

Preston Planning & Zoning Commission
Regular Meeting
Tuesday, September 27, 2022
Preston Plains Middle School Cafeteria

1. **Call to Order** - Art Moran, Jr. called the meeting to order at 7:03 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

3. Quorum met.

4. **Public Comment**

Jill S. Keith, 26 Tanglewood Drive, stated that she was in favor of Ken Zachem's project and that it would be a great addition to the town. She also spoke about short-term rental there is one in her neighborhood and that she has had people show up at her garage and try to get in. She stated there is clearly an increase in the number in town and unclear what to do about them, but it's something that is impacting our community.

Andy Depta, 6 Young Court, stated that he felt that the Zachem project shouldn't take so long to be approved, it would be an added business to the town. He stated that he hoped that the Commission would approve his application and move this project forward.

Mike Sinko, Commission member, stated that the original plan was approved 2 years ago and that tonight is a revised plan.

5. **Approval of Minutes**

a. **Regular Meeting Minutes August 23, 2022**

It was mentioned that there were a few words lacking space in between. They were regarded as computer errors moving from one program to the other.

Denise Beale motioned to approve the Regular Meeting Minutes of August 23, 2022 as presented. Doreen Rankin seconded the motion. The motion was carried unanimously.

6. Correspondence

- Zoning Bulletin, July 10, 2022
- Zoning Bulletin, July 25, 2022
- “Zone of Contention” by Michael Catarevas in ***Connecticut Magazine***
- Marijuana Dispensing and Production Regulations
- **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.
- **Site Plan Application #2022-02**, Kenneth Zachem, Applicant/Owner for the property located at 356 Route 2; Commercial building to be used as a package store, restaurant, and associated parking.
- **Site Plan Application #2022-03**, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road; One day events.
- **Special Exception Application #2022-02**, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road; One day events.
- Application Status Report

Kathy Warzecha stated that the final Communication, the Application Status Report, was created by Kim and that hopefully it will be a good tool for the Commission to use moving forward.

7. Membership

Art Moran stated that he knew of someone who was interested in filling the vacancy, but they were not present at the moment.

8. Public Hearing - See Minutes

9. Old Business

Subdivision

- a. **Subdivision Application #2022-02**, Nicholas Rice and Steven Rice, Applicant/Owner for property located at 39 Doolittle Road; 6 lot re-subdivision.

The Commission members had a brief discussion about Lot 6 issues such as: does it have an actual address, can emergency services access it easily, can the driveway be on a right of way that is jointly owned. The consensus of the Commission was that the Lot 6’s driveway needs clarification and proof of an actual address.

Mike Sinko motioned to table Subdivision Application #2022-02, Nicholas Rice and Steven Rice, Applicant/Owner for property located at 39 Doolittle Road; 6 lot re-subdivision until the October meeting. Denise Beale seconded that motion. The motion was carried unanimously.

Zoning Text Amendment

- a. **Section 2 of the Zoning Regulations adding additional definitions as follows: Adult-use Marijuana Dispensary Facility, Hybrid-use Dispensary, Medical Marijuana Dispensary Facility, Adult-use Marijuana Production Facility, Hybrid-use Marijuana Production Facility, and Medical Marijuana Production Facility; Section 18, Special Exception criteria adding Section 18.25 Outlining Special Exception requirements Adult-use Marijuan Dispensary and Adult-use Marijuana Production Facility; Section 9.2 Special Exception in planned Industry District, adding Section 9.2.17 Allowing Adult-use Marijuana Production Facility; Section 10.4 Special Exception in Resort Commercial Districts, adding Section 10.4.16 Allowing Adult-use Marijuana Dispensary Facility; Section 11.7.1 Thames River Development Overlay District, adding Section 11.7.1.24 Allowing Adult-use Marijuana Dispensary Facility.**

Kathy Warzecha had one recommendation for the Commission to consider on this matter and that was to limit the size of both the dispensaries and the production facilities. She pointed out the average size of dispensaries is between 2,500 to 5,000 square feet. The size of production facilities has increased from 16,000 square feet in 2016 to 33,000 square feet in 2021. She also stated that the State has recently rescinded their limits by town population and now there are no limits as to how many can be in any given town.

The Commission engages in a lengthy conversation about size limitation both maximum and minimum for both dispensaries and production facilities. They also decided that it needed to be a permanent structure.

Fred Eddy motioned to amend the presented Zoning Text Amendment with the following size restrictions: 1,000 to 5,000 square feet for a Dispensary Facility, and up to 15,000 square feet for a Production Facility. Denise Beale seconded the motion. The motion was carried unanimously.

Zoning Permit

- a. **Zoning Permit Application #2022-03**, Briana Cabral, Applicant/Owner for property located at 260 Route 2; Short Term Rental.

Kathy Warzecha stated that not all the requirements of the application have been met. The property does have a septic that is approved for 4 bedrooms total, 3 guest bedrooms and her bedroom. The Building Inspector stated that she needs to add smoke detectors and needs to deal with the 5th bedroom in a manner that the Building Inspector feels it can no longer be

considered a bedroom. However, she failed to notify all the abutters, she only notified the abutters on either side; not the property to the rear nor those across the street, as Preston Regulations state. There have been complaints about the property, but in discussing those with Briana Cabral the disturbances occurred from her activities not her renters. The recommendation was to table the application until it complies with the Town's Regulations.

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

10. 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.

Kathy Warzecha shared that this property is a 3,068 square foot two level house with 6 bedrooms and that the house is not visible from the road. It has adequate parking for three vehicles. The applicant has provided a notarized agreement that they'll comply with all Short Term rental requirements listed in the Zoning Regulations. A 24-hour contact has been provided in the event of complaints. The applicant has also notified all abutters.

The application and plans have been forwarded to various staff for review. The Uncas Health Department has approved the application for the use of a 6 bedroom with the newly updated septic. However, the Building Inspector said that bedrooms in the lower-level need egress windows therefore, he has not approved the two lower-level bedrooms for use. He also stated that the house is in need of working smoke/CO2 detectors in the hallway and outside each bedroom.

Lisa Neundorf, applicant, 249 Route 2, stated that she appreciates that towns are allowing Short Term rentals which are becoming a very popular vacation option for families and friends who'd like to come together. She also stated that they are working on the requirements of the Building Inspector, all the smoke/CO2 detectors have been installed and they have a firm coming to give an estimate on the cost of the egress windows. The lower-level bedrooms are locked and not accessible.

The Commission had a short discussion as to the best way to proceed with this application with the possible installment of egress windows. It was decided to approve the application with the use of 4 bedrooms only; and if the egress windows are installed then the applicant can return with a modification to the application requesting the use of the lower-level bedrooms.

Fred Eddy motioned to approve WITH THE USE OF 4 BEDROOMS 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 seconded the motion. The motion was carried unanimously.

Site Plan

- a. Site Plan Application #2022-02**, Kenneth Zachem, Applicant/Owner for the property located at 356 Route 2; Commercial building to be used as a package store, restaurant, and associated parking.

Kathy Warzecha stated that the original plan included a 5,000+ square foot building to house a restaurant and package store, the installation of associated parking lot, well, and septic. This application has the following the modifications:

- Reduction of the size of the building from 5,170 to 4,375 square feet
- Moving the building 30’ south (further away from Route 2)
- Adding 5 parking spaces in front of the building
- Elimination of one row of parking in the rear of the building reducing the parking from 52 to 43 spaces, still within the regulations

Staff reviews had only a few minor modifications and those were:

- Grading of the new parking spaces needs to be better defined by adding spot grades and a snow shelf
- With the installation of a snow shelf there is no need for a low fence, however wheel stops for the safety of those 5 front parking spaces are needed
- The applicant will need a demolition permit to remove the existing building

Kathy Warzecha recommended the plan be approved with the following conditions:

- Posting of a bond of \$111,108 prior to the endorsement of the plan
- Engineer submits a revised plan addressing the two parking lot issues

Norm Thibeault then reviewed the plans with the Commission showing that the plans still reflect and honors the heritage of the town and the Zachem family. He pointed out that the building is being reduced by approximately 1000 square feet. The restaurant remains the same size, however the package store will be smaller. The building itself is moved further back from Route 2 allowing for the front parking that is so important to Mr. Zachem. The new plans do eliminate one row of rear parking, but still has sufficient parking to meet regulations; the entrance to the business will be off of Mathewson Mill Road.

At this point Mr. Thibeault and Kathy Warzecha showed the Commission members the original plans versus the new proposed plans comparing and stating the differences between the two. With no further discussion or questions the matter closed.

Mike Sinko motioned to approve Site Plan Application #2022-02, Kenneth Zachem, Applicant/Owner for the property located at 356 Route 2; Commercial building to be used as a package store, restaurant, and associated parking; with the posting of a bond for 50% of the project and architect drawings filed with the Site Plan. Doreen Rankin seconded the motion. The motion was carried unanimously.

- b. Site Plan Application #2022-03, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road;One day events. *This will be tabled as the application is incomplete.***

Special Exception

- a. Special Exception Application #2022-02, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road;One day events. *This will be tabled as the application is incomplete.***

11. Other Matters

- a. PZC Schedule Planner**

Kathy Warzecha stated she had not received any comments from any of the Commission members; therefore, it was decided to table until next month's meeting.

- b. Number of STR in town - Richard Chalifoux's concern**

The Commission engaged in a discussion regarding Short Term Rentals. They wondered if the First Selectwoman could issue Citations in the absence of a Zoning Enforcement Officer. They considered how the increase in STR was affecting the number of required Affordable Houses available within the Town. They discussed such options as rentals from Thursday to Sunday, resident requirement for applicants, cap on the number allowed in town, and concluded that there is a need to continue to work on the regulation.

- c. Poquetanuck Village Traffic Calming Grant Project**

Using the engineer's conceptual drawing, Kathy Warzecha explained Phase Two of the project to the Commission and the 3 remaining members of the public. She stated that starting at Middle Road there would be a crosswalk and a traffic light. The sidewalks which are on the cove side of the roadway will be concrete with brick pavers. Six hundred feet from Middle Road there will be a speed table to slow traffic. There will be a crosswalk at Cider Mill Road. A second speed table will be placed 600 feet from the first one. At the crosswalks there will be rapid flashing beacons on either side of the roadway facing both directions. There will be decorative lightning throughout with hanging planters. There will also be interpretative historic signage throughout the village. With larger ones at Middle Road and in front of the church. Further

along the roadway closer to the park there will be a speed hump, it is a speed hump rather than a speed table to ensure proper drainage in the area. There will be a large crosswalk at the intersection of Routes 117 and 2A and the park. This is just the first phase of an extensive project for the Village. In the future it is hoped that a bike path connecting the Village to RiverWalk, access to the cove for fishing and kayaking. Sidewalks to connect to the elderly housing and the nearby pond for fishing.

11. Adjournment

Fred Eddy motioned to adjourn at 9:26 P.M. Doreen Rankin seconded the motion. The motion was carried unanimously.

Respectfully Submitted,

Kimberly Lang

Recording Secretary