



Town of
North Stonington, CT

PLANNING & ZONING COMMISSION

REGULAR MEETING

THURSDAY, DECEMBER 10, 2020 - 7:00pm

VIA ZOOM

MINUTES APPROVED – JANUARY 7, 2021

1. **CALL MEETING TO ORDER:** Chairman Louis Steinbrecher called the Regular Meeting of the North Stonington Planning & Zoning Commission to order on Thursday, December 10, 2020 at 7:00 p.m.

COMMISSIONERS PRESENT: Louis Steinbrecher, Chairman, Wayne Wilkinson, Pat Lewis, Ed Learned and Robert Kappes (Alternate)

COMMISSIONERS ABSENT: Mark Leonard & Alternate Member Jennifer Pensa

STAFF PRESENT: Planning, Development & Zoning Official Juliet Hodge, Administrative Assistant Cheryl Konsavitch and Town Attorney Robert Avena

2. **ADDITIONS TO THE AGENDA:** None

3. **PUBLIC COMMENT:** None

4. **ADDITIONS TO THE AGENDA:** None

5. **COMMISSION REVIEW:**

MOD SPL #20-107 (Site Plan Modification) Application of Quinlan Enterprises, LLC, 152 Wheeler Rd., Stonington, CT 06378 for a site-plan modification for the construction of a Phase 2 warehouse building on property located at 75 Frontage Rd., in an EDD/WSPO Zone. Tax Map #122, Lot #7634 (**NO ACTION NEEDED**; Commission received on 12/03/20 & must act by 02/05/21)

6. **PLANNING ISSUES & DISCUSSION:**

A. Erick & Patty Taylor coming before the Commission to discuss recent complaints possible need for excavation permit.

Atty. Rob Avena stated he would like to introduce the topic of a possible excavation permit. Atty. Avena stated that Atty. Chase is present this evening via zoom and had presented a letter back in September addressing the issue of the Taylors restoring their land back to farmland.

Atty. Jon Chase representing Erick & Patty Taylor was present along with the Taylor's via Zoom. Atty. Chase stated the Taylors are voluntarily before the Commission this evening due to a complaint by a neighbor. Atty. Chase gave a history of the property stating his clients have owned their farm property, a former proposed subdivision, since early 2019. Their business includes beef production and they are currently implementing a Farmland Restoration Project administered through the CT Department of Agriculture's Farmland Restoration Program. Atty. Chase referred to the map included in his letter that showed the different areas that remain to be cleared/restored, and the

phases in which that work will occur, and the areas that have been completed to date. Phase 2 is currently underway. Atty. Chase stated the property was in need of work to bring it back to an agricultural use, and stated that no material was leaving the site. Atty. Chase stated they that following a harvest of trees last year, work has been ongoing to clear the land of surface rocks and stumps in preparation for fertilizing and seeding. He stated that the soils are predominantly well drained. Atty. Chase stated that mature trees have been retained as shade for livestock as well as future saw logs. Atty. Chase stated the Taylor's are following best management practices.

J. Hodge stated she had received four complaints from abutting neighbors.

Atty. Avena stated he had a couple of concerns which need to be addressed. He felt at the very least a land disturbance permit was needed per the regulations as well as an Erosion & Sediment Control Plan given the area of land being disturbed and the presence of wetlands. Atty. Avena stated that despite the State approved restoration plan, Towns have the right to enforce their own regulations and they need to make sure the activity is regulated.

Atty. Chase addressed Atty. Avena's comments and stated he would refer to the Commission if a permit is needed. Atty. Chase stated farms all around are doing what the Taylor's are doing and the activity is a legally non-conforming use of right. Atty. Chase stated he feels his clients to not need any permits.

Atty. Chase stated that he feels his clients have been disadvantaged as they came here voluntarily to state what they are doing and if the recommendation is that a permit is needed, then he would like everything stricken from the record. Atty. Chase stated he would then like his clients to be given a chance to present in person.

J. Hodge stated there is a fine line between a land disturbance and an excavation permit. J. Hodge stated that she received information about there being trucks filled with rock leaving the site, and that such activity would trigger a possible excavation permit depending on the amount being removed.

Atty. Chase stated the Taylor's are not removing anything from the site, nothing is coming in or going out.

The Commission asked questions pertaining to the operation.

Atty. Chase stated the surface rocks are being moved and used on the property or stockpiled for future use, no sale of materials is taking place. He stated some of the rock was used for stone walls and some for the rock façade of the house. Atty. Chase stated a neighbor may have seen a truck leaving the site when the Taylor's were cutting the trees.

P. Lewis asked if a truck was needed to move materials.

Atty. Chase stated Mr. Taylor uses the excavator to load the dump truck so he can haul several rocks at a time.

J. Hodge stated she has heard enough information to make a decision on whether a permit is needed or not.

B. FY 2021-22 Budget Discussion

J. Hodge went over the proposed budget line items and stated she would like to use the remaining funds in the consulting line item to pay the Wetlands Enforcement Officer for a trial run in a possible expansion of duties that would include site inspections related to new and ongoing zoning enforcement matters. J. Hodge offered a reduction in the Travel line item and training line item as COVID may still be a factor in her ability to go to in-person events and conferences. She also stated that she is going to propose a slight increase in the building fees at the next Town Meeting and pointed to the positive impact the recent increase in Land Use fees had on the budget. Chairman Steinbrecher said he would like to keep the budget as presented.

MOTION by R. Kappes, SECOND by W. Wilkinson to approve the budget as presented. MOTION CARRIED UNANIMOUSLY

C. 421L Wyassup Road

J. Hodge stated she went over the new house plans and she stated the plans before her looks like exactly what was denied with respect to Cubicle Content. She stated that the ZBA denied the increase in Cubicle Content, with the exception that the new wall heights could be brought up to code. They had been 6ft or lower in some spots in the old cabin. J. Hodge stated that the structure is still close to the maximum height allowed in that Zone, and that height corresponded to the maximum stories which was 2.5. This new house can only be a 1 story house. They are being permitted to increase the basement area as it is, and she therefore felt the addition of cathedral ceilings which also leave the possibility of a future loft were not in keeping with the ZBA denial – even if no loft was ever built. The definition of cubicle content includes the entire area between the walls and ceiling etc. That space is counted. J. Hodge stated she spoke with the architect who designed the house and he could put trusses in so a loft could not be built in the future, but that still does not solve the cathedral ceiling issue. L. Steinbrecher stated that ZBA allowed them to bring the walls to code, but not to add more height than that. The Commission agreed that the application cannot be approved as it would go against the ZBA decision.

D. Gallup House: Possible Re-Use ideas

J. Hodge discussed some potential uses for the Gallup House and associated Carriage House with the Commission and discussion followed.

7. SENIOR PLANNER & ZONING OFFICIAL’S REPORT/ISSUES: None

8. NEW APPLICATIONS: None

9. OLD BUSINESS: None

10. NEW BUSINESS: None

11. REVIEW MINUTES: Review minutes of Regular Meeting of 12/03/20. **MOTION by R. Kappes, SECOND by P. Lewis to amend the minutes pertaining to the discussion of Farming Definitions. MOTION CARRIED UNANIMOUSLY.**

12. ADJOURNMENT:

MOTION by R. Kappes, SECOND by P. Lewis to adjourn the meeting at 9:00 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Cheryl Konsavitch

Cheryl Konsavitch, Administrative Assistant
Land Use Office