



Town of
North Stonington, CT

PLANNING & ZONING COMMISSION

REGULAR MEETING

THURSDAY, APRIL 11, 2019 7:00 P.M.

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

MINUTES APPROVED ~ MAY 2, 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 11, 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, Connie Berardi and Alternate Member Pat Lewis

COMMISSIONERS ABSENT: Alternate Member Rod Porter

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

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

3. **PUBLIC COMMENT:** None

MOTION by A. Brown, SECOND by W. Wilkinson to amend the agenda to review minutes. MOTION CARRIED UNANIMOUSLY

4. **REVIEW MINUTES:**

Review minutes of Regular Meeting of 04/04/19

The Commission accepted the minutes of 04/04/19

5. **PENDING APPLICATION:**

A. 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

Chairman Steinbrecher read the application into the record.

Seated: L. Steinbrecher, A. Brown, J. Siner, W. Wilkinson, C. Berardi

Atty. Rob Avena explained to the Commission what the Verified Pleading for Intervention Pursuant to Connecticut General Statutes 22a-19 actual meant and that the Commission needed to make a decision on whether or not to accept the Pleading and make Mr. Harold T. Ayers a party to the proceedings. Atty. Avena stated this was a formal pleading, and filed as a proper petition.

MOTION by A. Brown, SECOND by W. Wilkinson to accept the petition for Intervention and allow Harold T. Ayers to become a party to the proceedings. MOTION CARRIED UNANIMOUSLY.

MOTION by C. Berardi, SECOND by J. Siner to approve the application for discussion purposes.

Discussion on the motion ensued.

Atty. Avena went over Atty. Chase's memo submitted at the 03/07/19 Public Hearing, and the Commission deliberated and discussed whether or not the application met the criteria for being approved or denied. J. Hodge went over her memo pertaining to the conditions for this application.

The Commission asked questions pertaining to CLA's Engineering report.

Chairman Steinbrecher read the findings into the record.

FINDINGS

A. Application is in conformance with the Zoning Regulations. Site design requirements of Chapter 11 have been met. Parking requirements both design and number of spots, have been met. Outdoor lighting requirements including a lighting calculation plan, have been met. Ledge Light Health District has reviewed and signed off on the plan. Inland Wetlands Commission has reviewed and approved the plan. The site design is in accordance with the general character of the community.

The building site layout and proposed landscaping encourage energy efficiency and are designed for low impact development. Utilities will be under ground and the storm drainage design includes a maintenance plan and extensive landscaping within the detention/water quality basin. Landscape plan meets/exceeds the landscape design requirements called for in Section 1103.

B. The proposal will not cause traffic congestion and will not have a deleterious effect on the public. Site design is in accordance with Section 1104, number of parking spots and traffic flow pattern will not impact the public. State Department of Transportation regulates access to Connecticut Route 2, and an application has been submitted to the Department of Transportation.

C. Proposed uses and structure are appropriate and allowed in the Economic Development District. Uses will not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibration, appearance or other similar reasons. Proposed use: Gas Station with Convenience Store, is allowed in the Economic Development District. Site design/drainage systems and landscaping are in place to limit detrimental impact to the community.

D. There will be no adverse effect to the character of the district, property values of historic features of the immediate neighborhood. The character of the immediate neighborhood will be preserved in terms of scale, density, intensity of use and architectural design. The economic development district permits the proposed use, which will have no adverse impact to the immediate neighborhood and in fact is in conformance with the design requirements.

E. The design of the storm drainage system as well as the Storm Water Management Plan that is part of this submittal ensure that CGS 22a-19 is met.

F. The proposal is in accordance with the North Stonington Zoning requirements and the plan of Conservation and Development as stated in A-F above as shown on the site plan.

DECISION

The Commission finds that:

Special Permit criteria have been met as presented. The submission of any application for Special Permit approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of Section 1102.3 of these Regulations, and an acknowledgment that any approval of the Special Permit by the Commission will be made in reliance on that certification and that such approval is conditioned on continuing conformance with those standards, whether or not such condition is expressly stated on the record.

The Commission finds that:

1. the Special Permit Application is in conformance with the applicable provisions of these Regulations;
2. the applicant has demonstrated, in the sole discretion of the Commission, that the application as proposed satisfies the applicable Special Permit criteria in Section 1303.4 of these Regulations; and
3. the Special Permit Application is in harmony with the purposes and intent of these Regulations.

MOTION by C. Berardi, SECOND by W. Wilkinson to Approved Special Permit Application #18-106 with the following conditions:

1. Final Plans and Mylars shall have live signatures/seals
2. Stormwater management systems and Landscaping shall be maintained for the entire time the Special Permit is in effect.
3. Correct errors in first paragraph of Stormwater narrative (reference to Rte. 12 and statement that there is municipal water).
4. Remove reference to the "Town of Bozrah" and replace with the "Town of North Stonington" on Sheet 4, Note 7.
5. Provide details of the Oil/Water Separator on Sheet 4 of the Site Plan and provide copy of maintenance log to ZEO.
6. Prior to issuance of a Building Permit, DOT Encroachment Permit shall be in place and a letter from the Fire Marshall shall be put in the file stating that the plans comply with all applicable fire codes.
7. Final Plan shall show the new location of the Gas Canopy 4 feet to the North and the revised size of the Diesel Canopy as 24' x 24'.

MOTION CARRIED

In Favor: L. Steinbrecher, J. Siner, W. Wilkinson, C. Berardi

Opposed: A. Brown

MOTION by C. Berardi, SECOND by W. Wilkinson that the Commission finds upon deliberation and vote, that the application before the Commission does not involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water, or other natural resources of the State. MOTION CARRIED

In Favor: L. Steinbrecher, J. Siner, W. Wilkinson, C. Berardi
Opposed: A. Brown

B. 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, specifically 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(D) Farm Brewery to require a Special Use Permit review & approval by the Commission.**

Chairman Steinbrecher read the application into the record.

Seated: L. Steinbrecher, J. Siner, W. Wilkinson, C. Berardi, P. Lewis

The Commission deliberated on record.

MOTION by C. Berardi, SECOND by J. Siner to Deny 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, specifically 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(D) Farm Brewery to require a Special Use Permit review & approval by the Commission. MOTION CARRIED

In Favor: L. Steinbrecher, J. Siner, W. Wilkinson, C. Berardi
Opposed: P. Lewis

6. PLANNING ISSUES & DISCUSSION: None

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

8. NEW APPLICATIONS: None

9. OLD BUSINESS: None

10. NEW BUSINESS: None

11. ADJOURNMENT:

MOTION by C. Berardi, SECOND by W. Wilkinson to adjourn the meeting at 9:40 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Cheryl Konsavitch, Administrative Assistant
Planning & Zoning Office