

Preston Planning & Zoning Commission  
Regular Meeting  
Tuesday, June 28, 2022  
Preston Plains Middle School Cafeteria

**Call to Order** - Art Moran, Jr. called the meeting to order at 7:01 P.M.

**1. Roll Call**

**Members**

**Alternates**

Art Moran, Jr. - Chairman

Nate Koniecko - absent

Richard Chalifoux - V. Chairman - excused

Fred Eddy - excused

Doreen Rankin - Secretary

Terri Eickel - seated for DRichard Chalifoux

Denise Beale

Charles Raymond

Mike Sinko

Zach Turner

***Also Present***

31 members of the public

**2. Approval of Minutes**

**a. Regular Meeting Minutes May 24, 2022**

***Charles Raymond motioned to approve the Regular Meeting Minutes of May 24, 2022 as presented. Denise Beale seconded the motion. Doreen Rankin, Denise Beale, Charles Raymond, Zach, Tarner, Mike Sinko, and Terri Eickel voted in favor of the motion; and Art Moran abstained.***

**3. Correspondence**

- **Zoning Permit Application #2022-02**, Matthew & Jamie Gauthier, Applicant/Owners for property located at 12 North Shore Road; Short Term Rental.
- **Zoning Permit Application #2022-02**, Briana Cabral, Applicant/Ownerfor property located at 260 Route 2; Short Term Rental.
- **Zoning Permit Application #2022-02**, Matthew & Jamie Gauthier, Applicant/Owners for property located at 12 North Shore Road; Short Term Rental.
- June 2, 2022 - Letter: Pat Lewis, Planning & Zoning Secretary of North Stonington to Jill Keith, Town Clerk, Town of Preston regarding proposed Regulation Text Change on Cannabis.

- June 7, 2022 - Letter: Jackie Andersen of Halco Energy LLC to the Planning & Zoning Commission requesting the release of \$10,000 bond for Site Plan 2017-02 and property located at 113 Route 2; Installation of fueling terminal.
- April 10, 2022 - Zoning Bulletin
- April 25, 2022 - Zoning Bulletin
- May 10, 2022 - Zoning Bulletin

#### 4. Public Hearing - None

#### 5. Old Business

##### Site Plan

- a. **Site Plan Application #2021-02**, Blue Camp CT, LLC, Applicant and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 “Vacation Resorts” which includes recreational campgrounds in accordance with Section 18.11.

This would be discussed during the Executive Session.

##### Zoning Permit

- a. **Zoning Application #2022-01**, Emmanuel Ku, 30 Spicer Road, LLC, Applicant/Owner for property located at 30 Spicer Road; Short Term Rental.

Kathy Warzecha, Town Planner, stated that this Application was briefly discussed at the last meeting. At that time the Applicant did not have receipts for neighbor notification. The property in question is located on Spicer Road on 10.6 acres. The residence has 1,604 square feet with 2 bedrooms, 1 bathroom, and 2 sleeping nooks in a sitting room area on the second floor which has 2 twin beds as well as a sleeper sofa. The property has parking for 6 vehicles. The trash and recycle area has been provided, however it should be enclosed because it’s visible from the road. The property has an on-site well and septic. The water test has been reviewed by Uncas Health District and is acceptable. In addition, the septic system is adequate to serve the short-term rental. There are no concerns noted by the Public Works Manager or the Fire Chief. The applicant has provided the notarized “Short Term Rental Agreement”.

Both the Building Inspector and Town Planner have inspected the property and recommend that the application be approved with the following conditions:

1. Enclose the trash/recycling area
2. Address the Building Inspector’s comments prior to the issuance of a final zoning compliance.
3. Provide 24-hour contact person.

It was asked what issues did the Building Inspector make. The Commission was told GFI outlets near sinks were needed and the second floor railing needs to be higher; simple fixes.

***Mike Sinko motioned to approve Zoning Application #2022-01, Emmanuel Ku, 30 Spicer Road, LLC, Applicant/Owner for property located at 30 Spicer Road; Short Term Rental, provided the trash/recycle area is enclosed; all Building Inspector issues are fixed; and the information for the 24-hour contact person be provided. Denise Beale seconded the motion. The motion was carried unanimously.***

## **6. New Business**

- a. **Zoning Permit Application #2022-02**, Matthew & Jamie Gauthier, Applicant/Owners for property located at 12 North Shore Road; Short Term Rental.

Kathy Warzecha shared that this is a legal non-comforming lot with a private right away on North Shore Road. The property contains about 36,000 square feet, and is zoned R-60. In 2019 the applicants added an accessory apartment for a family member who decided to live elsewhere. They would like to use the 854 square foot apartment as a short term rental. The apartment located above the garage has 1 bedroom and a sofa bed. There is adequate parking on the property.

Uncas Health District has reviewed both the septic and the water test results and indicated the Short-Term Rental meets the Connecticut Public Health Code. Both the Building Inspector and Town Planner have inspected the property and noted no issues with the recently built apartment.

It is recommended that the application be approved with the condition that a 24-hour contact be provided to the ZEO prior to the issuance of a final zoning compliance for the project.

***Denise Beale motioned to approve Zoning Permit Application #2022-02, Matthew & Jamie Gauthier, Applicant/Owners for property located at 12 North Shore Road; Short Term Rental, provided 24-hour contact information is given to Preston's ZEO. Charles Raymond seconded the motion. The motion was carried unanimously.***

- b. **Zoning Permit Application #2022-02**, Briana Cabral, Applicant/Owner for property located at 260 Route 2; Short Term Rental.

Kathy Warzecha recommended that this application be tabled because of several unresolved issues, such as they list 5 bedrooms and the assessor has 3 bedrooms listed.

***Mike Sinko motioned to table Zoning Permit Application #2022-02, Briana Cabral, Applicant/Owner for property located at 260 Route 2; Short Term Rental. Terri Eickel seconded the motion. The motion was carried unanimously.***

- c. **Zoning Permit Application #2022-04**, Paul & Mary Smith, Applicant/Owners for property located at 32 Krug Road; Short Term Rental.

Kathy Warzecha stated that the home is on a legal non-conforming lot established in 1974. It is zoned R-60 and has 6 acres. There's a large pond, open field, and wooded area. The property has a private well and septic system. The property does own a right away over Lots 5 and 6 written in the deed.

Uncas Health District has reviewed both the septic and the water test results and indicated the Short-Term Rental meets the Connecticut Public Health Code. Also, there is more than adequate parking on the site.

Both the Building Inspector and Town Planner have inspected the property and noted several minor building and safety issues that will need to be addressed prior to the issuance of a final zoning permit. No concerns were received from the Fire Marshall and the Public Works Manager.

At this point Attorney Amanda Sisley, Block, Janney, & Sisley LLC spoke on behalf of the applicant Mary Smith who was in attendance. Attorney provided receipts, proof of abutters notification. She then stated that the family had outgrown the property and had purchased a suitable size property outside of town. They wish to rent the property as a Short Term Rental so they aren't carrying the financial burden of two mortgages. It was further stated that Mr. St. Germain had entered into an agreement of purchasing the property and that the purchase is tied up in a legal dispute at this time. And that his 9 page document that was received just this afternoon is just a ploy to further disrupt the sale of the property. The property owner would like to proceed with this application and acknowledge the recommendation of the Building Inspector and Town Planner that will need to be met.

Kathy Warzecha stated that because of the lateness of the 9 page submission from Edwin C. St, Germain and Andrew Rabon she has not had time to review all parts and that several Commission members also haven't had time to review the information; she suggested that the application be tabled until the July meeting.

***Charles Raymond motioned to table Zoning Permit Application #2022-04, Paul & Mary Smith, Applicant/Owners for property located at 32 Krug Road; Short Term Rental until the July meeting. Denise Beale seconded the motion. The motion was carried unanimously.***

## 7. Other Matters

- a. Jackie Andersen of Halco Energy LLC to the Planning & Zoning Commission requesting the release of \$10,000 bond for Site Plan 2017-02 and property located at 113 Route 2; Installation of fueling terminal.

Kathy Warzecha stated that the area has been seeded and that the remaining significant topsoil pile is out of sight lines. The pile is stable and it has grass growing around it so it is not showing signs of eroding.

Jackie Andersen provided recent pictures of the area to the Commission members. The pictures showed the height of the pile and that the topsoil pile is stabilized even after the heavy rainfall of the previous day.

***Mike Sinko motioned to release of \$10,000 bond for Site Plan 2017-02 and property located at 113 Route 2; Installation of fueling terminal, and allow the vegetate stockpile to stay in place. Zach Turner seconded the motion. The motion was carried unanimously.***

### **b. Cannabis Regulations**

Kathy Warzecha will have a draft ready for review at the next meeting.

## 8. Public Comment

Edwin St. Germain, 34 Krug Road, stated that he agreed to purchase the property but once terms were altered there was a dispute that is still being resolved.

He stated that the right of way easement that allows access to the house is not being honored and for that reason the application should not be honored. He also stated that not all abutters were notified, Dan and Debbie Fenton should be considered abutters because they share the same right away.

## 9. EXECUTIVE SESSION BEGAN AT 8:00 P.M.

- a. Litigation regarding **Site Plan Application #2021-02**, Blue Camp CT, LLC, Applicant and Mashantucket Pequot Tribal Nation, Owner for property located at 451, 455, & 495 Route 2; Comprehensive luxury recreational campground pursuant to Section 10.4.11 "Vacation Resorts" which includes recreational campgrounds in accordance with Section 18.11.

The Commission came out of Executive Session at 9:15 P.M.

## 9. Adjournment - The meeting was adjourned at 9:16 P.M.

Respectfully Submitted,

*Kimberly Lang*

Recording Secretary