



Town of  
**North Stonington, CT**

PLANNING & ZONING COMMISSION

**REGULAR MEETING**

**THURSDAY, APRIL 4, 2019 7:00 P.M.**

**New Town Hall  
Conference Room  
40 Main Street  
North Stonington, CT 06359**

**MINUTES APPROVED ~ APRIL 11, 2019**

**1. CALL MEETING TO ORDER:** Chairman Lou Steinbrecher called the Regular Meeting of the North Stonington Planning & Zoning Commission to order on Thursday, April 4, 2019 at 7:00 p.m. at the New Town Hall, Conference Room.

**COMMISSIONERS PRESENT:** Lou Steinbrecher, Chairman, Ann Brown, Vice-Chair, Joseph Siner, Secretary, Wayne Wilkinson, and Alternate Member Pat Lewis

**COMMISSIONERS ABSENT:** Connie Berardi and Alternate Member Rod Porter

**STAFF PRESENT:** Planning, Development & Zoning Official Juliet Hodge and Administrative Assistant Cheryl Konsavitch

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

**3. PUBLIC COMMENT:** None

**4. PUBLIC HEARING:**

**SPP #18-106 (*Special Permit*)** Application of Peter C. Gardner, P.O. Box 335, Gales Ferry, CT 06335 for property owned by Steven E. MacCormack, 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 (*PH opened on 02/07/19 & continued to 03/07/19 & 04/04/19, 29-day extension granted until 04/11/19; Commission received on 01/03/19; & PH must close on or by 04/11/19 unless another extension is granted (36 days left of extension time); Commission meets 04/04 & 04/11*)

Chairman Steinbrecher read the application into the record.

The following members were seated: L. Steinbrecher, A. Brown, J. Siner, W. Wilkinson, P. Lewis

Atty. William Sweeney, representing the company Jannat, LLC, whose principal is Mr. Ahmed Choudhry who was present this evening along with the applicant Mr. Peter Gardner.

Atty. Sweeney stated that his client is an independent, family owned business that operates a chain of gas stations/convenience stores in Connecticut and Rhode Island under the Bestway trade name. Atty. Sweeney apologized for not being at last month's meeting, but his client didn't expect any opposition to his application and Atty. Sweeney was only retained after last month's meeting.

Atty. Sweeney stated he is here tonight to make a rebuttal to the presentation that was made by applicant's opponent of the project at last month's meeting, and to reiterate his client's compliance with the zoning regulations. Atty. Sweeney stated that his client's opponent, PMG CO-OP LLC, a Virginia based company that also owns the Shell Gas Station on Route 2 in Stonington, hired an attorney and engineer to appear at last month's meeting to oppose this application and suggest the proposed use would pose a threat to the environment and therefore should be denied. Atty. Sweeney stated PMG is not concerned about the ground water aquifer, or the zoning regulations, they are instead attempting to use the zoning process to block their competition.

Atty. Sweeney stated that at last month's meeting, Atty. Chase submitted a copy of his presentation into the record that contained within it four alleged deficiencies with the application before the Commission. Atty. Sweeney stated that he would dispute the merits of that letter/presentation. Atty. Sweeney submitted for the record (Exhibit H) outlining the reasons he believes this application conforms to the regulations.

Mr. Peter Gardner went over the revised site plan which showed the additional containment systems, and answered questions from the Commission members. Mr. Choudhry also answered questions pertaining to the containment system for the diesel fuel pump area and stated that it meets and exceeds what is required.

Mr. Ian Cole, Professional Soil Scientist went over his Environmental Analysis for the proposed gas station and in his conclusion, he stated that the proposed layout made reasonable use of the buildable upland space on the property while maintaining the integrity of the receiving stream corridor. Mr. Cole stated that based on his review of the proposed activities and subject site plans, it was his professional opinion that the activities would not have a negative or adverse effect on the natural capacity of the wetlands or the functions and services they provide.

Atty. Sweeney continued his rebuttal and the Commission asked questions pertaining to the non-conforming lot, dimensional requirements, stormwater and oil-water separator maintenance plan, roof drainage & canopy, traffic pattern/flow and sightlines.

Mr. Gardner showed a rendering of the building and submitted the drawing for the record (Exhibit I). The Commission asked questions pertaining to the building and canopy height, diesel pump location and adequacy of travel lane widths near the pumps. Mr. Gardner revised the locations of the canopies to add room near the diesel pumps and added to the width of the canopy over the diesel pump.

J. Hodge went over CLA's engineering review and Mr. Gardner replied to the comments.

**The following people asked question or made comments pertaining to this application:**

Kyle Wilkinson

**Chairman Steinbrecher asked if there was anyone from the public speaking in favor of the application. The following people spoke:**

Kyle Wilkinson

Steve MacCormack

**Chairman Steinbrecher asked if there was anyone from the public speaking against the application. The following people spoke:**

Atty. Jon Chase representing PMG COOP, LLC  
Mr. Mark Temple of Lenard Engineering

The Commission asked questions pertaining to Atty. Chase and Mr. Temple's comments.

After a question pertaining to the actual ownership of the property, Atty. Sweeney stated he did not realize Mr. Choudhry purchased the property back in January, he thought it was under contract and submitted for the record (Exhibit J) a signed application with the owner Ahmed Choudhry signature.

Atty. Chase stated their position on why the public hearing should be kept open.

Atty. Sweeney asked that the public hearing be closed this evening.

The Commission asked questions pertaining to the application.

**MOTION by W. Wilkinson, SECOND by J. Siner to close the Public Hearing on SPP #18-106.  
MOTION CARRIED**

In Favor: L. Steinbrecher, J. Siner, W. Wilkinson  
Oppose: A. Brown  
P. Lewis

## **5. PENDING APPLICATION:**

**A. TX/AM #18-107 (*Text Amendment*)** Application of Edward C. Learned, 79A Pinewoods Rd., North Stonington, CT 06359 to (1) Revise Chapter 10 Supplemental Regulations 1001 Agriculture. Section 1001.3 Accessory Uses (Ag-tivities, Tourism, Retail). Specifically; Section 1001.3(C) Non-Agriculturally Related Uses & Section 1001.3(D) Farm-Brewery (SPL) to require a Special Use Permit & approval by the Commission. (2) Revise Chapter 5-Residential Zoning Districts Section 502 Permitted & Special Permit Uses; Agricultural Uses, specifically Agricultural 1001, subsection Section 1001.3 Accessory Uses (Ag-tivities, Tourism, Retail) (C) & (D) Farm Brewery to require a Special Use Permit review & approval by the Commission. *(PH opened on 02/14/19 & continued to & closed on 03/14/19; Commission received on 01/03/19 & Commission must act on or by 05/18/19)*

**B. SPP #18-106 (*Special Permit*)** Application of Peter C. Gardner, P.O. Box 335, Gales Ferry, CT 06335 for property owned by Steven E. MacCormack, 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

The Commission did not deliberate on either application.

## **6. PLANNING ISSUES & DISCUSSION:**

Wintechog Hill Project

J. Hodge stated that Milone and MacBroom will need \$4,500 to revise the existing renderings and site design based on the results/findings of the Pro-forma recently done by ECHO. J. Hodge asked how the Commission would like to proceed. The majority consensus was to proceed.

In Favor: L. Steinbrecher, J. Siner, W. Wilkinson  
Against: A. Brown, P. Lewis

**7. SENIOR PLANNER & ZONING OFFICIAL'S REPORT/ISSUES:**

ZEO Activity Report/March

J. Hodge went over her activity report with the Commission for the month of March.

**8. NEW APPLICATIONS:** None

**9. OLD BUSINESS:** None

**10. NEW BUSINESS:** None

**11. REVIEW MINUTES:**

Review minutes of Regular Meeting of 03/04/19 & amend approved minutes of 03/07/19

The Commission accepted the minutes of 03/04/19

**MOTION made by A. Brown, SECOND by W. Wilkinson to amend the approved minutes of 03/07/19, Item 6, Planning Issues & Discussion to change the reference made to Mr. DelGrosso's party affiliation from Democrat to Republican. MOTION CARRIED UNANIMOUSLY**

**12. ADJOURNMENT:**

**MOTION by A. Brown, SECOND by W. Wilkinson to adjourn the meeting at 9:25 p.m. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

*Cheryl Konsavitch*

Cheryl Konsavitch, Administrative Assistant  
Planning & Zoning Office