



Town of
North Stonington, CT

PLANNING & ZONING COMMISSION

REGULAR MEETING

THURSDAY, FEBRUARY 6, 2020 - 7:00

**NEW TOWN HALL
CONFERENCE ROOM
40 MAIN STREET
NORTH STONINGTON, CT 06359**

MINUTES APPROVED ~ FEBRUARY 13, 2020

1. CALL MEETING TO ORDER: Chairman Steinbrecher called the Regular Meeting of the North Stonington Planning & Zoning Commission to order on Thursday, February 6, 2020 at 7:00p.m. at the New Town Hall, Conference Room.

COMMISSIONERS PRESENT: Louis Steinbrecher, Chairman, Wayne Wilkinson, Ed Learned, Mark Leonard & Alternate Members Pat Lewis & Robert Kappes (left at 9:40 p.m.)

COMMISSIONERS ABSENT:

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

2. ADDITIONS TO THE AGENDA:

3. PUBLIC COMMENT:

Ron Lewis & Carl Johnston came before the Commission regarding the Notice of Decision for 2 Wyassup Rd. for the condition (1) That A final certified A-2, As-built Plan shall be submitted upon completion of the deck. R. Lewis stated that the Commission or ZEO *may* allow a Plot Plan instead of a Class A-2 Survey Section 1201(D) of the regulations and talking to J. Hodge. J. Hodge explained that the language had been changed from “shall” to “may” with respect to the requirement for an A2 standard As-built, and that the Commission could allow plot plans in some cases if the Plot Plan was detailed enough to show conformance with applicable regulations.

Chairman Steinbrecher asked what the Commission needed to do to revise the Notice of Decision Conditions. J. Hodge stated the Commission is still requiring an As-built as noted in condition 1, just not to A-2 standards.

MOTION by R. Kappes, SECOND by M. Leonard to revise the Notice of Decision to read for condition 1 that A final Plot Plan As-built Plan shall be submitted upon completion of the deck instead of an A-2 Survey. MOTION CARRIED UNANIMOUSLY

R. Lewis discussed his business at 339 Norwich-Westerly Road stating he would be adding 8 ft. on each side of the existing farm stand to expand the produce area and to sell soft serve ice cream. R. Lewis stated that he would like to submit a plot plan instead of a site plan for the application. J. Hodge stated that when Mr. Lewis applied for the Zone Change from R40 to VC, the farm stand was still permitted under “agriculture.” Any changes to the use – i.e. selling ice cream – would constitute a change in Use from “Agricultural (Farm Stand)” to “Retail,” which would require site plan approval in the VC zone.

The Commission discussed, and with J. Hodge’s input, the Commission consensus was that a plot plan was acceptable for this application, but a site plan may be needed if the business expands further in the future.

4. WORKSHOP:

Kidds & Company requested a workshop to discuss possible re-zone & lot line adjustment.

Christine Hare & Richard Ponzo were present for this workshop.

Mr. Ponzo stated that Kidds & Company is a daycare located at 172 Providence-New London Turnpike on a 5ac parcel by the rotary. The Daycare shares the property with a house which is the front of the property.

J. Hodge gave some background on their request to re-zone to R40 and stated that their property and the abutting property are in the EDD Zone and those properties were zoned EDD based a certain distance from the rotary rather than being based on actual use. J. Hodge stated that the Commission did some housecleaning in all zones to eliminate the distance related zoning that usually resulted in lots being split between 2 different districts. The Zoning follows lot lines now. J. Hodge stated they did make changes to the daycare regulations which use to require 5 acres for a daycare, but now requires 3. J. Hodge stated this parcel can never be split because the EDD zone requires 5 acres per parcel.

C. Hare stated they would like to split the property because they would like to separate the two entities. Mr. Ponzo stated that no banks will finance or re-finance a mixed use and they have been waiting for an opportunity to split the business from the house and move forward to be able to refinance their very high interest mortgage and separate the tax bills. Mr. Ponzo stated they would like to subdivide and have two separate parcels which would enable them to have two separate mortgages.

J. Hodge stated this will work zoning wise, but the abutting property owner needs to be in agreement who she had a conversation with earlier in the day. J. Hodge went over the pros and cons of changing the zone stating that being able to market your property as potential commercial or mixed use might be considered a benefit to the neighbor should he decide to sell in the future. On the con side of the coin, if the daycare was to close and someone else bought the property they could put in a number of possible commercial uses which may not fit well next to the 2 existing.

5. NEW BUSINESS:

Perspective New Members

Ken Larsen, 382 Grindstone Hill Road, stated he has been a resident of the Town since 1989 and he is interested in preserving the rural character of North Stonington and promoting development only in designated areas. Mr. Larsen stated he is a registered republican but the Town Clerk's records show he is unaffiliated and Mr. Larsen would need to clarify that.

Jennifer Pensa, 11 Holly Lane, stated she is new to North Stonington and has lived here approximately 18 months. She has worked for more than 10 years in the banking industry specifically in oversight of risk, compliance, operations and facilities management. Ms. Pensa was active in town government in the town she lived in before and stated she understands the process and logic needed to participate on a Planning & Zoning Commission as they are similar to the skills she uses every day. Ms. Pensa is a registered Democrat.

Some Commission members asked questions pertaining to the process of appointing new members and Chairman Steinbrecher stated there is a full member opening for a Republican and an alternate seat for a Democrat. Chairman Steinbrecher stated that at this time he is only looking for Alternate Members. Chairman Steinbrecher stated that if anyone deserves the full time seat it would be Pat Lewis who is an alternate at this time.

MOTION by E. Learned, SECOND by R. Kappes to nominate P. Lewis to fill A. Brown's vacant seat as a regular member. MOTION CARRIED UNANIMOUSLY

P. Lewis is a regular member

MOTION by M. Leonard, SECOND by R. Kappes to nominate J. Pensa to fill the alternate seat. MOTION CARRIED UNANIMOUSLY

J. Pensa is an alternate member

6. PUBLIC HEARING:

TX AM #20-001 (Text Amendment) Application of the North Stonington Planning & Zoning Commission, 40 Main Street, North Stonington, CT 06359 to Add or Revise **Ch. 2- Interpretation:** 202(H) Specifically Prohibited Uses; **Ch. 3-General Provisions:** 305.3 (A) & (D) Non-conforming Lots; 305.5(C) Abandonment of Non-conforming Uses & Characteristics (typo only); 307.1 A Basis for Establishing the Special Flood Hazard Areas (SFHA); 312.8 (F) & (G)(6) Signs Requiring a Zoning Permit (Add dimensional requirements for signs in VC Zone); **Ch. 6-Commercial & Industrial Zoning Districts:** 602 Permitted Uses; 602.3 Commercial; 604.5 Mixed Use; **Ch. 7-Overlay Areas:** 703.3 Conditional Uses (WSPOA District); 703.3(D); 703.5; 703.11; **Ch. 10-Supplemental Regulations:** 1001.3(C) Non-agriculturally Related Uses; **Ch. 12-Permits by Staff:** 1201(D) Zoning Permits/Contents of Application; **Ch. 13-Permits by Commission:** 1303.4 (F) Special Permit Criteria; & **Ch. 16-Definitions:** Add/Revise: Agricultural Operation; Aircraft; Burial Ground; Cemetery; Gasoline Station; Graveyard; Restaurant; Use, Permitted by Right; Use, Specially Permitted.

Chairman Steinbrecher read the application into the record.

Seated: L. Steinbrecher, W. Wilkinson, P. Lewis, E. Learned, M. Leonard

J. Hodge went over the additions and revisions for the following: **Ch. 2- Interpretation:** 202(H) Specifically Prohibited Uses; **Ch. 3-General Provisions:** 305.3 (A) & (D) Non-conforming Lots; 305.5(C) Abandonment of Non-conforming Uses & Characteristics (typo only); 307.1 A Basis for Establishing the Special Flood Hazard Areas (SFHA); 312.8 (F) & (G)(6) Signs Requiring a Zoning Permit (Add dimensional requirements for signs in VC Zone); **Ch. 6-Commercial & Industrial Zoning Districts:** 602 Permitted Uses; 602.3 Commercial; 604.5 Mixed Use; **Ch. 7-Overlay Areas:** 703.3 Conditional Uses (WSPOA District); 703.3(D); 703.5; 703.11; **Ch. 10-Supplemental Regulations:** **Ch. 12-Permits by Staff:** 1201(D) Zoning Permits/Contents of Application; **Ch. 13-Permits by Commission:** 1303.4 (F) Special Permit Criteria; & **Ch. 16-Definitions:** Add/Revise: Aircraft; Burial Ground; Cemetery; Gasoline Station; Graveyard; Restaurant; Use, Permitted by Right; Use, Specially Permitted

The Commission discussed the Supplemental Regulations: 1001.3(C) Non-agriculturally Related Uses; for small event barns and event barns and discussed the maximum number of guests. Number of guests, including support staff would not exceed 50 for a small event barn per day and 150 for a large event barn (no per/day restriction).

The Commission discussed the Agricultural Operation definition and could not agree on wording and decided to exclude this from the text amendment to be able to have further discussion.

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

Ken Larsen – 382 Grindstone Hill Rd.
Joseph Dibrino – 313 Grindstone Hill Rd.
Daniel Lowney, 56 Fowler Rd
Ron Lewis – 8C Reutemann Rd.

Nita Kincaid – 51 Babcock Rd.
Brian Rathbun – 263 Grindstone Hill Rd.
Carl Johnston – 8B Reutemann Rd.
Gary Amnino – 91 Main St.

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

Wanda Breidinger – 125 Fowler Rd.
Carl Johnston – 8B Reutemann Rd.

Joseph Dibrino – 313 Grindstone Hill Rd.
Ron Lewis – 8C Reutemann Rd.

Chairman Steinbrecher asked if there were anyone from the public speaking against this application. There were none.

MOTION by M. Leonard, SECOND by W. Wilkinson to close the Public Hearing on TX AM #20-001. MOTION CARRIED UNANIMOUSLY.

7. PENDING APPLICATIONS:

TX AM #20-001 (Text Amendment) Application of the North Stonington Planning & Zoning Commission, 40 Main Street, North Stonington, CT 06359 to Add or Revise **Ch. 2- Interpretation:** 202(H) Specifically Prohibited Uses; **Ch. 3-General Provisions:** 305.3 (A) & (D) Non-conforming Lots; 305.5(C) Abandonment of Non-conforming Uses & Characteristics (typo only); 307.1 A Basis for Establishing the Special Flood Hazard Areas (SFHA); 312.8 (F) & (G)(6) Signs Requiring a Zoning Permit (Add dimensional requirements for signs in VC Zone); **Ch. 6-Commercial & Industrial Zoning Districts:** 602 Permitted Uses; 602.3 Commercial; 604.5 Mixed Use; **Ch. 7-Overlay Areas:** 703.3 Conditional Uses (WSPOA District); 703.3(D); 703.5; 703.11; **Ch. 10-Supplemental Regulations:** 1001.3(C) Non-agriculturally Related Uses; **Ch. 12-Permits by Staff:** 1201(D) Zoning Permits/Contents of Application; **Ch. 13-Permits by Commission:** 1303.4 (F) Special Permit Criteria; & **Ch. 16-Definitions:** Add/Revise: Agricultural Operation; Aircraft; Burial Ground; Cemetery; Gasoline Station; Graveyard; Restaurant; Use, Permitted by Right; Use, Specially Permitted

MOTION by M. Leonard, SECOND by E. Learned to approve TX AM #20-001 Application of the North Stonington Planning & Zoning Commission, 40 Main Street, North Stonington, CT 06359 to Add or Revise Ch. 2- Interpretation: 202(H) Specifically Prohibited Uses; Ch. 3-General Provisions: 305.3 (A) & (D) Non-conforming Lots; 305.5(C) Abandonment of Non-conforming Uses & Characteristics (typo only); 307.1 A Basis for Establishing the Special Flood Hazard Areas (SFHA); 312.8 (F) & (G)(6) Signs Requiring a Zoning Permit (Add dimensional requirements for signs in VC Zone); Ch. 6-Commercial & Industrial Zoning Districts: 602 Permitted Uses; 602.3 Commercial; 604.5 Mixed Use; Ch. 7-Overlay Areas: 703.3 Conditional Uses (WSPOA District); 703.3(D); 703.5; 703.11; Ch. 10-Supplemental Regulations: 1001.3(C) Non-agriculturally Related Uses; Ch. 12-Permits by Staff: 1201(D) Zoning Permits/Contents of Application; Ch. 13-Permits by Commission: 1303.4 (F) Special Permit Criteria; & Ch. 16-Definitions: Add/Revise: Aircraft; Burial Ground; Cemetery; Gasoline Station; Graveyard; Restaurant; Use, Permitted by Right; Use, Specially Permitted with the following edits to small event barn that the maximum number of guests not to exceed 50 per day including support staff and large event barn maximum number of guests not to exceed 150 including support staff and excluding the definition of Agricultural Operation, EFFECTIVE THE DAY AFTER PUBLICATION. MOTION CARRIED UNANIMOUSLY

8. PLANNING ISSUES & DISCUSSION:

A. Possible Proposed Event Barn Conditions Modification for Approved **SPP #19-066 (Special Permit/Site-Plan)** Application of Michael & Wanda Breidinger, 125 Fowler Road, North Stonington, CT 06359 for an approved Event Barn as accessory to an existing agricultural use on property located at 125 Fowler Road in an R-80 Zone. Tax Map #71, Lot #8047

J. Hodge stated that when she was preparing the materials for the 8-24 review and hearing related to altering a scenic road, per conditions of the Breidinger's special permit approval, she noticed discrepancies on the town tax and GIS maps and other maps and realized there might be an issue. After days of research, J. Hodge stated that as of 1976, the portion of Fowler Road which the Breidinger's driveway is located was not recognized as a town road, and is not shown on the town road map that is updated each year for the State. J. Hodge stated that after looking through more than 1,400 pages of Town Meeting and BOS meeting minutes and reviewing both historic and other maps on file, she determined that the scenic road ends at the cul-de-sac at the top of Fowler Rd. before it turns to the west toward the State Forest. J. Hodge stated because that portion is not part of the scenic road, the condition that they come before the Commission cannot be applied because it is now irrelevant.

J. Hodge stated she then further researched when and how the road came to be abandoned. J. Hodge stated that in 1868 it was considered a "highway" though dirt and unmaintained by the Town. It was never at any point maintained by the Town. The Selectman voted in the 80's to abandon all the unmaintained, unaccepted dirt roads in Town, but it never went to town meeting. J. Hodge stated the intent was to abandon them, and with the support of legal opinions given at the time, the Town did effectively discontinue them because they came off all the Town Road maps. J. Hodge stated that when looking at the Leach subdivision map she wondered how the bump out even existed because all the other maps shows a straight property line leading across the Burbine and Beidinger

properties. There appeared to be a measurement error on the Burbine survey, so in reality, J. Hodge stated there could be a valid argument that the bump out actually doesn't exist.

The Commission discussed and asked questions and some Commission members asked for an Attorney letter or to have the Town Attorney present at the Commission's next meeting to discuss revising the conditions of approval.

D. Lowney submitted correspondence pertaining items to consider before modifying the conditions of the Special Permit.

B. Commission Training

J. Hodge distributed handouts to the Commission for their review and discussed training opportunities for the Commission members to attend.

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

ZEO Activity Report/January

J. Hodge will go over her activity report at the Commission's 02/13/20 meeting.

10. NEW APPLICATIONS: None

11. OLD BUSINESS: None

12. NEW BUSINESS: None

13. REVIEW MINUTES:

Review minutes of Regular Meeting of 01/02/20

The minutes of 01/02/20 were accepted as submitted.

14. ADJOURNMENT:

MOTION by E. Learned, SECOND by W. Wilkinson to adjourn the meeting at 10:00 p.m. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted,

Cheryl Konsavitch

Cheryl Konsavitch, Administrative Assistant
Land Use Office