

Special Meeting

The 1670th meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday, February 2, 2021. The meeting was called to order by Chairman David Rathbun at 7:01pm. Also present for the meeting were Commissioners Gardner Young, Ben Philbrick, Lynn Conway, and Fred Deichmann; Alternates Chuck Sheehan, Ryan Deasy, and Peter Chomowicz; and Town Planner Keith A. Brynes.

Seated for the meeting David Rathbun, Ben Philbrick, Gardner Young, Lynn Conway, and Fred Deichmann.

Minutes:

Mr. Philbrick moved to approve the minutes of the December 15, 2020, meeting, seconded by Mr. Young, all in favor 5-0, motion approved.

Administrative Review:

PZ2006SD & GPP D6 Realty, LLC (A. Hayward) – Request second 90-day extension to file final plans for previously approved Subdivision. Property located at 3 Country Lane, Pawcatuck. Assessor's Map 21 Block 1 Lot 3. Zone RA-20.

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

21-006ZON Lockwood Coveside Marina, Inc. (Thomas Lockwood) – Request for interpretation of claim of pre-existing "campsites" on parcel. Property located at 830 Stonington Rd., Stonington. Assessor's Map 57 Block 2 Lot 11. Zone MC-80.

Mr. Brynes reviewed the zoning permit request to legalize a non-conformity at the site. The Commission is being asked to provide an interpretation as to whether this can be granted legal non-conforming status. The applicant stated the campsite predates zoning and should be allowed to operate. It is the planning department's opinion that it did not predate zoning, having had numerous zoning enforcement issues over the years, never being found legal.

Mr. Lockwood spoke about the Route One corridor report and stated his agreement with the plan. He stated they have made a lot of improvements and received positive feedback for their work from the neighbors and community. He also spoke about his support for the environment. Mr. Lockwood stated his marina is beyond the train bridge and boaters must have smaller boats that typically do not have living quarters. The campsite provides a place for them to stay and he considers this an accessory use to the marina. He has no evidence that the use pre-dates zoning but there is proof of its existence in the 1970s.

Mr. Deichmann asked about the number of campsites. Mr. Lockwood stated 25-50 sites. Mr. Deichmann asked about the rest of the property and Mr. Lockwood stated it will remain as is. Mr. Philbrick raised concern about legally allowing the use when it was found illegal several times.

Mr. Brynes stated that the MC-80 zone does not allow overnight camping as an accessory use. The application is addressing whether this is a legal non-conformity so the question is whether it can be proven it pre-dates zoning.

Mr. Deichmann moved to approve the application, seconded by Mr. Philbrick. Mr. Philbrick stated that the documentation shows it has been found illegal and would need a zoning amendment to add this as an accessory use. Mr. Deichmann agreed. Ms. Conway stated Mr. Lockwood had good points, but would need to go through a zoning amendment process. The vote was taken 0-5, motion denied.

Special Meeting

21-013ZON Annette & Gary Vacca (A. Nenna) - Zoning permit application for removal and subsequent mitigation of invasive species and in the Non-Infringement Area (NIA). Property located at 14 Oak St., Stonington. Assessor's Map 129 Block 2 Lot 1 & Map 129 Block 1 Lots 1 & B. Zone RC-120.

Mr. Brynes stated that the zoning district has a 100-foot non-infringement area which may not have disturbance, although certain activities are allowed with Commission approval. The applicant is proposing to restore the area and remove invasive species, with the DEEP approval. Mr. Philbrick asked about the herbicide proposed. Desirae Hansen replied that the herbicide is very low impact and there will be low volume of use. The herbicide stays within the plant and is designed not to affect other plantings. Mr. Sheehan asked about re-emergence. Ms. Hansen explained that there are three years of management for the site, then they will monitor re-emergence and must re-apply for permit on an annual basis if needed. Mr. Rathbun expressed concern about sand removal and the pipe on the neighboring property. Ms. Hansen explained they will not be removing sand, just restoring the dune. The neighboring property owner confirmed the pipe is functioning. Ms. Conway asked about the success of the plan. Ms. Hansen stated they have had good success with these methods and hope to have it under control in three years. There is no way to know whether additional maintenance will be needed until they see how the land responds. Ms. Conway recommended a stipulation to come back before the commission if a different chemical is used. Mr. Nenna discussed the DEEP approval process and expressed concern with requiring the applicant coming back to the Commission for a chemical change if it is accepted by DEEP. Mr. Philbrick and Mr. Young expressed that DEEP has a greater knowledge of the chemicals.

Bob Hollis, resident of Lords Point, expressed concern over chemicals used on the plants leaching into the water and flooding after the vegetation removal before the new plantings grow.

Mr. Nenna stated they are not taking any flood storage away from the site. The native plants will take over where the phragmites are and should be secure to prevent any erosion. Ms. Hansen stated that they do not foresee run off being an issue due to low volume.

Stephen Dodd asked about the stability of the dune during this period. Mr. Nenna responded that they are making a large investment in the dune and intend to maintain its integrity.

Mr. Deichmann moved to approve the application with the stipulation recommended by staff and requirement for erosion and sedimentation controls, seconded by Mr. Young, all in favor 5-0, motion approved.

Stipulations:

1. Erosion Control Measures to be properly installed before disturbance begins and maintained until all disturbed areas are stabilized.
2. State approvals shall be obtained prior to any ground disturbance.

PZ2013SD & GPP Jane L. Howard, Trustee (JP Mereen) - Request 90-day extension to file final plans for previously approved Subdivision. Property located at 152 South Anguilla Rd., Pawcatuck. Assessors Map 37, Block 1, Lot 8. Zones RR-80 & GBR-130.

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

Old Business:

Special Meeting

PZ2025CAM Brian J. Stafford (R. Sergeant) – Coastal Area Management Site Plan Review application to accompany future zoning permit application for the construction of a single-family residence (SFR). Property located at Roseleah Dr., Mystic. Assessors Map 175, Block 1, Lot 1. Zone RC-120.

Rusty Sergeant summarized the application. The site has received variances based on the shape of the lot. Mr. Sergeant reviewed the Town Engineer's comments. They will need to create a sewer connection for the lot and will be working with WPCA. Mr. Sergeant reviewed the plans and discussed the plan for fill. The home will be on piers and conform with FEMA regulations. Mr. Sheehan expressed concern with the home's elevation. Mr. Sergeant explained that the home conforms to the current regulations. Mr. Sheehan stated he would rather see an open ground floor. Mr. Sergeant stated that they received the variances that allowed the building and it is up to the property owner to manage potential water on the site.

Town resident, Ben Tamsky, asked about the availability of sewer and he recalled the ZBA application proposed tying into the private line. Mr. Stafford stated that the sewer tie in was approved to be connected to the town line.

Mr. Philbrick moved to approve the application with recommended stipulations, seconded by Mr. Deichmann. Mr. Deichmann expressed concern about what decision they are making. Mr. Brynes reviewed the process and expressed he understood it is somewhat redundant. The vote was taken 5-0, motion approved.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer regarding his 1/28/21 comments.
2. Final plan shall note the property is in the RC-120 zone but subject to RH-10 bulk requirements.
3. Sewer connection shall be located out of the tidal wetlands, subject to WPCA review.
4. Construction is subject to the WPCA's moratorium on increasing flows to the Mystic plant.

The meeting recessed at 8:49pm and reconvened at 8:53pm

Commission:

The commission discussed their relationship with the Zoning Board of Appeals and what variances can allow, especially those concerning FEMA regulations.

Discussion of Potential Commission Zoning Regulation Amendments:

Mr. Rathbun stated they are anticipating receiving funding for a comprehensive rewrite of the zoning regulations. In the meantime, they will be working on updating. The commission discussed scheduling a workshop to work on prioritizing the changes. Due to a light agenda, Chairman Rathbun suggested holding the workshop at the next meeting on February 16th.

Mr. Philbrick moved to adjourn, seconded by Mr. Deichmann, all in favor 5-0, the meeting adjourned at 9:13pm.



Ben Philbrick, Secretary