



Town of
North Stonington, CT

PLANNING & ZONING COMMISSION

REGULAR MEETING

THURSDAY, JANUARY 11, 2024 - 7:00pm

**North Stonington Education Center
298 Norwich-Westerly Road
North Stonington, CT 06359**

MINUTES

1. CALL MEETING TO ORDER: Chairman Ed Learned called the Regular Meeting of the North Stonington Planning & Zoning Commission to order on Thursday, January 11, 2024, at 7:03 p.m.

COMMISSIONERS PRESENT: Ed Learned, Chairman, Pat Lewis, Vice Chair, Mark Leonard, Secretary, Wayne Wilkinson, John Gaccione and Alternate Members Mark Perkins, Joseph Cherenzia and Ben Buehler

COMMISSIONERS ABSENT: None

STAFF PRESENT: Planning, Development & Zoning Official, Susan Cullen, Administrative Assistant Cheryl Konsavitch, SCOOG Interim Planner Nicole Haggerty and Atty. Jeffrey Londregan

2. PLEDGE OF ALLEGIANCE

3. ADDITIONS TO THE AGENDA: None

4. PUBLIC COMMENT:

Judy Main asked the Commission to consider Zoom meetings.

5. COMMISSION REVIEW:

Commission approval for gasoline station location approval of approved **SPP #18-106 (Special Permit)** Application of Peter C. Gardner, P.O. Box 335, Gales Ferry, CT 06335 for property owned by Jannat LLC, for property located at 76 Norwich-Westerly Road, N. Stonington CT 06359 to construct a Convenience Store/Gas Station in an EDD/WSPO Zone. Tax Map #122, Lot #4863

M. Leonard read the application into the record.

Seated: E. Learned, P. Lewis, M. Leonard, W. Wilkinson, J. Gaccione

Atty. John Casey went over the request and states that his firm represents Jannat, LLC in connection with its convenience store and gasoline service station at 76 Norwich-Westerly Road. Atty. Casey stated that on April 11, 2019, the Commission approved a special permit and site plan for the development, which has been constructed and opened for business. The approval was the subject of litigation that has been withdrawn. Connected with the withdrawal of that litigation, counsel for the Commission wrote to the State of Connecticut Department of

Consumer Protection on November 1, 2023, regarding the issue of a certificate of location approval pursuant to General Statutes 14-321.

Atty. Casey stated that because this Commission has already approved a special permit and site plan for this project, he believes the question of whether this is an appropriate location for the sale of gasoline has been definitively answered in the affirmative. Atty. Casey stated that nonetheless, we are required by statute to obtain a separate approval from this Commission under CGS 14-321.

Atty. Casey stated that the Commission held a public hearing that was continued over two meetings, and that a great deal of information was received regarding this site, and ultimately approvals were granted under the Town's Zoning Regulations, we feel that you can grant this approval without a further public hearing, since one is not required by statute.

MOTION by M. Leonard, SECOND by J. Gaccione approve the Certificate of Approval request pursuant to C.G.S. 14-321 for the sale of gasoline at 76 Norwich-Westerly Road, North Stonington, CT 06359 in the EDD/WSPO Zone. Tax Map #122, Lot #4863. MOTION CARRIED UNANIMOUSLY

6. PUBLIC HEARING:

TX AM #23-060 (Text Amendment) Application of Fated Farmer, LLC, 100 Royall Street, Canton, MA 02021 for an amendment of Sections 502 & 602.2 & addition of new Section 1024 & new definitions under Chapter 16 for "farm distillery" & "distilled spirits". *(PH opened on 10/12/23 & continued to 12/14/23 & 01/11/24; 56 day extension granted from 11/16/23 & PH must close on or by 01/11/24)*

E. Learned recused himself and left the room.

M. Leonard read the application into the record.

Seated: P. Lewis, J. Gaccione, W. Wilkinson, J. Cherenzia seated for E. Learned, B. Buchler

Atty. William Sweeney was present representing the applicant Fated Farmer, LLC along with JC Tetreault of Trillium.

P. Lewis read the names of people who submitted letters in support of this text amendment.

Vilma Gregoropoulos (submitted letter with possible text amendment changes)

William Ricker

Mary Ann Ricker

Peggy Merck

Brad Leone

Jamie Towle-Weicksel

Matt Broneill

Megan Broneill

Sara Stark

Michael Stark

Toula Balestracci

Travis Comeau

Michael Connery

Merrily Connery

Chris Nelson

Chet Stefanowicz

Sara Stark
Michael Stark

P. Lewis read the names of people who submitted letters against this text amendment.

Belinda Learned
Ben Learned

Atty. Sweeney went over the proposed possible further revisions of the text amendment.

P. Lewis asked if there were any questions or comments from the public pertaining to this application. The following people spoke:

Connie Berardi – Pinewoods Road
Belinda Learned - Pinewoods Road & East Clarks Falls Road
Vilma Gregoropoulos – Wyassup Lake Road

Atty. Mark Kepple who spoke against the text amendment submitted the following exhibits: (Exhibit E) Memorandum of Law in support of the Validity of the Protest Petition, (Exhibit F) Section 2200 of the North Stonington Zoning Regulations Amendments and Effective Date, (Exhibit G) Chapter 13 – Permits by Commission of the North Stonington Zoning Regulations, (Exhibit H) 11.4.4 Decision Considerations Ledyard Zoning Regulations, (Exhibit I) 4:2 Vote required; protest petitions from Conn. Prac., Land Use Law & Prac., (Exhibit J) E-mail from Wm. Sweeney to R. Avena on extension of time for public hearing, (Exhibit K) Trillium Farm website newsletter.

Atty. Sweeney rebutted some of Atty. Kepple's remarks or comments made during the presentation and summarized his proposal of the text amendment.

Atty. Kepple asked for a point of order on case law regarding text amendments on protest petitions. Atty. Londregan stated his position on protest petitions, which is also part of the record and stated the petition submitted is not valid as it only contains signatures of property owners in an area surrounding 66 East Clarks Falls Road.

P. Lewis asked if the Commission had anymore questions or comments pertaining to the text amendment. There were none.

MOTION by P. Lewis, SECOND by J. Gaccione to close the Public Hearing on TX AM #23-060. MOTION CARRIED UNANIMOUSLY

E. Learned returned to the room at 9:42 p.m.

7. PENDING APPLICATIONS:

A. RE-SUB #23-067 (8-30g Re- Subdivision) Application of Dieter & Gardner, Inc., PO Box 335, Gales Ferry, CT 06335 for an Affordable Housing Application per CT Gen. Stats. 8-30g for a 6-lot re-subdivision (**4 new lots, 2 existing**) of land on property located at 156 & 158 Norwich-Westerly Road in an R-40 Zone. Tax Map #116/117, Parcel #0929/9748

M. Leonard read the application into the record.

Seated: E. Learned, M. Leonard, W. Wilkinson

MOTION by M. Leonard, SECOND by W. Wilkison to Approve RE-SUB #23-067 (8-30g Re- Subdivision) Application of Dieter & Gardner, Inc., PO Box 335, Gales Ferry, CT 06335 for an Affordable Housing Application per CT Gen. Stats. 8-30g for a 6-lot re-subdivision (4 new lots, 2 existing) of land on property located at 156 & 158 Norwich-Westerly Road in an R-40 Zone. Tax Map #116/117, Parcel #0929/9748

The following conditions are necessary to protect substantial public interests in health and safety; these conditions are reasonable changes necessary to protect the development and the need for affordable housing and that the need for these conditions clearly outweighs the need for affordable housing as each condition will protect substantial public interests in health and safety.

1. Individual site development plans for each lot shall be submitted prior to issuance of zoning permits, and as-built plans for each lot shall be submitted to the Zoning Enforcement Officer prior to issuance of the final Certificate of Zoning Compliance.
2. Prior to issuance of permits for individual lot development, a licensed land surveyor must certify in writing that all monumentation depicted on the plan has been set.
3. The affordability plan and other legal documents, including the Joint Driveway Easement and Maintenance Agreement, Grant of Access Easement, the Grant of Conservation Easement, and any other documents reasonably required by the PZC Attorney, shall be reviewed by and subject to the approval of the Town Attorney. Prior to the initial or subsequent resale of either affordable housing unit, the affordability plan must be reviewed and approved by the Town Attorney.
4. Prior to the initial sale of any housing unit, the Affordability Plan, the Joint Driveway Easement and Maintenance Agreement, Grant of Access Easement, and the Grant of Conservation Easement shall be recorded on the Town of North Stonington land records.
5. The erosion and sedimentation control plan and work associated with driveway construction entrance and paving depicted in the application plans shall be bonded in an amount satisfactory to the zoning enforcement officer, and with bond documents to the satisfaction of the Town Attorney.
6. Sight lines shall be permanently maintained by owners of subject lots.
7. Per the Driveway Application: "For the health, safety and welfare of the public, driveways shall be accessible to emergency vehicles, cleared of all obstructions to a minimum width of twenty-two (22) feet and a minimum height of fourteen (14) feet." Visitor parking along individual and/or common driveways shall not interfere with or prevent emergency access.
8. Submission of a Stormwater Management Report.

MOTION CARRIED UNANIMOUSLY

B. TX AM #23-060 (Text Amendment) Application of Fated Farmer, LLC, 100 Royall Street, Canton, MA 02021 for an amendment of Sections 502 & 602.2 & addition of new Section 1024 & new definitions under Chapter 16 for "farm distillery" & "distilled spirits". **(NO ACTION NEEDED)**

8. PLANNING ISSUES & DISCUSSION:

Motion to appoint Susan Cullen as Official ZEO

**MOTION by J. Gaccione, SECOND by M. Leonard to appoint Susan Cullen as the Official ZEO.
MOTION CARRIED UNANIMOUSLY**

9. SENIOR PLANNER & ZONING OFFICIAL'S REPORTS/ISSUES: None

10. NEW APPLICATIONS:

ZC #23-091 (*Zone Change*) Application of Damion Barrett, 153 Stevens Avenue, Suite 8, Mount Vernon, NY 10550 to change the R-80 zoning district on property located at 226 Wintechog Hill Road (41.41 acres) to Resort Commercial. Tax Map #93, Parcel #6581. (*Commission to receive on 01/11/24 & set for PH on or by 03/16/24*)

The Commission set the Public Hearing on ZC #23-091 for February 8th.

11. OLD BUSINESS: None

12. NEW BUSINESS: None

13. REVIEW MINUTES:

Review minutes of Regular Meeting of 12/14/23 & Workshop Minutes of 01/04/24 – The minutes of 12/14/23 and 01/04/24 were accepted as written.

14. ADJOURNMENT:

MOTION by M. Leonard, SECOND by J. Gaccione to adjourn the meeting at 9:50 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Cheryl Konsavitch

Cheryl Konsavitch,
Administrative Assistant, Land Use Office