

Preston Planning & Zoning Commission
 Regular Meeting
 Tuesday, July 26, 2022
 Lower Level Conference Room

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

2. Roll Call

Members

Art Moran, Jr. - Chairman
 Richard Chalifoux - V. Chairman - excused
 Doreen Rankin - Secretary
 Denise Beale
 Charles Raymond
 Mike Sinko
 Zach Turner

Alternates

Nate Koniecko - absent
 Fred Eddy
 Terri Eickel - excused

Also Present

8 members of the public

3. Approval of Minutes

a. Regular Meeting Minutes June 28, 2022

The following corrections were noted:

- ➔ Page 1, under Correspondence the first and third are the same, so one needs to be eliminated
- ➔ Page 4, 3rd paragraph, last sentence "right away" should be "right of way"

Richard Chalifoux motioned to approve the Regular Meeting Minutes of June 28, 2022 as amended. Denise Beale seconded the motion. Art Moran, Doreen Rankin, Denise Beale, Charles Raymond, Zach, Turner, and Mike Sinko voted in favor of the motion; and Richard Chalifoux abstained.

4. Correspondence

- CT Federation of Planning and Zoning Agencies Newsletter, Summer 2022
- Zoning Bulletin, May 25, 2022
- Zoning Bulletin, June 10, 2022
- PZC Schedule Planner

- Email from Ed St.Germain regarding 32 Krug Road - requesting to speak to the Commission.

There was a brief discussion as to how to handle the last correspondence, Ed St. Germain wished to address the Commission. Richard Chalifoux stated that it would set precedence. Art Moran didn't want it to become a Public Hearing. And Mike Sinko reminded the Commission that he spoke last month and that whatever has to be said should be done during Public Comment.

Mike Sinko motioned to move Public Comment forward on the agenda. Denise Beale seconded the motion. The motion was carried unanimously.

Art Moran addressed the public present that he would allow 15 minutes for public comment and that he would limit each speaker 5 minutes to make their statements.

Ed St. Germain, 34 Krug Road, stated that he objects to the private laneway being used by a commercial business, Air BnB. The drive is used by 6 lots on a common driveway. An Air BnB would be infringing on the other property owners, who repair and maintain the driveway. The application shouldn't be approved because there are no delineated boundaries along the laneway.

Kent Borner, 26 Krug Road, stated he was totally in favor of the application. The driveway is 20-30 feet wide, and he has maintained it over the years with no help from the neighbors except for the Smiths and a neighbor who has since died. The remaining 3 houses are unoccupied. The other house is in foreclosure. Mr. St. Germain does not live at 34 Krug Road and has created a web of nastiness. He stated once again that he is totally in favor of the AirBnB use for this property.

Amanda Sisley, 138 Main Street, Norwich, CT spoke on behalf of the applicant Mary Smith who was in attendance. She stated that the deed for the property states that a right of way is granted for Lot 4. The Commission has granted Short Term Rentals to properties with driveways with right of ways. Mr. St. Germain's issues shouldn't be a determining factor if the application has met all the requirements.

Mark Raborn, 34 Krug Road, stated that the additional traffic would be harmful to the infrastructure of the roadway.

Mary Smith, 235 Ross Road, Danielson, CT stated that per case law AirBnBs are widely seen as residential not commercial. She manages a number of AirBnBs in the area and owns a cleaning service. She stated that she wishes to use the home as an AirBnb only until it can be sold so she and her husband aren't carrying 2 mortgages.

Ed St. Germain, 34 Krug Road, restated his objection to the application.

5. Membership

There was a brief discussion about Nate Koniecko's absences and as to whether he intends to continue to be involved with the Commission. Art Moran will reach out to him regarding this.

6. Public Hearing - None

7. Old Business

Zoning Permit

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

Kathy Warzecha shared that the issues have not been resolved and recommended that this application be tabled.

Denise Beale motioned to table Zoning Permit Application #2022-02, Briana Cabral, Applicant/Owner for property located at 260 Route 2; Short Term Rental. Richard Chalifoux seconded the motion. The motion was carried unanimously.

- b. **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 Commission cannot consider the disputes and differences between the neighbors. The home is 1,400 square feet is located on a legal non-conforming lot established in 1974 as part of a subdivision approved by the Planning and Zoning Commission. The property is zoned R-60 and has 6 acres. There is 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 this Short-Term Rental meets the Connecticut Public Health Code. Also, there is more than adequate parking on the site.

A copy of the Short-Term Rental agreement has been provided stating that it will not be rented more than 3 weeks within a month, no outdoor events, the contact person has been provided, and any noncompliance will result in no renewal permit.

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.

The property owner has acknowledged the recommendation of the Building Inspector and has agreed to rectify all issues.

Kathy Warzecha stated that in her opinion this application should be approved and that the Town's Attorney feels that a residential property with a right of way since 1970 should not be an issue in this matter.

It was asked what infractions the Building Inspector found. It was stated minor easy fixes like a GFI outlet in the kitchen, a switch for the light in the basement, labeling all the breakers in the electrical box, and a few other things. All simple easy fixes that a homeowner could do on their own prior to the issuance of the final Zoning Compliance Permit.

Mike Sinko motioned to approve Zoning Permit Application #2022-04, Paul & Mary Smith, Applicant/Owners for property located at 32 Krug Road; Short Term Rental, the permit to be issued only once they have complied with all the Building Inspector's recommendations. Denise Beale seconded the motion. The motion was carried unanimously.

8. New Business - None

9. Other Matters

a. PZC Schedule Planner

Kathy Warzecha asked that members to look over the PZC Planner by next month's meeting. Any changes will be discussed at the next meeting.

b. Poquetanuck Village Traffic Calming Project

The Commission agreed to add the Poquetanuck Village Traffic Calming Project to the agenda.

Kathy Warzecha reviewed the proposed *Poquetanuck Village Traffic Calming Project* noting that the town has applied for a grant through the Southeastern Connecticut Council of Governments and the CT DOT. She explained that there are 3 Levels to the application process – the preliminary application which was submitted to the SCCOG and selected as the region's top project; the next phase is the development of the concept plan which is due on September 15, 2022, the last phase of the application process is to provide the detailed engineering plans. The project will concentrate on slowing traffic through the Poquetanuck Village. It would add sidewalks to one side of the roadway, decorative period lighting, some landscaping, crosswalks, possible speed humps, flashing lights to slow traffic, and other improvements. This will need Public Partnership, the construction which is approximately 3 million dollars will be paid for by the State, however, the engineering cost, which has a hefty price tag estimated at \$300,000 will have to be paid by the town. Anything over \$100,000 needs to go to a Town Referendum so public support will be important.

It was suggested that the PZC submit a letter of support for this project to the Board of Selectmen. It was the Commission's opinion that this project is consistent with the Plan of Conservation and Development (POCD). The plan notes that the village is a priority area and subsequently the Commission established the new village zoning district around the village to promote economic development and to enhance the village's historic character.

The Commission was very enthusiastic about the project noting that the project will assist in accomplishing the goals of the POCD.

Mike Sinko motioned that a letter be composed and sent to the Board of Selectmen endorsing the Poquetanuck Village Traffic Calming Project. Doreen Rankin seconded the motion. The motion was carried unanimously.

10. Public Comment

11. Adjournment

Mike Sinko motioned to adjourn at 7:47 P.M. Richard Chalifoux seconded the motion. The motion was carried unanimously.

Respectfully Submitted,

Kimberly Lang

Recording Secretary