot alignment including the garage space, new entrance, and the location and use of an existing commercial building.

Special Meeting

Eric Denardo, Project Engineer, Civil Engineer, explained he is familiar with brownfield site remediation and changes may be made to the plans based on the Environmental Assessment. Mr. Denardo presented an existing condition survey of the lot and clarified that all housing units will be outside of the 100-year flood zone. Mr. Denardo discussed the parking proposals for phase 1 and 2.

Project Architect, John Seger returned and reviewed photos of the building to highlight the current condition. The layout of the building was discussed. Mr. Seger displayed exterior renderings of the buildings and discussed relevant changes. Mr. Seger discussed the use of a solar array and roof deck.

The Commission sought clarification on phase 1, phase 2, and the work associated with those phases. Mr. Iler explained that the current application seeks to establish a change to the zoning district so that the applicant is able to move forward with site plans. The bulk use requirements were discussed along with the different phases and their respective portion of building construction. Phase 2 is a concept that will be dictated by other site conditions.

Mr. Iler clarified for the Commission that the applicant has 24 months to execute and have a site plan approved or the zoning change will revert.

Mr. Denardo explained to the commission that the site plans, renderings, surveys, etc., are advanced and expensive, as their intent is to see this project through is clear. Mr. Denardo clarified for the Commission that that the project is within the 500-year flood zone, but all proposed structures are outside of the 100-year zone, and it is not a wave action zone.

Attorney Kepple discussed with the commission the use, ownership, and potential sidewalk space associated with the existence of the marina building that abuts this lot. The applicant is willing to provide pedestrian access within the constraints that already exist.

Jonathan Cousins, proposed property developer, addressed the methods of maintaining the building until it can become weathertight. Snowfall will be allowed to fall and melt towards the basement where it will then be pumped out.

Public Comments:

Patricia Morris, 5 Clark St., Pawcatuck, discussed the deterioration of Thread Mill 2 over the last five years. Ms. Morris expressed her excitement to see this project moving forward.

Richard Daddi, 24 Pawcatuck Ave., questioned the total unit count for each phase of construction. Mr. Daddi clarified the construction associated with each phase and the further approvals that will need to be acquired. Mr. Daddi was also concerned about the lighting and security.

Special Meeting

Eric Johnson, Manager of Thread Mill Apartments 1, expressed his support for this project, noting that Building 2 is an eyesore and liability. Mr. Johnson is pleased with the increased security that has already been present on the site.

Ben Tamsky, 5 Edgemont St., Mystic, expressed the desire to hear more specifics regarding the affordable housing aspect of this project.

Sheryl Cook, daughter of property owner on Bigelow St., Pawcatuck, questioned the associated buffer requirements if the zoning were to change. Mr. Iler stated that an existing variance would carry over.

Heather Danaher, 9 Green Ave., Pawcatuck, questioned the process for this application and how different steps of the project require approval. Ms. Danaher questioned the other potential uses for this lot and sought confirmation of the access points.

Laura Graham, 2 Moss St., Pawcatuck, expressed her desire for this project to include sidewalks and cycling infrastructure.

Sharon Adams, 25 No. Broad St., Pawcatuck, expressed her concern about significant winter storms and the procedure in place to deal with this accumulation of snow / water.

Rebuttal:

The applicant confirmed that 20% of the housing units will be affordable which, in this case, will be 80% of the AMI. Mr. Cousins stated that it would not be practical for this project to consider 30% affordable housing.

Mr. Denardo addressed concerns regarding the parking lot and lack of additional curb cuts. The storm water concerns were addressed. Lighting plans will be provided and they are currently evaluating sidewalk costs but are willing to work with the town. The master plan will include a full traffic study.

Attorney Kepple noted that this lot was in a state of lawlessness before the applicant became involved. Lighting and buffer issues existing in the past are not a surprise. Given the opportunity to fix the existing issues, they will address the concerns of neighbors.

The Commission discussed with the applicant the possibility of attaining a sidewalk easement along the Norwest Marine property.

The applicant confirmed for Mr. Daddi that all units are proposed to be rentals, not condominiums.

Mr. Deasy made a motion to close the public hearing, seconded by Mr. Meek, all were in favor, 5-0. The public hearing was closed at 9:34 P.M.

Special Meeting

Mr. Deasy motioned to approve the application as consistent with the POCD, seconded by Mr. Belke, all were in favor, 5-0.

Mr. Deasy made a motion approve the application as consistent with the zoning regulations, seconded by Mr. Belke, all were in favor, 5-0.

Mr. Deasy made a motion to approve the zoning map amendment request, seconded by Mr. Meek, all were in favor, 5-0.

Mr. Deasy made a motion to approve the CAM application, seconded by Mr. Meek, all were in favor, 5-0.

Mr. Deasy made a motion to adjourn the meeting, seconded by Mr. Belke, all were in favor, 5-0. The meeting adjourned at 9:37 PM.

DRAFT



Town of Stonington | Department of Planning
Planning and Zoning Commission Meeting
October 17, 2023
Summary of Administrative Review Items¹

Per Section 8.3.2.2 of the Zoning Regulations, Administrative Review proposals are required to receive Commission approval. Section 8.3.6 of the Zoning Regulations gives the Commission guidance on reviewing modifications to approved plans.

Report Prepared By: Clifton J. Iler, AICP – Town Planner

1. 23-246ZON Mystic Alchemy, LLC (P. Zagarenski)

This application for a Zoning Permit is for a change of use from an office to a tourist home. The property is located at 3 Main Street, Old Mystic; M/B/L 166-4-6. This property is in the CS-5 Zone.

Discussion

This application proposes interior renovations to convert the building's use from an office to a tourist home. No modifications to the exterior or site plan are proposed as part of this application. The building was previously transformed from a residential house into the existing office under permit #99-67 ZON. The proposed tourist home use aligns with the original residential house layout and represents a minimal departure from the property's historical uses.

Tourist Home: A dwelling unit in which sleeping accommodations for more than two (2) but less than five (5) bedrooms are rented out for transient occupancy.

Pursuant to ZR §8.2, the Planning and Zoning Commission is required to review and approve change of use applications to determine compliance with the Zoning Regulations. The current use and the proposed new use are both permitted uses in the CS-5 Zone.

Recommended Stipulations

There are no recommended stipulations for this application.

Site Plans and Project Photos

See attached application set for details on the proposed project.

¹ Summary reports are intended to be summaries of application information and issues by staff for the Commission. This report is not considered part of an applicant's submittal, nor can it be considered an approval or denial of an application.



TOWN OF STONINGTON

Zoning Permit Application

RECEIVED

2023 OCT -2 A 10: 33

OFFICE USE ONLY

APPLICATION NUMBER: 23-244 ZON AMOUNT: 110⁰⁰

APPROVED _____ DISAPPROVED _____

Zoning Official: _____ Date: _____

Comments: _____

TOWN OF STONINGTON
PLANNING & ZONING

THIS APPLICATION CANNOT BE APPROVED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

PROPOSED PROJECT DESCRIPTION: Change of use from Commercial to Tourist Home *

PROPERTY OWNER: Pamela Zaczarenski Office PHONE: 860-501-2031

APPLICANT / AGENT: Mystic Alchemy, LLC PHONE: _____

MAILING ADDRESS: 3 SURREY LANE STONINGTON, CT 06378

LOCATION OF SITE: 3 MAIN STREET OLD MYSTIC

ASSESSOR'S MAP: 166 BLOCK: 4 LOT: 6 ZONE: CS-5

TYPE OF OCCUPANCY: Residential _____ Commercial _____ Industrial _____

TYPE OF CONSTRUCTION: New _____ Alteration _____ Addition _____ Repair _____

LOT INFORMATION: Frontage of Lot: _____ Width of Lot: _____ Depth of Lot: _____ Area of Lot: _____

EXISTING SETBACKS: Front: _____ Rear: _____ Sides: _____

PROPOSED SETBACKS: Front: _____ Rear: _____ Sides: _____

SIZE OF (Existing) STRUCTURE: Footprint: _____ x _____ Height: _____

EXISTING (sq. ft.): 1st floor: _____ 2nd floor: _____ Attic: _____ Basement: _____ Accessory Bldgs: _____

PROPOSED ADDITIONAL STRUCTURE: Footprint: _____ x _____ Height: _____

PROPOSED (sq. ft.): 1st floor: _____ 2nd floor: _____ Attic: _____ Basement: _____ Accessory Bldgs: _____

EXISTING FLOOR AREA: _____ Additional Floor Area: _____ Total Floor Area: _____ Floor Area Ratio: _____

FLOOD HAZARD ZONE DESIGNATION: _____ ESTIMATED COST OF WORK: \$ _____

OTHER APPROVALS REQUIRED:	Application #	Approved	Date	Volume	Page
<input checked="" type="checkbox"/> P & Z (Site Plan) <u>AR</u>	<u>23-244 ZON</u>				
<input type="checkbox"/> P & Z (Special Use Permit)					
<input type="checkbox"/> Inland Wetlands					
<input type="checkbox"/> CAM Review (PZC)					
<input type="checkbox"/> Variance (ZBA)					
<input type="checkbox"/> Driveway Permit (Highway Dept.)					

* interior renovations approved on zac for BC-23-58 (attached).

OTHER ITEMS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION:

- All plans that will be submitted to the Building Official in connection with this project.
- A site plan showing the dimensions of the property, the location and dimensions of all structures on the property, and the distances from all existing and proposed structures to the property lines.
- An attached copy of the tax assessor's street card for the site. If new construction, house number must be indicated.
- Dimensioned elevation renderings depicting the height of all proposed structures above the proposed finished grade.
- An Elevation Certificate if proposal is within 250 feet of FEMA designated flood zone (only applies to New Construction or Substantial Improvements).
- Photographs of existing conditions (unless new building).
- Fees: As per fee schedule in the current zoning regulations.

I, the undersigned, attest that the statements made in this application are to the best of my knowledge true and accurate representations of the existing site and proposed site improvements.

Pamela Zagarenski
Owner's Printed Name

Agent's Printed Name

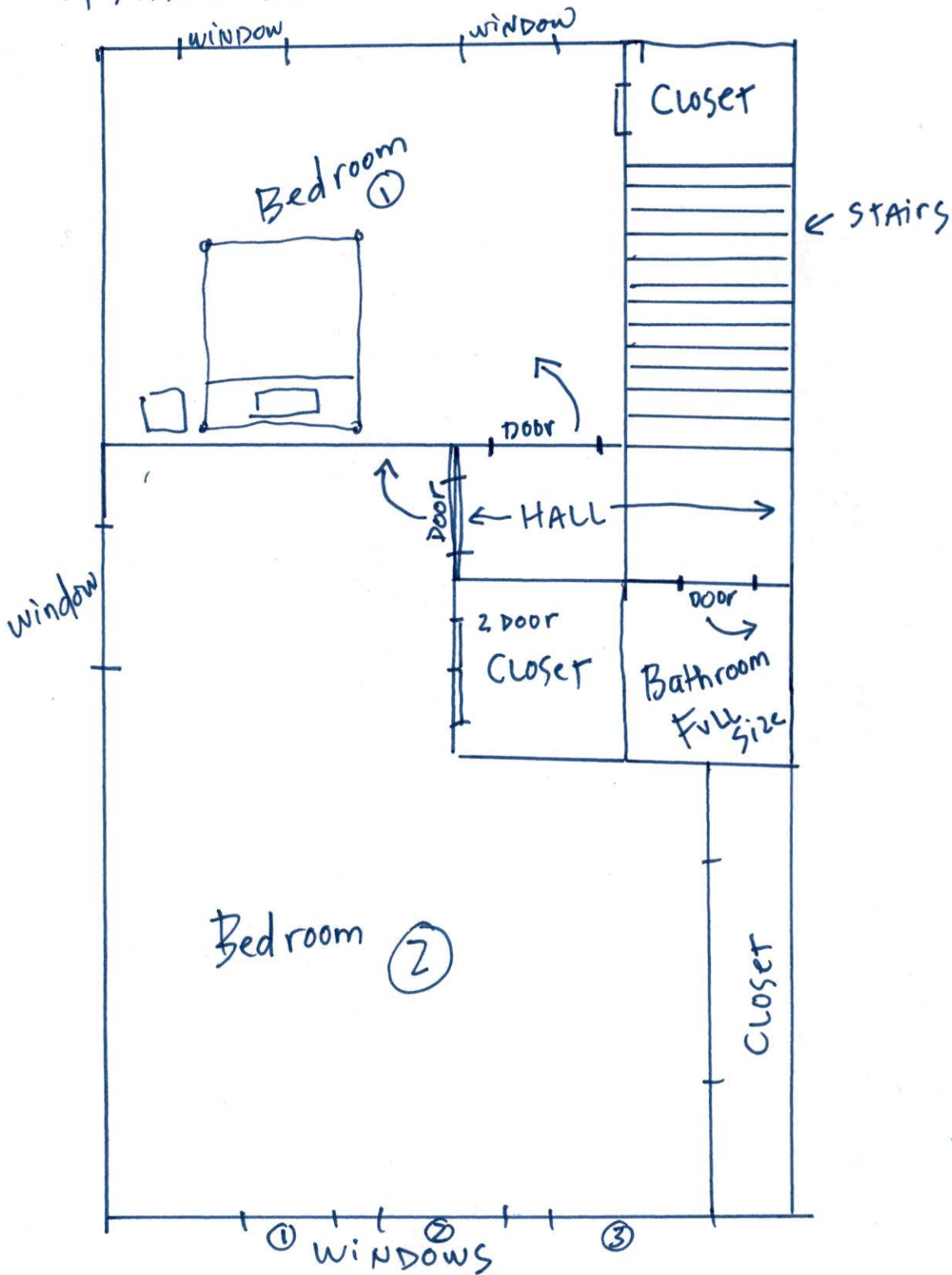
Pamela Zagarenski
Owner's Signature

Agent's Signature

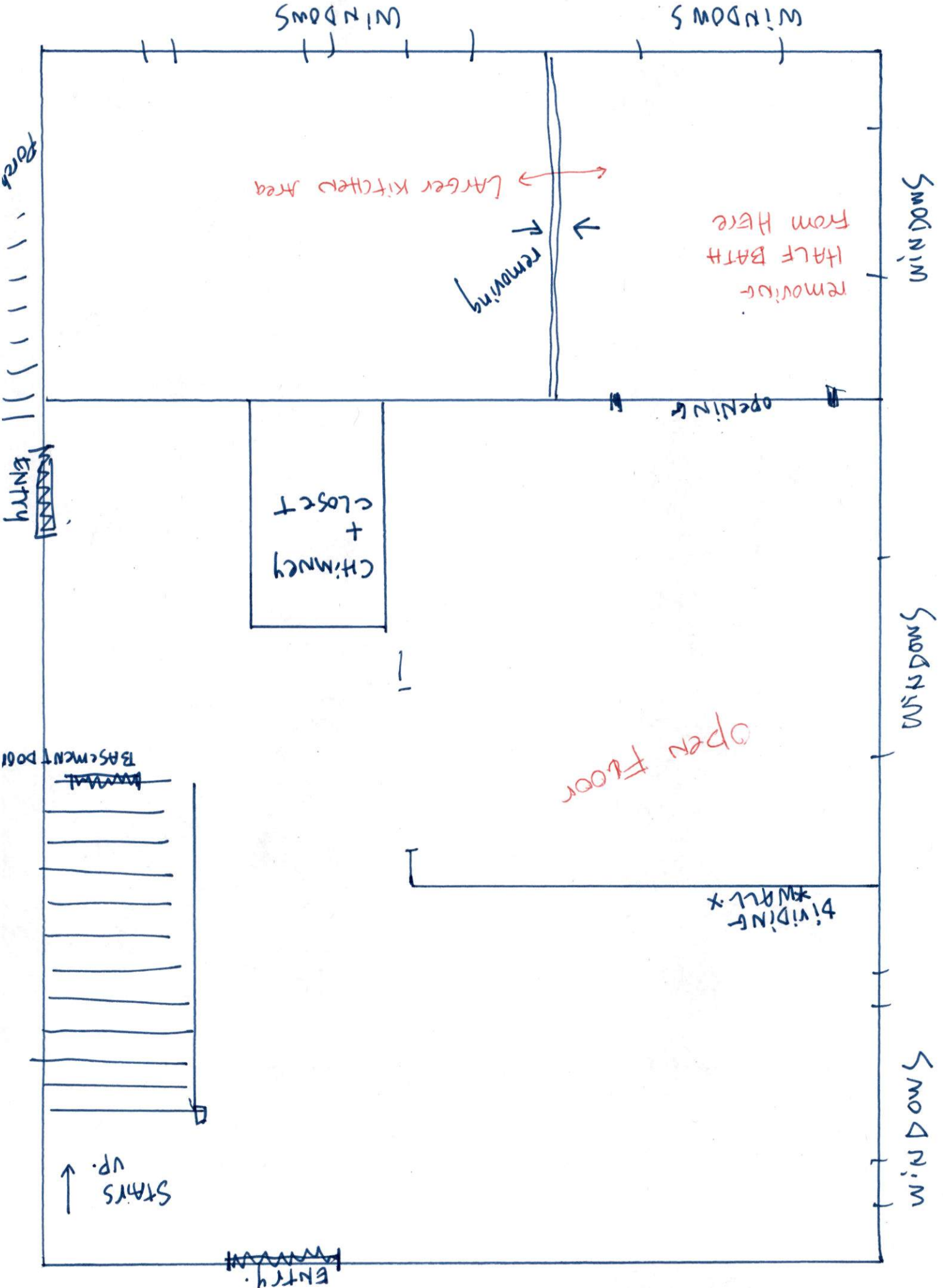
OCTOBER. 2. 2023
Date

Date

UPSTAIRS FLOOR PLAN OF BED ROOMS:



* I WOULD LIKE TO CHANGE DESCRIPTION OF USE TO TOURIST HOME INSTEAD OF HOUSING MY BUSINESS OF SACREDBEE.



4.2 CONVENIENCE SHOPPING (CS-5) [ADOPTED AUGUST 9, 1979]

Purpose: This zone provides small lot restricted business zones in built up areas. Uses reflect only those needs that service local residences for limited retail and service activities.

4.2.1 Permitted Uses.

4.2.1.1 Boarding/tourist homes of less than five (5) bedrooms.

4.2.1.2 Municipal facilities. [ADOPTED JULY 30, 1991]

4.2.1.3 Office buildings less than 5,000 square feet gross floor area. [ADOPTED OCTOBER 20, 2020]

4.2.1.4 Personal services. [ADOPTED JULY 30, 1991]

4.2.1.5 Public utilities.

4.2.1.6 Residential (Table). [ADOPTED JULY 30, 1991; AMENDED MAY 24, 2006]

HOUSING TYPE	MAXIMUM DWELLING UNITS PER LOT	MINIMUM LOT AREA (SQARE FEET)
Single Family Residence	1	10,000
Duplex Residence	2	20,000
Triplex Residence	3	30,000

4.2.1.7 Sales: retail/wholesale buildings less than 5,000 square feet gross floor area. [AMENDED JULY 30, 1991; AMENDED OCTOBER 20, 2020]

4.2.1.8 Financial Institutions up to 5,000 square feet gross floor area. [ADOPTED SEPTEMBER 7, 2004; AMENDED OCTOBER 20, 2020]

4.2.2 Accessory Uses.

4.2.2.1 Home Occupations, in accordance with Section 1.2.2.

4.2.2.2 Off-street parking of less than 20 cars and commercial vehicles, in accordance with Section 7.10. [ADOPTED JULY 30, 1991]

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

TOWN OF STONINGTON

Department of Planning
152 Elm Street
Stonington, Connecticut 06378
(860) 535-5095 • Fax (860) 535-1023



CERTIFICATE OF ACTIVITY COMPLIANCE WITH THE STONINGTON ZONING REGULATIONS

Applicant Name: Pamela Zagarenski
Contact Number: 860-501-2031
Property Owner: Pamela Zagarenski
Project Location: 3 Main Street OM MYstic , Ct 06378
Map/Block/Lot: 166/4/6
Date: 9/19/23
Proposed Project: replacing old windows / adding new energy efficient double paned windows / remodel interior kitchen area

The proposed building permit application involves activity that will not alter the use of the building, the footprint or floor area of the building, the number of bedrooms in the building, the number of dwelling units in the building, or the use of the property. I certify that the above information is true and that I have been authorized to sign on behalf of the property owner.

pamela zagarenski
Applicant's Signature

The proposed project complies with the Zoning Regulations of the Town of Stonington and a Building Permit may be applied for. This approval is limited to the proposed project's compliance with the Zoning Regulations of the Town of Stonington, for the type(s) of projects listed above and may not be substituted for any dissimilar projects. This certification is not a valid Zoning Permit or Certificate of a property's zoning compliance.

House "x" parcel AE-10
Property Located in a Flood Zone: Yes: No:

Approved by:

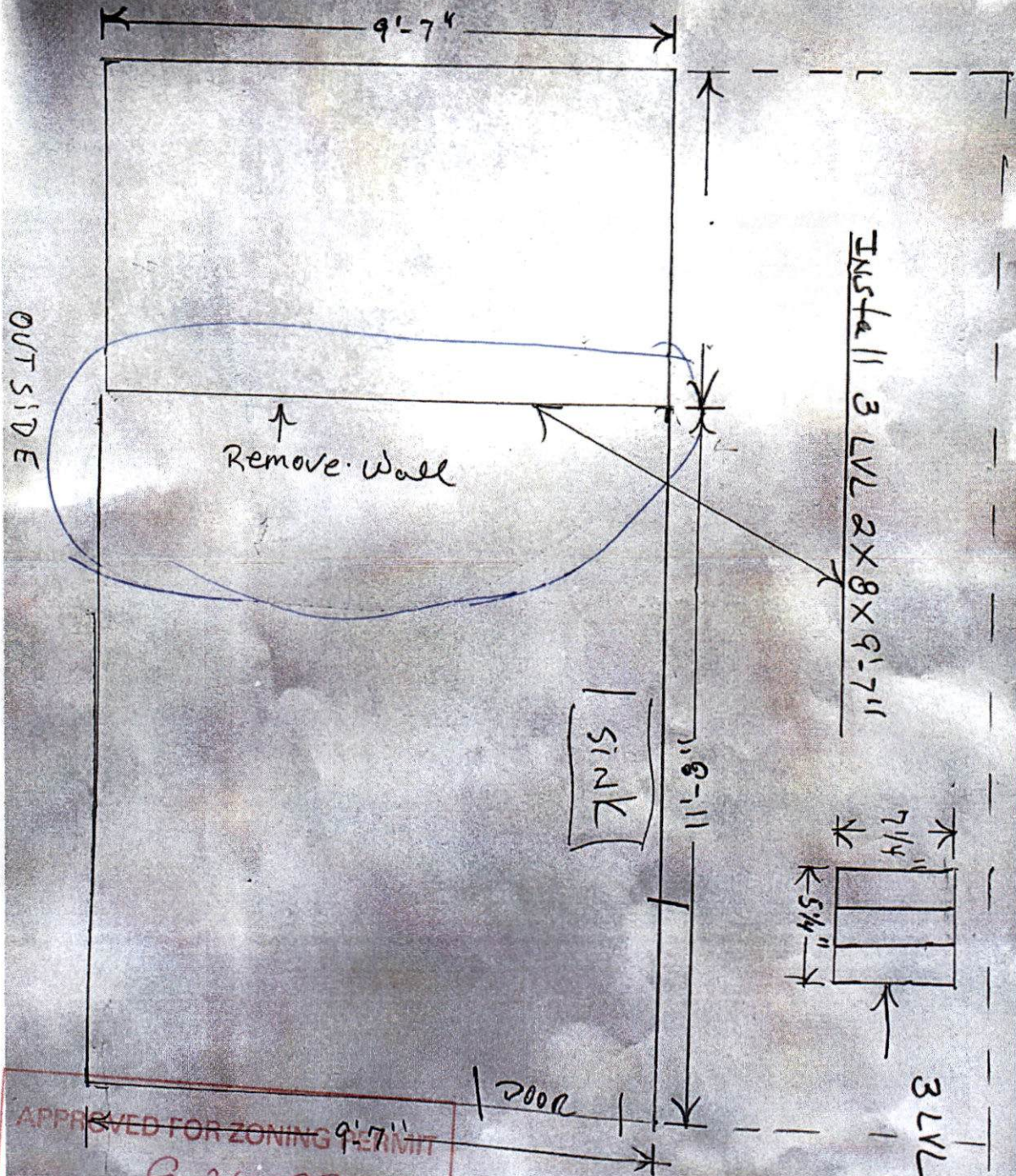
Candace L. Palmer
Candace L. Palmer, CZEO
Zoning Enforcement Official

9-26-23
DATED

- ◆ THIS APPROVAL IS NOT VALID UNLESS SIGNED BY THE ZONING ENFORCEMENT OFFICIAL.
- ◆ IF THIS PROPERTY IS LOCATED IN A FLOOD ZONE, ALL IMPROVEMENTS COUNT TOWARDS SUBSTANTIAL IMPROVEMENT.
- ◆ THIS APPROVAL IS VALID FOR A PERIOD OF ONE (1) YEAR.

OUT SIDE

PAMELA
3 MAIN ST OLD MYSTIC



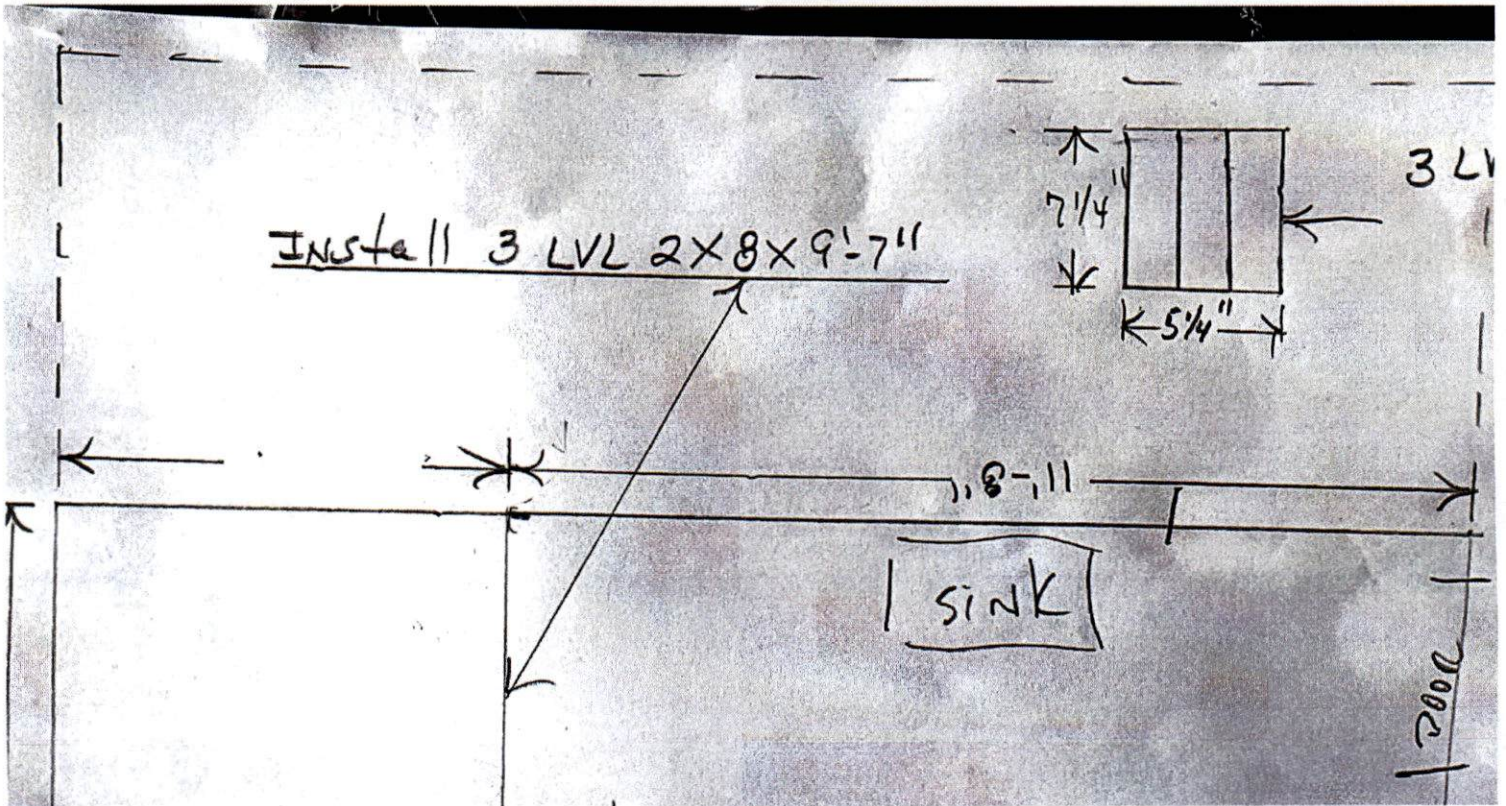
APPROVED FOR ZONING 9'-7" LIMIT

9-26-23

cup

Zoning Enforcement Officer

Header



APPROVED FOR ZONING PERMIT

9-26-23

(Date)

CLP

Zoning Enforcement Officer

TOWN OF STONINGTON

CERTIFICATE OF ZONING COMPLIANCE

December 11, 2000

Permit: #99 - 67 ZON

This Certificate is hereby granted

To: Old Mystic Mill LLC

of: 11 Main Street, Old Mystic, CT 06372

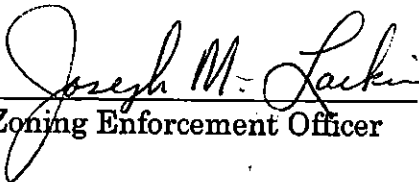
for: Conversion of a residential structure into a office building.

This is to certify that the below listed property substantially complies with the Town of Stonington Zoning Regulations.

Property Location: 3 Main Street, Old Mystic, CT 06372

Assessor's Map 166 Block 4 Lot 6,7 Zone CS-5

Special conditions or stipulations:


Zoning Enforcement Officer

Date 12-11-00

ZONING PERMIT

TOWN OF STONINGTON PLANNING & ZONING COMMISSION

Date Issued: April 16, 1999

Permit No.: #99-67 ZON

NAME OF PROPERTY OWNER: OLD MYSTIC MILL BUILDING LLC

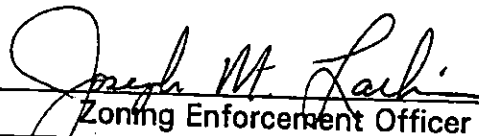
LOCATION OF PROPERTY: 3 MAIN STREET, OLD MYSTIC

MAP: 166 BLOCK: 4 LOT: 6,7 ZONE: CS-5

PERMITTED ACTIVITY: CONVERSION OF A RESIDENTIAL HOUSE INTO A BUSINESS USE.

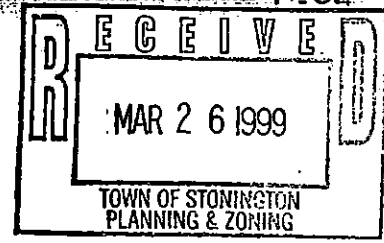
STIPULATIONS OR SPECIAL CONDITIONS:

BY:


Zoning Enforcement Officer

**CONSTRUCTION MAY NOT PROCEED UNTIL
A BUILDING PERMIT HAS BEEN OBTAINED**

**THIS PERMIT MUST BE PROMINENTLY POSTED
ON THE PREMISES**



TOWN OF STONINGTON ZONING PERMIT APPLICATION

OFFICE USE ONLY APPLICATION NUMBER #99-67 ZON Form 96-ZP

APPROVED (Certified to comply with Zoning Regulations) DISAPPROVED

Zoning Official Joseph M. Lark Reason: _____ Date April 16, 1999

Comments: _____

YOUR APPLICATION CANNOT BE REVIEWED UNTIL ALL REQUIRED INFORMATION IS PROVIDED.

NAME OF APPLICANT: OLD MYSTIC Mill BUILDING LLC TELE: 536-0632

MAILING ADDRESS: PO BOX 643 OLD MYSTIC, CT 06372

NAME, ADDRESS & PHONE NUMBER OF PROPERTY OWNER (if not applicant)

SAME AS ABOVE

LOCATION OF SITE: 3 MAIN ST OLD MYSTIC, CT

ASSESSOR'S MAP 166 BLOCK 4 LOT 7/6 ZONE CS-5

APPLICATION IS HEREBY MADE TO PERMIT:

CONVERSION OF RESIDENTIAL HOUSE INTO BUSINESS USE

TYPE OF OCCUPANCY: Residential Commercial Industrial

TYPE OF CONSTRUCTION: New Alteration Addition Repair

SUBDIVISION NAME (if any) NA

LOT INFORMATION: Frontage of Lot: 80' Width of lot: 80' Depth of Lot: 125' Area of Lot: 6,682 sq ft

REQUIRED SETBACKS: Front: 10' Rear: 25% Sides: 10'

PROPOSED SETBACKS: Front: 13.5 Rear: 50 Sides: 11/22

SIZE OF STRUCTURE: Footprint: 22 x 38 Height: 19'

FLOOR AREA (sq.ft.): 1st floor 830 sq ft 2nd floor 840 sq ft Attic Basement Accessory Bldgs.

PROPOSED ADDITIONAL: Footprint: 0 x 0 Total Floor Area 0 Floor Area Ratio 0

ESTIMATED COST OF WORK: \$80,000

FLOOD HAZARD ZONE DESIGNATION: _____

OTHER APPROVALS REQUIRED:

Required	Appl#	Approved	Date	Vol.	Page
<input checked="" type="checkbox"/> P & Z (Site Plan)	<u>P299105PM</u>	<u>yes</u>	<u>3/16/99</u>		
<input type="checkbox"/> P & Z (Special Use Permit)					
<input type="checkbox"/> Inland Wetlands					
<input checked="" type="checkbox"/> CAM Review (PZC)	<u>P299105PM</u>	<u>yes</u>	<u>3/16/99</u>		
<input type="checkbox"/> Variance (ZBA)					
<input type="checkbox"/> Driveway Permit (Highway Dept.)					

OTHER ITEMS REQUIRED TO BE SUBMITTED WITH THIS APPLICATION:

- _____ A SITE PLAN SHOWING THE DIMENSIONS OF THE PROPERTY, THE LOCATION AND DIMENSIONS OF ALL STRUCTURES ON THE PROPERTY AND THE DISTANCES FROM STRUCTURES TO THE PROPERTY LINES.
- _____ AN ATTACHED COPY OF THE TAX ASSESSOR'S STREET CARD FOR THIS SITE.
- _____ ELEVATIONS (RENDERINGS) OF ALL PROPOSED STRUCTURES.
- _____ PHOTOGRAPHS OF EXISTING CONDITIONS

I, the undersigned, attest that the statements made in this application are to the best of my knowledge true and accurate representations of the existing site and proposed site improvements.

Signatures:

Owner _____ Date _____
 Agent Robert Thierman Date 3/25/99

Property Location 3 MAIN ST OM
 Vision ID 8247

Account # 00115700

Map ID 166/4/6/1

Bldg # 1

Bldg Name
 Sec # 1 of 1

Card # 1 of 1

State Use 340R
 Print Date 10/2/2023 9:

CURRENT OWNER		SUPPLEMENTAL DATA			CURRENT ASSESSMENT				6137	
MYSTIC ALCHEMY LLC		Alt Prcl ID 166 4 6 CENSUS 7054 FLOOD A YES SIDE/C# L2 SUB IMP ZONE: CS-5 GIS ID 166-4-6	DISTRICT: 7 SURV M: SUB LOT AC OCC INC & EXP Assoc Pid#	Description	Code	Appraised	Assessed	Stonington, CT		
3 SURREY LA				COM LAND	2-1	92,100	64,500	10/01/2022		
STONINGTON CT 06378				COM BLDG	2-2	177,200	124,000			
				COM OUTBL	2-5	2,300	1,600			
				Total		271,600	190,100			

VISION

RECORD OF OWNERSHIP							PREVIOUS ASSESSMENTS (HISTORY)							
BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
0774 0569	03-23-2018	Q	I	260,000	U	2022	2-1	64,500	2022	2-1	64,500	2021	2-1	56,200
0774 0565	03-23-2018	U	I	0			2-2	124,000		2-2	124,000		2-2	97,700
0618 0747	03-22-2007	Q	I	250,000	00		2-5	1,600		2-5	1,600		2-5	1,200
0421 1002	07-20-1998	Q	I	148,500	00	Total		190,100	Total		190,100	Total		155,100
0200 0595	04-02-1974			0		Total		190,100	Total		190,100	Total		155,100

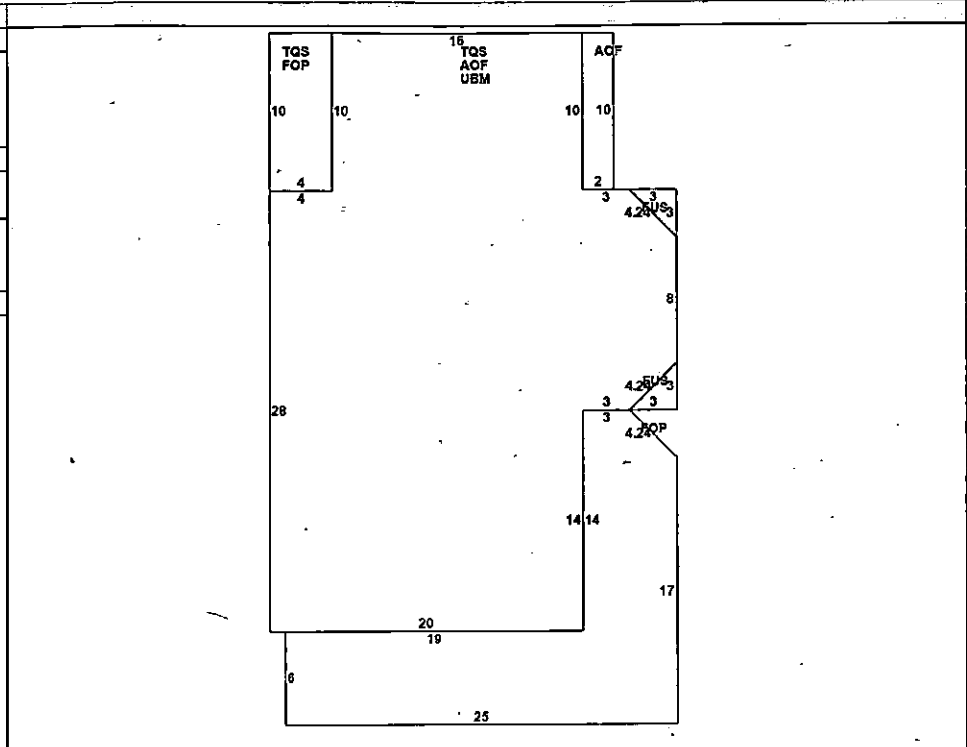
ASSESSING NEIGHBORHOOD					This signature acknowledges a visit by a Data Collector or Assessor									
Nbhd	Nbhd Name	B	Tracing	Batch										
4000														

NOTES		APPRAISED VALUE SUMMARY	
JTK MANAGEMENT(OFFICES) VACANT 22? 2012 LAND UNIT PRICING CHG TO CMMRCL 774/565 PARKING EASEMENT 2019 PHOTO, NEW ROOF NOTED, ADD C/AIR, CHG TO LAMINATE FLRS. NEW EXT PAINT, ADJ DEP	F = LO/SO	Appraised Bldg. Value (Card)	177,200
		Appraised Xf (B) Value (Bldg)	0
		Appraised Ob (B) Value (Bldg)	2,300
		Appraised Land Value (Bldg)	92,100
		Special Land Value	0
		Total Appraised Parcel Value	271,600
		Valuation Method	C
		Total Appraised Parcel Value	271,600

BUILDING PERMIT RECORD							VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpost/Result
W/O	07-17-2019	MISC			01-30-2020	100	10-01-2020	NEW FLOORS & PAINT PER	08-06-2022	J			58	Review-Company
99-119	04-21-1999			80,000		100		REPAIR/RECONFIG	06-16-2022	JR			60	Data Mailer-Change
98-494	11-03-1998			10,000		100		RESHINGLE ROOF	01-30-2020	GH			54	Sales Questionnaire-adjust
2767				0		100		HALL DOORS	01-29-2013	RT			41	Hearing Change
									09-12-2012	JR			14	Appointment Letter Sent
									08-15-2012	DK			01	Measur+1Visit
									08-15-2012	DK			02	Measur+2Visit - Info Card I

LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Land Type	Land Units	Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Notes	Location Adjustment	Adj Unit P	Land Value		
1	340R	OFFICE BLD M-			0.110 AC	165,000.00	4.79706	C	1.00	4000	1.050		0		1.0000	91,400		
1	340R	OFFICE BLD M-	CS5		0.030 AC	22,500.00	1.00000	0	1.00	4000	1.050		0		1.0000	700		
Total Card Land Units					0.14 AC												Total Land Value	92,100

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	68	Res Typ Comm			
Model:	01	Residential			
Grade:	04	Above Ave			
Stories:	2	2 Stories			
Occupancy	2		MIXED USE		
Exterior Wall 1	11	Clapboard	Code	Description	Percentage
Exterior Wall 2	14	Wood Shingle	340R	OFFICE BLD M-01	100
Roof Structure:	03	Gable/Hip	340R	OFFICE BLD M-01	100
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet	COST / MARKET VALUATION		
Interior Wall 2			Adj Base Rate		
Interior Flr 1	12	Hardwood	Building Value New		272,616
Interior Flr 2			Net Other Adjustments		
Heat Fuel:	02	Oil	Year Built		1890
Heat Type:	05	Hot Water	Effective Year Built		
AC Type:	03	Central	Depreciation Code		VG
Total Bedrooms	02	2 Bedrooms	Remodel Rating		
Total Bthrms:	1		Year Remodeled		
Total Half Baths	1		Depreciation %		30
Total Xtra Fixtur			Functional Obsol		5
Total Rooms:	4	4 Rooms	Economic Obsol		
Bath Style:			Trend Factor		1
Kitchen Style:			Condition		
Extra Kitchen			Condition %		
Cathedral Ceilin			Percent Good		65
Fin Basement			Appraised Value		177,200
Fin Bsmt SF			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
PAV1	PAVING-ASP	L	1,160	4.00	2002		50		0.00	2,300

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
AOF	Office, (Average)	815	815	815	163.83	133,523
FOP	Porch, Open	0	270	54	32.77	8,847
FUS	Upper Story, Finished	10	10	10	163.83	1,638
TQS	Three Quarter Story	626	835	626	122.82	102,559
UBM	Basement, Unfinished	0	795	159	32.77	26,049
Ttl Gross Liv / Lease Area		1,451	2,725	1,664		272,616





Town of Stonington | Department of Planning
Planning and Zoning Commission Meeting
October 17, 2023
PZ2323BR Spruce Meadows, LLC

Bond Reduction/Release application for work performed under PZ1203SUP & GPP TFB3 LLC – Special Use Permit & Groundwater Protection Permit applications for construction of two multi-unit residential structures and associated improvements. Property located at 100 South Broad St., Pawcatuck; M/B/L 25-1-5. This property is in the LS-5 and RR-80 Zones.
Report Prepared By: Clifton J. Iler, AICP – Town Planner

Application Status

This application is for the full release of the \$6,000.00 Erosion and Sedimentation Control Bond under application **PZ1203SUP & GPP TFB3 LLC**. Connecticut General Statutes [Section 8-3g\(3\)](#) gives the Town 65 days to either authorize a reduction, release, or provide a written explanation as to the additional improvements that must be completed before the bond can be reduced or released.

- Official Date of Receipt for this application was 9/19/23.
- Tonight's meeting is **Day 28** of 65 total days to decide on the application.
- A decision must be made by 11/23/23.

State Statute does not authorize extensions of time for bond release requests.

Per C.G.S. [Section 8-3g\(3\)](#) the Commission shall either: (A) release or authorize the release of any such financial guarantee or portion thereof, provided the commission or its agent is reasonably satisfied that the site improvements for which such financial guarantee or portion thereof was posted have been completed; or (B) provide the person posting such financial guarantee with a written explanation as to the additional site improvements that must be completed before such financial guarantee or portion thereof may be released.

Response Summary

The application was routed to the following agencies/agents of the Town. Responses are shown below:

BUILDING OFFICIAL – No comment received.

TOWN ENGINEER – The above reference site is complete with establish vegetation, therefore I'm in support of bond release.

ZONING ENFORCEMENT OFFICER – Ten years have passed and everything is fully mature. It's been so long since the parking lot striping was originally installed, the site is in need of re-striping.

FIRE DISTRICT MARSHAL (PAWCATUCK, KEVIN BURNS) – The Pawcatuck Fire District Board of Engineers has reviewed the above-mentioned request for a bond release. We have no comments on this request.

Town Planner Comments

The Town Planner recommends release of the bond.

Recommended Stipulations

There are no recommended stipulations for this application.

Commission Action Required

The Commission is required to make a determination on the following items:

- A decision on the Bond Reduction/Release application

Should the Commission deny this request the reason(s) must be stated in the denial and a response must be sent in writing per C.G.S. Section 8-3g(1).



**TOWN OF STONINGTON
DEPARTMENT OF PLANNING**

Memorandum

To: Planning and Zoning Commission
From: Clifton J. Iler, AICP – Town Planner
Date: October 17, 2023
Subject: Phase One of Zoning Regulations Rewrite

Commissioners,

As presented at the September 19, 2023 Regular Meeting, the Town of Stonington is pleased to share Phase One of the Zoning Regulations rewrite for public hearing. The public hearing discussion thus far has allowed Town staff to make minor textual edits that are in the version posted ahead of tonight's meeting. We hope the Commission will consider adopting the amended Zoning Regulation before you tonight.

These updated regulations have been carefully crafted to replace our existing outdated regulation with a new, user-friendly document that meets the highest legal standards and best practices established by case law. These regulations also maintain alignment with Stonington's Plan of Conservation and Development, showing the Commission's commitment to modernize and improve our Zoning Regulations to better serve our community.

Over the past few years, Town staff has worked tirelessly to secure funding for this effort. In May 2022, the Town of Stonington contracted Fitzgerald & Halliday, Inc. (FHI Studio) to lead this multi-phased process. Without FHI Studio's dedicated work over the past year and a half, this achievement would not have been possible. The Town commends the consulting team for their effort thus far and looks forward to continuing work after Phase One adoption.

The purpose of the Zoning Regulations rewrite is multifaceted. Our current regulations suffer from various issues, including inconsistencies in language, non-compliance with recent statutory changes, errors, ambiguities, and excessive length, among others.

Our goals in this process were clear:

1. **Relevance and Modernization:** The updated regulations replace outdated ones to better address our evolving community needs and priorities. They are designed for clarity and accessibility, ensuring they can be understood by staff, commissioners, property owners, developers, and the general public.
2. **Statutory Compliance:** The amended regulations fully comply with all relevant statutory requirements, reducing the potential for disputes and legal challenges.
3. **Alignment with Case Law:** We considered legal precedents to ensure the updated regulations align with best practices, reducing ambiguity and promoting fairness in the zoning process.



**TOWN OF STONINGTON
DEPARTMENT OF PLANNING**

4. Consistency with the Plan of Conservation and Development: The amended regulations align closely with the goals and objectives outlined in Stonington's Plan of Conservation and Development, promoting sustainable development and enhancing our residents' quality of life.
5. Transparency and Public Involvement: We ensured the development of the updated regulations were conducted in an open and transparent environment. We have conducted all mandatory reviews, hearings, and consultations, ensuring that the community has had ample opportunity to provide input and feedback throughout the process.

However, our process does not conclude here. In Phase Two, our focus is to address more significant concerns, contemplate substantial amendments, and bring our regulations in line with contemporary planning best practices. We aspire to sustain our partnership with FHI Studio to enhance and streamline our regulations further. Our commitment to an open dialogue with the public remains steadfast as we seek opportunities for regulatory enhancements.

Consequently, we kindly request that the Planning and Zoning Commission consider approving these Zoning Regulations amendments, with the acknowledgement that we plan to launch a subsequent phase for future amendments, guided by community input and evolving requirements.

Sincerely,

Clifton J. Iler, AICP
Town Planner



Town of Stonington | Department of Planning
Planning and Zoning Commission Meeting
October 17, 2023
PZ2318RA Paul & Shayne Cerullo

Zoning Regulation Text Amendment to clarify and revise text for the Agricultural Heritage District (AHD) ZR §7.24.3.2 regarding the definition of contiguous parcels of land in common ownership divided by a street.

Report Prepared By: Clifton J. Iler, AICP – Town Planner

Application Status

This application is for a Zoning Regulation Text Amendment. Zoning Regulation Text Amendments require a public hearing in accordance with [C.G.S. Section 8-3\(c\)](#). The Commission has 65 days to open the public hearing and 35 days to conduct the public hearing once opened, as established in [C.G.S. Section 8-7d\(a\)](#). The applicant may request one or more extensions provided the total of any such extension or extensions shall not exceed 65 days.

- Official Date of Receipt for this application was 8/15/23.
- Tonight's meeting is **Day 63** of 65 Days to open the public hearing.
- The public hearing, without extension, must be closed by 11/21/23.
- A decision, without extension, must be made by 12/26/23.

Purpose

The applicant is applying for a Zoning Regulation Text Amendment to clarify and revise text for the Agricultural Heritage District (AHD) ZR §7.24.3.2 regarding the definition of contiguous parcels of land in common ownership divided by a street.

Process

The Zoning Regulation Text Amendment (RA) is evaluated in accordance with ZR §8.8.3 Zoning Text Amendments. In reviewing this proposal, the Commission needs to consider the following elements:

- 1) Consistency with the Plan of Conservation and Development (POCD)
- 2) Consistency with the Zoning Map Atlas and Comprehensive Plan
- 3) Conformance with the Zoning Regulations (ZR §1.0.1)

Included below are the statements of compliance from the applicant:

Plan of Conservation and Development (POCD)

The application seeks only a clarification to an existing regulation, and as such it is consistent with the Plan of Conservation and Development, including the goals and policy statements and the implementation program contained in said Plan.

Zoning Map Atlas and Comprehensive Plan

The application seeks only a clarification to an existing regulation, and as such it is consistent with the Comprehensive Plan, defined as the existing zoning map and zoning text, in combination with the actual pattern of built development that has taken place on the ground.

Zoning Regulations Section 1.0.1

The application seeks only a clarification to an existing regulation, and as such it is in conformance with the general zoning purposes set forth in Section 1.0.1. with the [...]

Zoning and Context

The proposed Zoning Regulation Text Amendment seeks to clarify an ambiguity in ZR §7.24.3.2 regarding how to properly define “contiguous” for purposes of determining whether a parcel is eligible to become an Agricultural Heritage District (AHD). In order to address that ambiguity, an additional line of text is proposed at the end of ZR §7.24.3.2 and shown below in **red**.

Current Text

7.24.3.2 District Eligibility – The area proposed for an AHD shall be located in any existing residential zoning district and shall encompass a minimum of 35 acres of contiguous land in one or more parcels under common ownership or other arrangement satisfactory to the Commission. Included within this minimum acreage shall be a farm or a portion of a farm in continual operation for at least 25 years prior to application. Evidence of continual operation may be provided by historical documents, photographs, testimony or other means. In recognition of the historic relationship between agricultural lands and inland wetland areas, watercourses and water bodies, the proration provisions of Section 7.5 shall not apply to the calculation of the minimum acreage requirement.

Proposed Text

7.24.3.2 District Eligibility – The area proposed for an AHD shall be located in any existing residential zoning district and shall encompass a minimum of 35 acres of contiguous land in one or more parcels under common ownership or other arrangement satisfactory to the Commission. Included within this minimum acreage shall be a farm or a portion of a farm in continual operation for at least 25 years prior to application. Evidence of continual operation may be provided by historical documents, photographs, testimony or other means. In recognition of the historic relationship between agricultural lands and inland wetland areas, watercourses and water bodies, the proration provisions of Section 7.5 shall not apply to the calculation of the minimum acreage requirement.

Parcels of land in common ownership divided by a street that is not an interstate highway and which have, in combination or not, frontage that traverses along the same street, side-by-side, a distance of no less than 500 feet, are contiguous within the meaning of this section.

Response Summary

The application was routed to the following agencies/agents of the Town. Responses are shown below:

CONSERVATION COMMISSION – No comment.

POLICE COMMISSION – No comment.

ZONING ENFORCEMENT OFFICER – Comments below [Dated 9/18/23]:

Wheeler Road was laid out in 1874. It was not accepted as a town road until 2001, long after the construction of the farmhouse in 1735.

SOUTHEASTERN CONNECTICUT COUNCIL OF GOVERNMENTS – No comment.

CT DEEP OFFICE OF LONG ISLAND SOUND PROGRAMS – See attached memorandum.

ADJACENT MUNICIPALITIES:

STONINGTON BOROUGH – No comment.

TOWN OF NORTH STONINGTON – No comment.

TOWN OF GROTON – No comment.

TOWN OF LEDYARD – No comment.

TOWN OF WESTERLY – No comment.

Town Planner Comments

The proposed amendment seeks to remedy an ambiguity that arose during the discussion of **PZ2305ZC Maple Lane Farm, LLC** where the Commission was unclear whether properties bisected by rights-of-way were deemed contiguous parcels. The application was subsequently denied without prejudice. The applicant's legal counsel approached Town staff and the Interim Town Planner, Sam Alexander, to seek consensus on the proposed language before the Commission tonight.

The Commission is required to consider the proposed RA absent of the previous application and without foresight towards future applications. Therefore, the RA is less about considering the function of the language within the AHD specifically, and rather properly defining the term "contiguous."

The Zoning Regulations currently do not define the term "contiguous" nor provide opportunity for interpretation by Town staff or the Commission. Town staff could have properly interpreted the language to preempt the need for this application if such a clause was present. For reference, below are a few definitions of contiguous as it relates to land use law:

Contiguous – 1: being in actual contact: touching along a boundary or at a point 2: of angles: ADJACENT 3: next or near in time or sequence 4: touching or connected throughout in an unbroken sequence¹

¹ Merriam-Webster.com Dictionary, s.v. "contiguous," accessed October 13, 2023, <https://www.merriam-webster.com/dictionary/contiguous>.

Contiguous – Contiguous means connected or “next to”. This term is usually used to refer to adjoining pieces of real estate. It means land adjoining or touching by a common corner or a common boundary line. It includes land having common ownership but divided by a road or other right-of-way.²

Contiguous Property – Means property owned or leased by the customer sharing a common border, without regard to interruptions in contiguity caused by easements, public thoroughfares, transportation rights-of-way, or utility rights-of-way.³

Contiguous Property – Property that is adjoining. Public rights-of-way (e.g., railroads, highways) do not prevent property from being considered contiguous. Property connected only by rights-of-way are not considered contiguous (e.g., two plants with a connecting pipeline).⁴

Town staff is in agreement that the proposed amendment would not be out of character with the Zoning Regulations, nor impose undue burden on other properties. The amendment fully clarifies what would be considered a traditional understanding of contiguous property.

Recommended Stipulations

There are no recommended stipulations for this application.

Commission Action Required

The Commission is required to make a determination on the following items:

- A decision concerning the Zoning Regulations Text Amendment (RA) application

² “Contiguous.” Legal Information Institute. Accessed October 13, 2023. <https://www.law.cornell.edu/wex/contiguous>.

³ “Contiguous Property Definition: 105 Samples.” Law Insider. Accessed October 13, 2023. <https://www.lawinsider.com/dictionary/contiguous-property>.

⁴ What does “contiguous property” mean? | US EPA. Accessed October 13, 2023. <https://www.epa.gov/rmp/what-does-contiguous-property-mean>.



September 20, 2023

Stonington Planning and Zoning Commission
c/o Clifton J. Iler, AICP
Town Planner
152 Elm Street
Stonington, CT 06378

Subject: Zoning Text Amendment for Section 7.24.3.2

Dear Commissioners:

Thank you for notifying this office of the proposed zoning text amendment application noted above. Acting as the Commissioner's staff, our office has reviewed the amendment for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA), and we find it consistent with the CCMA.

Please be advised that this consistency determination is based on coastal management considerations only and does not necessarily reflect other municipal planning and zoning considerations which may apply. These comments are made in response to the review requirement contained in Section 22a-104(e) of the Connecticut General Statutes, which requires that notification be sent to the Commissioner of Energy and Environmental Protection at least 35 days prior to the commencement of the public hearing. Once notified, our office is responsible for reviewing the proposal's consistency with the policies of Section 22a-92 and the criteria of Section 22a-102(b) of the CCMA.

Should you have any questions regarding this letter or any other coastal management matter, please feel free to contact me at braden.lynn@ct.gov.

Sincerely,

Braden Lynn
Environmental Analyst
Land and Water Resources Division

BL



Zoning Enforcement Officers' Report

Stonington Department of Planning

September 2023

ZONING PERMIT SUMMARY

APPLICATION STATUS	September 2023	YEAR TO DATE
Received	31	245
Approved	32	238
Pending	1	3
Denied	1	2
Withdrawn	1	1

PENDING PERMITS

PERMIT ADDRESS	OWNER	RECEIVED	REQUEST	WAITING
42 Harbor View Ter	Mingo	6/26/2023	Pool	Variance/appeal period
29 W. Broad St.	Jim Lathrop	8/17/2023	2 (1-bedroom apts)	SUP required
29 Lindberg Ave.	Ruth & Paul Dzurec	9/13/2023	Addition	Additional informaton

CERTIFICATES OF ZONING COMPLIANCE

	September 2023	YEAR TO DATE
SFR CZC	0	14
Total CZCs issued	11	98

COMPLAINT SUMMARY

	September 2023	YEAR TO DATE
Received	4	51
Notice of Complaint	0	0
NOVs Issued	3	22
Citations Issued	0	0
Cease and Desist	0	3
Resolved	4	37

COMPLAINTS RECEIVED

*(D = Distressed Property)

COMPLAINT ID	RECEIVED	ADDRESS	COMPLAINT
23-001	1/3/2023	34 Roseleah Dr.	Construction without permits. 1/3/2023 NOV issued. 3/30/2023 Met with Attorney Mark Zemarka, he will be starting to work on a compliance avenue for his clients
23-012	2/21/2023	13 Cleveland St	Junk all of yard. Old freezer. 2/23/2023 Inspected site. Total mess, NOV to be issued. 3/8/2023 NOV issued. 3/15/2023 Spoke with Rhandi Avery aka Riske, She will be getting dumpster and should have the site in compliance by the end of April.

			<p><i>She aske about a garage she took down, The garage shows on the 2019 flyover. She was told if she submitted an application to rebuild the garage, we would honor it.</i></p> <p><i>4/11/2023 Site currently being cleaned up. More needed. See photos</i></p>
23-017	3/28/2023	29 Mechanic St.	<p>Building is deteriorated, yard is full of refuse, landscape is not maintained, unregistered cars, etc</p>
23-023	4/18/2023	175,177,143 No. Anguilla Rd.	<p>Multiple Landscapers using site as a base of operations</p> <p><i>5/16/2023 NOV issued</i></p> <p><i>5/19/2023 Spoke with Lydia, she will tell the landscapers of the NOV. Will try for a July 1st for compliance. A Cease and Desist will be issued at that time</i></p>
23-024	4/19/2023	42 Riverside Dr.	<p>(5) Connex Boxes, Debris & Junk Interior and Exterior</p> <p>4/20/2023 Issued NOV</p> <p><i>5/5/2023 Yvette called office. Boxes are full of parents belongings. She is getting a dumpster and will start emptying them out. She believes by June 4, 2023.</i></p> <p><i>6/4/2023 Requested extension to end of month</i></p> <p><i>8/11/2023 C/D</i></p> <p><i>8/29/2023 Yvette called the office, they will have the majority of the work done on Labor Day weekend. "team of People" due to help. Has one dumpster on site but was too small.</i></p> <p><i>9/6/2023 Yvette called to tell us that she has emptied 1 ½ bin and hopes to have three done by the end of the week.</i></p>
23-035	6/23/2023	4 Broadway Ave. Ext	<p>Removal of sod, expansion of gravel area.</p> <p><i>50' grass buffer removed, left to go to seed. Extended gravel area beyond site plan approval. Asphalt repaved according to approved plan.</i></p> <p><i>NOV issued 7/11/2023</i></p> <p><i>10/12/2023 10/12/2023 Area where parking is not permitted has been blocked off by hay bales. "grass/weeds" starting to grow through remaining gravel. Continue to monitor.</i></p>
23-040	7/18/2023	32 Broadway Ave.	<p>Not building to plan, creating third floor on structure.</p> <p><i>7/25/2023 Forwarded set of signed plans to Atty. Mark Branse.</i></p> <p><i>Third floor constructed without permits. Atty Branse plans on going to PZ for approval</i></p>
23-041	7/18/2023	7/18/2023	<p>Paving without site plan approval</p> <p><i>7/19/2023 Area appears to be extended from pre-existing paved area converted to gravel. Gravel placed within the last year.</i></p> <p><i>9/12/2023 additional pavement appears to be creating water issues downgradient.</i></p> <p><i>9/12/2023 NOV issued.</i></p>
23-045	8/7/2023	Enders Island	<p>Parking lot with no permits. Pavilion constructed w/o permits</p> <p><i>8/22/2023 Met with Atty. Rob Avena and Andrew Woodstock. Discussed what appeared to be a nonpermitted parking lot. I was informed that they have gotten</i></p>

			<p><i>ahead of themselves, it is supposed to be a laydown area for an upcoming Site Plan application. I informed then the pavilion erected had not been approved. They stated that they will have it removed. Check back mid September.</i></p> <p><i>9/11/2023 Enders has contacted Kloter Farms and are trying to determine a date to have the pavilion removed.</i></p> <p><i>9/11/2023 Andrew Woodstock emailed to say Kloter Farm would be removing the pavilion this Wednesday. [9.13.2023]</i></p> <p><i>9/13/2023 Pavilion Removed.</i></p>
23-046	8/7/2023	OMFD	<p>Training Trailer Structures w/ No Permits.</p> <p><i>8/7/2023 "The Old Mystic Fire District is taking a step back and looking at all options for the training trailers. I will stay in touch with you as we progress forward. Thank you for your understanding."</i></p>
23-048	9/8/2023	33 Pellegrino Rd.	<p>"Two cars apparently abandoned. One is on the front lawn; a jeep wrangler is in the driveway. They've been there for years. The concern is that fluids will leak and gravitate towards wells.</p> <p><i>9/11/2023 Three cars on site not registered.</i></p> <p><i>9/18/2023 NOV issued.</i></p> <p><i>10/6/2023 Christina Lopez called office. Explained jeep (dead battery), BMW (overheating) and last car was 2016 which was been abandoned on property. She was given 3 weeks to start addressing disposable of at least two cars or registering them. Check back November 1, 2023</i></p>
23-049	9/11/2023	977 Pequot Trai	<p>"Outhouses and several campers living on the property. Dogs, feral cats, ducks, and a rooster on the property. Child living on property with no running water"</p> <p><i>9/12/2023 Multiple unregistered motor vehicles, household debris, ducks & rooster.</i></p> <p><i>9/12/2023 NOV issued.</i></p>
23-050	9/11/2023	12 River Rd.	<p>Corner shrubs too high</p> <p><i>9/12/2023 Exceed the allowed 2 ft in height on corner lot.</i></p> <p><i>9/12/2023 NOV issued.</i></p>
23-051	9/20/2023	7-9 Russell Ave	<p>Fence collapsed on left side of duplex, grass is thigh high including area surrounding stop sign and area where kids wait for the bus, trash and recycling bins left out constantly attracting rodents and other animals. Curbing continuously being destroyed by tenants parking, neighbors taking upon themselves to maintain edges of property so that kids can stand for bus and walk. Overall concern for the lack of care of the property and well-being for the neighborhood/surrounding area.</p> <p><i>9/20/2023 No zoning violations observed.</i></p>