

**Preston Planning & Zoning Commission
Public Hearing
Tuesday, September 27, 2022
Preston Plains Middle School Cafeteria**

1. **Call to Order** - Art Moran, Jr. called the meeting to order at 7:10 P.M.

2. **Roll Call**

Members

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

Alternates

Fred Eddy - seated for Richard Chalifoux
Terri Eickel - seated for Charles Raymond

Kathy Warzecha - Town Planner
Kimberly Lang - Recorder

Also Present

43 members of the public

Doreen Rankin read the Legal Notice from the paper that was published in The Day on Thursday September 15, 2022 and Thursday September 22, 2022.

Art Moran then opened the first Public Hearing on **Subdivision Application #2022-02**, Nicholas Rice and Steven Rice, Applicant/Owner for property located at 39 Doolittle Road; 6 lot re-subdivision.

Kathy Warzecha first added into the record the following:

Exhibit 1 - Application dated August 2, 2022 and includes a copy of the Deed.

Exhibit 2 - The Plan showing re-subdivision of the property of Nicholas and Steven Rice at 39 Doolittle Road, it has a scale of 1 to 200, the plan is prepared by Dieter and Gardener, dated July 20, 2022.

Exhibit 3 - Legal Notice that was published in The Day on Thursday September 15, 2022 and Thursday September 22, 2022.

Exhibit 4 - A copy of the Real Estate Conveyance Tax Form that shows that they acquired the land for \$275,000.

Exhibit 5 - Comments from the Public Works Department indicating they would like to see a 10' minimum separation from the storm drainage and the edge of the driveway for Lot 5.

Exhibit 6 - Comments from the Building Inspector and he indicated there are no zoning issues.

Exhibit 7 - Email received today from Uncas Health District, initially stated he could not approve this plan without additional information. Christopher Madden received new plans and states that he approves the subdivision at 39 Doolittle Road for Lots 1-6 due to them meeting the lot requirements for subsurface sewage and drainage, his approval is for only the subsurface sewage and drainage only, they still need to meet all other regulations. The approval is not an approval to build or construct. Date Sept. 27, 2022 and received at 12:26 P.M.

Exhibit 8 - Letter from John Moulson stating that the Inland/Wetlands Commission has approved the application.

Exhibit 9 - Comments from the Conservation & Agriculture Commission stating that they had no comments on the application.

Exhibit 10 - Comments from Tom Cummings dated September 1, 2022 stated that there are 4 items that need to be addressed; which are as follows:

- Clear the right of way on the Town road to improve sight distance
- If underground utilities are to be use, there is a need to provide detailed road repairs to the plan
- Calculation for the cross culvert and design of the proposed installation of culvert for Lot 6 need to be provided
- Topography must be measured and plotted and the topography for Lot 6 seems incorrect and needs to be verified

Exhibit 11 - Kathy Warzecha, Town Planner, report on the application.

Exhibit 12 - A copy of the original subdivision plans entitled " Plans showing the Subdivision of Doolittle Estates" prepared in 1978.

Exhibit 13 - Revised plans prepared by Dieter and Gardener dated Sept. 8, 2022.

Exhibit 14 - Revised plans prepared by Dieter and Gardener dated Sept. 22, 2022.

Exhibit 15 - Town Planner Report.

Exhibit 16 - Certified receipts for notification to the abutters.

Exhibit 17 - Email from Melissa Gilmour opposing the subdivision due to nature, wildlife, and neighborhood concerns.

Exhibit 18 - Letter from the applicants that they are retaining Lot 3 so there is no Open Land fee to that Lot.

Exhibit 19 - Request to waiver for a monument in order to maintain an existing stonewall, they are requesting to do a drill hole instead.

Exhibit 20 - Photos taken by Phillip Doolittle showing drainage issues of the area, photos were taken last winter and two years ago.

The Commission was asked if they had any questions before the applicant explained their position.

Fred Eddy asked how many lots were in the original 1970's subdivision. Kathy Warzecha explained that there were 10 and the lot at 39 Doolittle is one lot out of the original subdivision that's being divided into 6 Lots.

Art Moran questioned the plans listing *formally Doolittle Road*. Kathy Warzecha stated that the Town owned Doolittle Road up to the point where it is paved and near the intersection of Doolittle Road and Puddleby Road. The remaining is a privately owned right of way.

Mike Sinko questioned whether Lot 6 had an address.

At this point Steven Rice, 24 Kilburn St Charlestown, RI and Nicholas Rice, 270 Fairmount St. Worcester, MA stepped forward to present their application. Steven Rice explained that the land was purchased so that Nicholas could move back into the area. Working with Peter Gardener from Deiter and Gardener, it was decided to divide the land into a 6-Lot re-subdivision. Over the past several months they have met with staff and the Town Planner and have submitted plans that have been modified and changed until they got to the plans being presented tonight. It's believed that these plans conform with regulations and the Town's expectations. It keeps with the character of the Town with the size and configurations of the lots and with the style of homes that are planned to be built. He explained that the property is along Doolittle Road, and at the end point of the road it becomes a dirt road with a 50 foot right of way, 25 feet is owned by the Rice and the other 25 feet is owned by the property that the veterinarian's office sits on. Mr. Rice then explained the breakdown of the subdivision he is proposing. As someone would approach the property headed to the veterinarian's office, they would come to the first two lots; which are a front and a rear lot, neither of which has any wetlands. They conform to all standards, regulations, and setbacks that are required. The next lot, Lot 3, is also a frontage lot. That Lot will be retained by Nicholas Rice, it is approximately a 30 acre parcel. Lot 3 is where most of the wetland area is and to keep them intact, Lot 3 was created. The next two lots are also a front and a rear lot. They also conform to all the standards, regulations, and setbacks that are required. Then we come to Lot 6, which has a 25 foot frontage to the town road and 25 feet frontage to the right of way which they own. The right of way will be sold with this Lot so it will then own the right of way to access the property. There are 3 front lots and 3 rear lots.

Mr. Rice and the Commission members then engaged in a conversation about the right of way, the legality of Lot 6's driveway being placed on a right of way rather than a town road, the original subdivision approved in 1978, the possibility of a driveway on a private right of way, and what the actual address of Lot 6 would be, does the amount of frontage count towards meeting the regulations if the frontage is on a private right of way, and finally emergency services access to the property if it's on a private right of way.

Kathy Warzecha stated that the applicant should provide an enlargement of the frontage area for Lot 6 to clarify where the driveway is located and if the lot complies with the regulations. They need to prove that they own the land under the right of way. She clarified that

Lots 2,3, and 4 are front lots and that Lots 1, 5, and 6 are rear lots. And Lot 6 with the driveway on the right of way is the issue. Preston regulations don't allow shared driveways or a rear behind a rear lot.

Art Moran then opened the Hearing to public comments regarding the application.

Jennifer Pappa, 26 Ortega Drive, was concerned that a marijuana facility could be built within the proposed subdivision. Both Kathy Warzecha and Art Moran clarified the Public Notice from the paper she was referring to.

Victoria Shotts, 47 Doolittle Road, stated her concerns about the condition of Doolittle Road with the addition of 6 more houses. She asked if the Commission will consider the impact of increased use and the condition of the road with addition of more houses would there be an increase in the degrading conditions of the road.

Philip Doolittle, 41 Doolittle Road, stated that he owns the other half of the right of way and stated his concerns over who will maintain the right of way in the future. He is presently maintaining it and is unsure of who will be responsible if this were to be approved.

Jill S. Keith, 26 Tanglewood Road, asked for clarification on the number of lots in the original subdivision in 1978. She was told 10. She then stated that if all the requirements are met she supports this 6-lot re-subdivision.

With no other comments from the public Art Moran stated that the Public Hearing for **Subdivision Application #2022-02**, Nicholas Rice and Steven Rice, Applicant/Owner for property located at 39 Doolittle Road; 6 lot re-subdivision would be continued at the October meeting.

The second Hearing of the night Text Amendment on Marijuana Dispensary and Production Facilities.

Kathy Warzecha added the following Exhibits into the records:

Exhibit 1 - copy of the proposed Regulation

Exhibit 2 - copy of the Legal Notice

Exhibit 3 - copy of the notifications of the pending Public Hearing sent to the abutting towns of Montville, Griswold, Ledyard, North Stonington, Norwich, and Lisbon

Exhibit 4 - letters to the Council of Government and the Connecticut DEEP of the pending regulations and Public Hearing

Exhibit 5 - Response for Southeastern Connecticut Council of Government, Nicole Haggarety stating the Text Amendment will have no negative intermunicipal impact. This was read in its entirety into the record.

Exhibit 6 - Response comments from Emy Quispe, Connecticut DEP, stated that the Text Amendment is consistent with the Connecticut Coastal Management Act. This was read in its entirety into the record.

Kathy Warzecha shared with the Commission that the Town Attorney did review the Text Amendment and found them acceptable. He was asked if the Commission could add square footage requirements and he said that would be acceptable. Ms. Warzecha shared that the average size for dispensaries is between 2,500 and 5,000 square feet and that production facilities average between 16,000 to 33,000 square feet. She also shared that the State lifted its limitations of the number of dispensaries and production facilities based on population for each town.

The Commission then engaged in a lengthy conversation regarding the size of marijuana dispensary establishments that they would allow in town, as well as the size of any marijuana production facilities that could be established in Preston. It was finally agreed that any marijuana dispensary could be between 1,000 to 5,000 square feet; and that any marijuana production facility could not be larger than 15,000 square feet.

Art Moran then opened the Hearing to public comments regarding the application.

Jill S. Keith, 26 Tanglewood Drive, shared that she did not support this Text Amendment. While recently watching the news, Colorado had legalized marijuana early on and has seen a 700% increase in deaths from fentanyl and a tremendous increase in traffic deaths. Medical marijuana is necessary, yet we shouldn't make a profit from the sale of it (her personal opinion).

With no other comments from the public, Art Moran stated that the Public Hearing for Text Amendment on Marijuana Dispensary and Production Facilities was closed.

The Public Hearing closed at 8:06 P.M.

Respectfully Submitted,

Kimberly Lang

Recording Secretary

