Regular Meeting

The monthly meeting of the Town of Stonington's Planning and Zoning Commission was held at the Stonington Board of Education District Office at 40 Field Street, Pawcatuck, on Tuesday, August 16, 2022. The meeting was called to order by Chairman Ben Philbrick at 7:00 pm. Also present for the meeting were Commissioners Chuck Sheehan, Lynn Conway, Fred Deichmann, and Ryan Deasy; Alternates Gary Belke and Andy Meek; and Town Planner Keith A. Brynes. Alternate Marjorie Selingar was not present.

Seated for the meeting Ben Philbrick, Charles Sheehan, Fred Deichmann, Ryan Deasy, and Lynn Conway.

Minutes:
Mr. Deasy moved to approve the minutes of July 26, 2022 meeting, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the minutes of the August 2, 2022 meeting, seconded by Mr. Sheehan, the vote was taken, 4-0-1, motion approved.

Roll Call: Philbrick – approve, Deasy – approve, Sheehan – approve, Conway – approve, Deichmann -abstain

Administrative Review:

Mr. Brynes summarized the application. The removal has already occurred but took place in a non-infringement area. Removal of invasive species is commonly approved for the benefit to the area.

Mr. Deasy moved to approve the application with a stipulation, seconded by Mr. Deichmann, all in favor 5-0, motion approved.

Stipulation:
1. Recently cleared area adjacent to the cove shall be planted with upland plantings rather than grass, as per AR 8/16/22.

Public Hearings:
PZ2217SD & SUP Cherenzia Excavation, Inc. & EG Home, LLC (W. Sweeney) – Subdivision and Special Use Permit applications for modification of an approved re-subdivision plan consisting of 42 single-family homes within a common interest community on a single reconfigured lot. Property located on Mary Hall & Greenhaven Rds., Pawcatuck. Assessor’s Map 7, Block 1, Lots 44 & 44F thru 44L, Zone RM-20.

The hearing was opened and immediately continued to the September 20, 2022 meeting.
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Mr. Deichmann recused himself due to not being present at the last meeting and Mr. Meek was seated for the hearing.

PZ2221RA Town of Stonington PZC -- Zoning Regulation Amendment application to create regulations for cannabis establishments in the community. **PH Continued from 8/2/22.**

Mr. Brynes reviewed the modifications to the proposed regulations from the staff report. The changes reflected comments from the public and commission from the last meeting. Notably, the proposed regulations will allow for a retailer or hybrid retailer, but still be limited to a single business. There were updates made to reflect changes in radius to certain uses, disallowance in the MHD zone, and clarification on micro-cultivator square footage size. The radius to residential uses can be slightly increased, but siting would not be possible if they are increased too much.

Public Comment
Carlene Donnarummo, stated that she agrees with most of the modifications, but is still concerned about the addition of the hybrid retailers, and if they are passed section 6.6.7.2 should be removed. She also expressed concern with the NDD zone having it as an allowed use. Mr. Meek asked for clarification as to why there was opposition to the hybrid retail model. Ms. Donnarummo felt it was not what the town voted on.

Ben Tamsky, stated he did not feel the hours of operation should be regulated for the use, but should be controlled by the state as it does for liquor. He stated that they should be careful that there are still places that this could be built, and not impossible due to distance requirements. He also feels the hybrid retail could be less problematic due the medical oversight.

Rebuttal
Mr. Brynes stated that what the town voted on was general and there would still be a limit of one facility either way. He clarified the NDD zone wording and the state regulations allow them to regulate hours of operation for cannabis. Mr. Sheehan stated they might want flexibility to stipulate hours of operation in an individual permit rather than in the use. The commission discussed changing the regulations to indicate hours of operation would be approved in the permit process. Ms. Conway asked about the state statute changes that prohibit commissions from “keeping with the neighborhood”. Mr. Brynes explained that because it is a master plan zone, the commission has greater purview than a typical application. The statue applies more to typical permits, and mostly for housing applications to prevent applications from being denied without significant reason. Ms. Conway asked for clarification on the use table to better indicate how the limits work. Mr. Brynes stated that there is a sentence in the regulations that explains the limitations. Cannabis industry support uses could currently be unlimited. Mr. Meek stated they could limit it to one cannabis industry use rather than specifically a micro-cultivator. Mr. Brynes stated he is unsure if micro-cultivators can also be licensed for these other support services as one business. The commission discussed being conservative to start and potentially opening up if it becomes an issue. Ms. Conway expressed concern with distance requirement to residential due to the potential traffic issues. Mr. Brynes stated that they are required to submit
a parking and traffic management plan in their application to address lines. The commission discussed increasing the distance requirement to 250 feet for residential and places of worship.

Public Comment
Ben Tamsky, discussed the use table discussion the commission had and stated he is still confused by the limits the commission is discussing. Mr. Meek clarified that they are proposing one retailer and one of the other cannabis uses including micro-cultivators.

Carlene Donnarummo, asked the commission to consider clarifying the chart.

Mr. Brynes reviewed the modifications discussed tonight.

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

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

Mr. Deasy moved to approved conformance with the Comprehensive Plan, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to approve the regulation amendment with five modifications, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Seated for this hearing Mr. Philbrick, Mr. Sheehan, Mr. Deasy, Ms. Conway, and Mr. Belke


Norm Thibeault, project engineer presented the application. The applicant is proposing 10 building lots and one open space lot. The building lots will be roughly one acre each with 4.4-acre open space lot. Nine lots will be accessed from a new road, Kingfisher Way and one accessed from Schoolhouse Road. The lot was originally approved for a 21-lot subdivision was approved, but plans were never filed for the site and the approval expired. The applicant is choosing to reduce the density. The lots will septic systems and can tie in to public water through Aquarion. They have received approval from the Inland Wetlands commission with a stipulation for invasive species control in the open space. They have received approval from Ledge Light Health District as well. They have received positive feedback from the Conservation Commission and Police Commission. A stormwater basin was constructed in the previous neighboring subdivision which they have an easement to discharge into. For the other end of the lot they have created a swale to manage stormwater at the intersection of Kingfisher Way and Schoolhouse Road. Mr. Thibeault addressed the Town Engineer’s comments. He explained the general permit process and stated they able to provide the buffer to the cemetery. Mr.
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Thibault discussed the benchmarking and how they manage vertical controls timing. There will be minor stormwater increases that can be managed with the development of each lot. There is an easement established for a septic system for a neighboring property, which will prevent them from the proposed pipe from the Town Engineer, but they are happy to work out a solution with the Town Engineer. There is a portion of the site that will be conserved after the archaeological survey and the stone walls that will be removed is notated on the plans. They plan to redistribute about 50% of the stone walls. The homes will all be built by the same builder and they will manage the wall redistribution. The shadow plan gives the homes an ability to accommodate solar. There is one lot in the flood zone and compensatory storage was not required as they are tidally influenced.

Ms. Conway asked whether the solution with the Town Engineer will affect their wetlands permit. Mr. Brynes explained that if it was within 100 feet they would have to. Ms. Conway confirmed that they would not need blasting, which the applicant confirmed. Ms. Conway asked about sidewalks. Mr. Thibault explained there are no sidewalks currently on Masons Island. Mr. Sheehan asked about the Town Engineer comment 11 and stated that they do need show current compliance with the regulations. Mr. Belke asked about road lighting. Mr. Thibault explained they would like to keep with the neighborhood and have dark skies. The open space will likely be taken over by the homeowners association.

General Public Comment
Paul Nauman, asked for additional information on the septic system in the open space. He also would like to understand why there is a connection to Schoolhouse Road which is a private association.

Mr. Thibault explained the septic system was deeded a long time ago and happens to be there and there is no regulation against it being in the open space. Mr. Thibault explained that for fire emergency access it is best to have the roads connect and was previously approved in this area. The easement for the septic is for a house outside of the development and they would be responsible for maintenance. There are numerous associations on the island and they are responsible for their roads, but must traverse others to access their road.

Paul Nauman, still has concern with the septic system and what house it is associated with.

Peter Giordano, property owner stated the house is further down on Schoolhouse Road that has not been built yet, but will have a pipe under Schoolhouse Road that goes to that system. The system has already been approved by Ledge Light Health District.

Keith Gove, asked for clarification on the distances from the cemetery and an unanticipated discovery plan.

Kathy Marco, asked whether the utilities are underground, how many lots will be in the Masons Island Fire District, and she is concerned with the drainage to Schoolhouse Road.
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Mr. Thibeault stated the utilities are underground. He is unsure which lots will be part of the fire district. He then clarified the drainage to Schoolhouse Road and how it will be managed with a swale for the most part, but they will be addressing a solution with the Town Engineer for the last forty feet.

Public Comment Against

Amy Estabrook, expressed concern with the development of the space near her property and its affect on the environment nearby. She encouraged the property owner to conserve the space.

Mr. Thibeault reiterated that they have greatly reduced the size of the development.

Rufus Allyn, stated that although not required 47 acres of Masons Island will be conserved. He feels this is the best use of the property with full one acre lots rather than undersized lots.

Mr. Brynes stated that subdivisions are as of right by state law and if they meet the regulations they must be approved. Mr. Brynes reviewed the Town Engineer comments. Mr. Brynes reviewed the proposed stipulations from the staff report. Mr. Philbrick recommended adding the unanticipated discovery plan and 100-foot buffer to the burial ground. They would only have to move the septic system down to comply. Mr. Brynes recommended continuing the hearing to give the applicant an opportunity to address the drainage issues.

Mr. Deasy moved to continue the hearing to the September 6, 2022 meeting, seconded by Mr. Sheehan, all in favor 5-0, motion approved.

Mr. Deasy moved to adjourn, seconded by Mr. Sheehan, all in favor 5-0, the meeting adjourned at 9:29pm.