

## Special Meeting

The 1663<sup>rd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held virtually via WebEx on Tuesday, September 1, 2020. The meeting was called to order by Chairman David Rathbun at 7:00pm. Also present for the meeting were Commissioners Gardner Young, Ben Philbrick, Fred Deichmann, and Lynn Conway; Alternates Ryan Deasy and Chuck Sheehan; and Town Planner Keith Brynes. Alternate Peter Chomowicz was not present.

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

**Minutes:**

Mr. Deichmann moved to approve the minutes of the August 11, 2020 meeting, seconded by Mr. Philbrick, all in favor 5-0, motion approved.

**Administrative Review:**

Attorney Ted Ladwig request for interpretation of ZR 7.1.1 Accessory Dwelling Units, specifically, structure total area vs. Gross Floor Area.

Mr. Brynes gave a summary of the last meeting and stated that the Town Attorney's opinion is that the commission may interpret as they wish, but based on the definition of total area, he was in agreement with Mr. Ladwig's opinion as it be brought to court. Attorney Londregan provided recommendations to amend the language should the commission would like to clarify it. It was his opinion that the property owner should be granted the permit for the Accessory Dwelling Unit. Mr. Deichmann asked how quickly the regulations can be changed to close the loophole and is concerned that the years of interpretation are not taken into consideration. Ms. Conway stated her disagreement with the Town Attorney's opinion that they should allow this. The commission also discussed clarifying language to prevent conversion of newly built garages by putting a timeline on the structure. Mr. Brynes stated they would do a regulation amendment to correct all instances in the regulations to gross floor area to have a consistent definition. Ms. Conway expressed that this application should not be allowed to move forward based on the precedent of interpretation.

Mr. Ladwig referenced the Town Attorney's opinion and that total area is not ambiguous and the regulations are to be taken as written, not as intended. It is the actual word of the regulations that is to be held up in court. Mr. Deichmann expressed his agreement with Mr. Ladwig's interpretation and stated that they must move the regulation amendment forward quickly. The commission clarified this change to clarify that cellars do not count towards gross floor area, but allow basements areas do.

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

Ms. Conway expressed that regulation amendments over the past few years have been rushed. Mr. Brynes expressed the older language is more difficult and that a comprehensive rewrite has been needed.

**PZ2002SD & CAM Michael Norcia, Jr. (G. Fedus) – Request 90-day extension for filing of final subdivision plans.**

Mr. Brynes explained the request, noting that the pandemic has contributed to the delay in getting final paperwork.

## Special Meeting

Fred Deichmann motioned to approve the request, seconded by Ben Philbrick, all in favor 5-0, motion approved.

**Old Business:**

**PZ2016SPA Stonington Country Club (P. Gardner)** – Site Plan application for construction of a 2-story, 60' x 24' structure for use as a driving range (actual and simulation). Property located at 396 Taugwonk Rd., Stonington. Assessors Map 69, Block 1, Lot 3. Zone GBR-130.

Mr. Brynes presented the application. They are proposing a roofed, partially enclosed structure for the driving range to allow for play in the rain and a lower level with virtual play. The application follows regulations and Mr. Brynes reviewed the proposed stipulation.

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

**Stipulation:**

1. Final plans shall be reviewed to the satisfaction of the Town Engineer regarding 8/26/20 comments.

**Public Hearing:**

**PZ2013SD & GPP Jane L. Howard, Trustee (JP Mereen)** - Re-subdivision and Groundwater Protection Permit applications for a 4-lot Open Space Development. Lots 1 & 2 are developed, Lot 3 is undeveloped, and Lot 4 is the proposed open space. Property located at 152 South Anguilla Rd., Pawcatuck. Assessors Map 37, Block 1, Lot 8. Zones RR-80 & GBR-130.

John Paul Mereen presented the application. The applicant is proposing an open space development for two existing structures on the lot which will give them each their own lot, an additional lot will be available for development and the last lot will remain as open space. Mr. Deichmann asked about the Conservation Commission's review of the application. Mr. Brynes said they have not met, but feels the application is in line with their priorities and goals. There will be approximately 7 acres of open space created. The commission discussed continuing the application to get more information on the ownership of the open space.

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

**PZ2015RA Town of Stonington PZC** – Zoning Regulation Amendment to modify various sections of the regulations to require a Special Use Permit for construction of retaining walls over 7 feet tall within building setbacks.

Mr. Brynes presented the application. The amendment would require a special use permit for retaining walls over seven feet tall within building setbacks. The town has not been allowing retaining walls over three feet tall in setbacks. There is a gray area in the regulations for interpretation and has caused some negative impacts. The special use permit process will allow for public input and oversight. Over three feet will require a zoning permit. The building code covers health and safety issues. The Town Engineer recommended bringing the definitions in line with the building code for consistency. Mr. Sheehan stated that for zoning purposes, they should base their calculations off what is visible. Ms. Conway asked for clarification on the measurement and threshold.

## Special Meeting

## Public Comment:

Carlene Donnarummo stated that she feels the threshold should be lower especially if it is for privacy. She feels a wall is more significant than a fence and should not be compared to that.

Mr. Brynes stated the 7-foot requirement can be lowered should the commission wish to. He reviewed the POCD and comprehensive plan. Mr. Sheehan stated if they are measured exposed face, five feet would be a more reasonable height.

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

Mr. Deichmann stated that they should just use three feet to avoid routine approvals. Mr. Sheehan expressed that the lowest threshold he sees as reasonable is four feet, otherwise there will be a significant increase in staff time and applications. Ms. Conway stated she would be in favor of a four-foot height. Mr. Brynes discussed rewriting the regulation due to such a small difference in the threshold.

Mr. Deichmann moved to reopen the public hearing, seconded by Ms. Conway, all in favor 5-0, motion approved.

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

Mr. Philbrick moved to adjourn, seconded by Mr. Deichmann, all in favor 5-0, the meeting adjourned at 8:22pm.

  
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Ben Philbrick, Secretary