

Preston Planning & Zoning Commission
Regular Meeting
Tuesday, August 23, 2022
Lower Level Conference Room

1. **Call to Order** - Art Moran, Jr. called the meeting to order at 7:00 P.M.

2. **Roll Call**

Members

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

Alternates

Nate Koniecko - absent
Fred Eddy
Terri Eickel - seated for Charles Raymond

Also Present

2 members of the public

3. **Approval of Minutes**

a. **Regular Meeting Minutes July 26, 2022**

The following corrections were noted:

- Page 1, Richard Chalifoux was present, not excused.
- Page 2 - AirBnB and Vrbo shouldn't be used to reference Short-Term Rentals, unless speaking about a specific company
- Page 2 - Mark Rabon not Mark Raborn
- Page 3 - in the motion, Richard Chalifoux doesn't have an 'l' at the end
- Page 3, 7 b., 1st paragraph, last sentence "right away" should be "right of way"

Richard Chalifoux motioned to approve the Regular Meeting Minutes of July 26, 2022 as amended. Denise Beale seconded the motion. The motion was carried unanimously.

4. **Correspondence**

- Zoning Bulletin, June 10, 2022
- Draft "Marijuana Dispensing and Production Facilities"
- Email dated July 27, 2022 to Tom Weber regarding Short-Term Rental Citations
- Email from Nate Koniecko regarding his resignation

5. Public Comments

6. Membership

There was a brief discussion regarding Nate Koniiecko's resignation. It was stated that his email was not enough and that he's been informed of the steps to follow to officially resign. The Commission discussed which party the new Alternate could be associated with, that the vacancy needed to be posted on the Town's website, and that Nick Vegliante the Democratic Town Committee chairman needs to be notified.

7. Public Hearing - None

8. 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 noted that the application was tabled at the July meeting as there was a problem with the home being 5 bedrooms. A new septic system was installed prior to Ms. Cabral purchasing the property, but the system was designed for a 3-bedroom home. Ms. Warzecha shared an email received today from Tiffany Cole, a neighbor of the property complaining that there was an issue on the property August 6th with extremely loud music that went on for 8-10 hours. She also stated that 2 months earlier a man was shooting a handgun in the back corner of the property. And that the home at 260 Route 2 was being rented without a permit.

Brianna Cabral was present. She stated that the day of the loud music the property was not being rented, it was her party to celebrate returning from the UK. The gun fire was either her brother or his friend target practicing.

She understands that the house is listed as a 3-bedroom home (in the Assessor's records), but has 5 bedrooms. She purchased the home as is and questioned how the Town could sign off on the septic system when the home has 5 bedrooms. She noted that she did not alter the structure and purchased it with 5 bedrooms. It was noted that Uncas Health District approved the design of the septic system for a 3-bedroom home, so the tank is not large enough.

After further discussion it was suggested that she contact the Building Inspector, Tom Weber, and Uncas Health District to review her options to comply with Building and Health codes; the property at present is not in compliance with building codes. She was also told that she needed to stop rentals until she was issued a permit.

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

9. New Business

Zoning Permit

- a. **Zoning Permit Application #2022-05**, Lisa Neundorf, Applicant; and Victor O’Laughlen, Jr. Owner for the property located at 249 Route 2; Short-Term Rental.

Mike Sinko motioned to table Zoning Permit Application #2022-05, Lisa Neundorf, Applicant; and Victor O’Laughlen, Jr. Owner for the property located at 249 Route 2; Short-Term Rental. Denise Beale seconded the motion. The motion was carried unanimously.

Subdivision

- a. **Subdivision Application #2022-02**, Nicholas Rice and Steven Rice Applicants/Owners for the property located at 39 Doolittle Road; 6 lot subdivision. **Pending IWWC action. Public Hearing to be scheduled for September 27, 2022 Regular Meeting.**

Kathy Warzecha explained that the Inlands Wetlands Commission meets the week before the Planning and Zoning Commission and depending on the outcome of their meeting, the PZC’s Public Hearing could move forward without making the applicant wait another whole month.

It was pointed out that the application was incomplete because the Location of Parcel was not filled in. Ms. Warzecha indicated that she will send a revised application to them in the next meeting packet.

10. Other Matters

a. PZC Schedule Planner

Kathy Warzecha handed out the PZC Schedule Planner for 2014-2024. The Commission looked through the document and noted that quite a few of their goals have been completed. They also pointed out that the Poquetanuck Village Traffic Calming project completes another goal within the Planner.

There was a brief discussion to give developers of subdivisions an incentive to create a percentage of affordable housing as part of their plan. That would help the Town reach the State’s affordable housing requirements. It was mentioned that it would be good to get the CAC’s input on cluster developments. It was asked if the Town has any policies to sustain farms or farmlands.

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. Marijuana Regulations

The Commission engaged in a lengthy discussion regarding the presented draft regulations and several aspects of the Marijuana Dispensary and Production Facilities.

It was decided that both a dispensary and production facility should be located 1000 feet from the uses noted in numbers 3 and 4. The Commission felt that the marijuana should be treated the same way as alcohol in regards to the regulations.

The Commission discussed at length possible increase in crime and the types of crime; other issues that may arise; and finally where to allow such establishments.

It was determined Dispensary could be located in Resort/Commercial, C-1 (commercial) and the Thames River District Zones; and the Production could be located in the Planned Industrial Zone. Ms. Warzecha indicated that she will prepare the regulations for the hearing and will have the Town Attorney review them prior to the hearing..

The Commission agreed to schedule a Public Hearing at the September Regular Meeting.

c. Citations

Kathy Warzecha explained that homes are being rented as Short-Term Rentals without a permit, even those who have pending applications. North Stonington provided her with a copy of the citation form which she modified for Preston. Ms. Warzecha indicated that the Connecticut General Statutes allows for the issuance of citations without having to go to court and the Town has adopted an ordinance (in 1997) to allow for the issuance of citations. An applicant can be fined \$150 per day for noncompliance. She shared her idea with Tom Weber, Zoning Enforcement Officer, to get his input. She wanted to make the Commission aware that they will be proceeding with the citation provisions. The Commission agreed this would be a good idea.

d. Cedar Swamp Avalonia purchase

Terri Eickel shared that Avalonia has the opportunity to make a small acquisition of a 42 acre parcel in White Cedar Swamp. This area is a rare keystone habitat for the area, therefore it's important to preserve and protect this landlocked swamp. It's part of the Atlantic White Cedar stand that is the 4th largest in the state. She shared that for years the Boy Scouts have camped on the one high spot or knoll in the swamp and that it's Avalonia's intention to allow that to continue and to hopefully educate the Scouts on the significance of the area.

Ms. Eickel shared that the acquisition of this property would cost \$17,000 and that Avalonia is asking the Town of Preston to contribute \$7,500 towards the purchase of this parcel. She shared that the Conservation & Agricultural Commission is requesting that the Commission request that the Board of Selectmen allow \$7,500 of the Open Space Fund to be used to purchase this 42 acre parcel.

Mike Sinko recommended the approval of \$7,500 from the Open Space Fund to the Board of Selectmen. Denise Beale seconded the motion. The motion was carried unanimously.

Kathy Warzecha gave a Poquetanuck Village update. She shared that the Board of Finance approved \$11,500 to pay for the preliminary concept engineering plan that is due by September 15th. So the project is moving forward and she thanked Doreen Rankin for attending the Board of Finance meeting to show her support of the plan.

11. Adjournment

Doreen Rankin motioned to adjourn at 8:50 P.M. Denise Beale seconded the motion. The motion was carried unanimously.

Respectfully Submitted,

Kimberly Lang

Recording Secretary