

Special Meeting

The 1674th meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday, April 20, 2021. The meeting was called to order by Chairman David Rathbun at 7:00pm. Also present for the meeting were Commissioners, Gardner Young, Ben Philbrick, Lynn Conway, and Fred Deichmann; Alternate Ryan Deasy; and Town Planner Keith Brynes. Alternates Charles Sheehan and Peter Chomowicz were absent.

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

Minutes:

Mr. Philbrick moved to approve the minutes of the April 6, 2021 meeting, seconded by Mr. Deichmann, all in favor 4-0-1, motion approved.

Roll Call: Rathbun- approve, Philbrick - approve, Young - approve, Deichmann - approve, Conway - abstain

Administrative Review:

21-097ZON Henry J. Donaghy – Zoning Permit application to allow construction of a dock with walkway, landing, and deck in the Non-Infringement Area (NIA). Property located at Wausau Place, Mystic. Assessors Map 161 Block 3 Lot 2A. Zone RC-120 & RA-20.

The applicant is proposing construction of a dock. The DEEP has approved the construction, but due to being in the non-infringement area must be approved by the commission. No grading or clearing is being proposed. Mr. Philbrick asked about use of motorized boats. Henry Donaghy stated they plan to use it for their kayaks and possibly a small dinghy in the future.

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

Consideration of Extension of Temporary Policy Regarding Zoning Enforcement and Permitting During the COVID-19 Pandemic. The proposal is to extend to 6/1/21.

The commission has extended the policy a few times as the Governor's emergency orders have been extended. Outdoor seating is also covered under a public act through March 31, 2022. There are a couple other items that are a part of this process such as change of use approvals.

Mr. Deichmann move to approve the extension to June 1, 2021, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

Public Hearings:

PZ2106SD & GPP 490 Al Harvey Road, LLC (A. Hayward) - Subdivision and Groundwater Protection Permit applications for a 2-lot re-subdivision. Property located at 506 Al Harvey Rd., Stonington. Assessor's Map 112, Block 3, Lot 2B. Zone RR-80. *The applicant requested the Public Hearing be opened and immediately continued to 5/4/21.*

Mr. Deichmann moved to continue the public hearing to May 4, 2021, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

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PZ2104RA Susanne V. Toczko (C. Pacheco) - Zoning Regulation Text Amendment application to allow Aquaculture / Agriculture and their associated uses in the Light Industrial zone (LI-130).

Chris Pacheco presented the application. The Light Industrial zone is in the area off I-95 near Exit 91. Mr. Pacheco is the owner of Seacoast Mushrooms on Farmholme Road. He is proposing to allow agriculture and aquaculture use in the LI-130. The Plan of Conservation and Development supports agriculture uses being expanded and adding to the LI-130 zone. The application has received support from the conservation commission, economic development commission and state department of agriculture. He feels it is the right thing to do for the town. Mr. Deichmann asked how large of an operation do they envision if approved. Mr. Pacheco is interested in a plot of land in the zone for his business, but he is being thoughtful about the zone as whole. Ms. Conway asked what other areas have the LI-130 zone. Mr. Brynes explained that the only LI-130 zone is on Taugwonk Road. Mr. Philbrick asked how many residences are in this zone. There are about 10 residences in this zone. The applicant and staff have not received specific feedback from the residents. Mr. Deichmann asked about notifying the residents in this zone. Mr. Brynes said that is not a required practice for amendments.

Public Comment in Favor:

Bill Lyman, stated his support of the regulation amendment and was involved in the production of the Plan of Conservation and Development. He feels this application is in accordance with the plan and a good fit.

Dave Hammond, spoke in favor of the application on behalf of the Economic Development Commission. The area struggles to attract light industrial due to lack of public utilities in the area, so agriculture is a logical fit.

Public Comment Against:

Carlene Donnarummo, a resident of Pawcatuck, raised concern that she does not feel the amendment is for the benefit of the town. She feels the amendment does not fit with the State's definitions of agriculture and aquaculture. Ms. Donnarummo feels the commission should wait until a comprehensive rewrite and align with the State statutes. She is also concerned about livestock uses becoming allowed in the zone. There are a few successful businesses in the zone and feels it is reasonable to recruit others. Should the commission pass the amendment, she recommends the agricultural use be by special use permit only.

Mr. Brynes explained the other reviewers' comments, detailed the pros and cons, and made the language consistent for agriculture as it appears in the Town's current regulations. The plan is to align with State statutes when the comprehensive rewrite is done. Mr. Deichmann asked about the potential agricultural uses. It was explained that new projects will have to come before the commission for approval.

Rebuttal:

Mr. Pacheco stated that he genuinely wants to go forward for what is right for the Town, despite his intentions for his business. In an effort to be consistent with the agriculture use across the town, the language has been kept consistent in this application.

Ms. Conway asked about the timeline for updating the language across the zones. Mr. Brynes stated it will take at least a couple of years. Ms. Conway considered allowing the applicant's use until a time that

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the regulations are re-written. Mr. Rathbun stated the area is surrounded by zones that allow agriculture and is in favor of the amendment as written.

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

Mr. Deichmann moved to approve the application with the removal of aquaculture as a use, seconded by Mr. Philbrick. Mr. Philbrick expressed that the agriculture industry is growing, not light industry and would be well-supported with this change. Ms. Conway feels they aren't considering all uses. Mr. Rathbun doesn't feel it will harm the area. The vote was taken 4-1, motion approved.

Philbrick – approve, Deichmann – approve, Young – approve, Rathbun – approve, Conway – deny

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

Commission Discussion:

Discussion of Historic Preservation Strategies

Mr. Brynes reviewed the staff report on delaying demolition and historic preservation. The Board of Selectmen is open to having a town meeting for the 90-day demolition ordinance. The village district overlay could give the commission more control over projects in that area for historic character. It could also strengthen ADRB recommendations, and would be instituted by the Commission. The village districts were opposed by the community previously, and would need community input to move forward. The commission recommended moving forward with exploring the overlay district and recommending the ordinance to the Board of Selectman.

Mr. Deichmann moved to approve recommendation of a 90-day demolition ordinance, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

Mr. Deichmann moved to adjourn, seconded by Mr. Philbrick, all in favor 5-0, the meeting adjourned at 8:11pm.



Ben Philbrick, Secretary