

**Preston Planning & Zoning Commission**  
**Regular Meeting**  
**Tuesday, October 25, 2022**  
**Preston Plains Middle School Cafeteria**

1. **Call to Order** - Art Moran, Jr. called the meeting to order at 7:02 P.M.

**2. Roll Call**

**Members**

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

**Alternates**

Fred Eddy - absent  
Terri Eickel - excused  
  
Kathy Warzecha - Town Planner  
Kimberly Lang - Recorder

***Also Present***

8 members of the public

3. Quorum met.

**4. Public Comment**

Jill S. Keith, 26 Tanglewood Drive, explained that she received a letter because she is an abutter to 28 Tanglewood regarding their Short-Term Rental application that will be discussed tonight. She stated that she is a supporter of Airbnb's and has even used them. She found objection to the fact that she was not allowed to comment at last month's meeting regarding Short-Term Rentals. She was unaware that they were permitted in town, and alarmed that the PZC is aware of unpermitted rentals operating in town and feels that more should be done to protect the neighbors and neighborhoods where they are located.

Susan Hotchkiss, 20 Lynn Drive, stated her concern that the Avery Pond area will be targeted as a place to party. She suggested that Preston follow Noank's example and allow only rentals with a one month stay.

Paula Martinelli, 28 Tanglewood Drive, questioned when would be the best time for her to speak. She was told when the Commission discusses her application.

**5. Approval of Minutes**

a. **Regular Meeting Minutes September 27, 2022**

The following corrections were noted:

- Page 1, #4, 2nd line, there needs to be a period after rentals, and 'there' needs to be capitalized; i.e. - rentals. There
- Page 5, 27th line, honors doesn't need an s, the word should be honor

***Denise Beale motioned to approve the Regular Meeting Minutes of September 27, 2022 as amended. Doreen Rankin seconded the motion. Denise Beale, Doreen Rankin, and Art Moran voted in favor; while Richard Chalifoux and Charles Raymond abstained. The motion was carried 3-0-2.***

**b. Public Hearing Minutes September 27, 2022**

***Denise Beale motioned to approve the Public Hearing Minutes of September 27, 2022 as presented. Doreen Rankin seconded the motion. Denise Beale, Doreen Rankin, and Art Moran voted in favor; while Richard Chalifoux and Charles Raymond abstained. The motion was carried 3-0-2.***

**6. Correspondence**

- Zoning Bulletin, August 10, 2022
- Zoning Bulletin, August 25, 2022
- **Zoning Permit Application #2022-06**, Jean & Paula Martinelli Applicant/Owner for the property located at 28 Tanglewood Drive, Ext.; Short-Term Rental.
- Marijuana Regulations - for Commission member's binders
- Email: Sept. 28, 2022 - from Jill S. Keith regarding STR.
- Email: Sept. 27, 2022 - from Lauren Jurczyk regarding re-subdivision at 39 Doolittle Road.
- Email: Sept. 27, 2022 - from Carrie Fernandes regarding re-subdivision at 39 Doolittle Rd.
- Email: Sept. 28, 2022 - from Victoria Shotts regarding re-subdivision at 39 Doolittle Road.
- 2023 Calendar of Meetings
- Draft of Survey for POCD
- Application Status Report

**7. Membership**

Art Moran stated that he has spoken to Sarah Moyer, who is a registered Independent. She is a young woman who is interested in joining the Commission as an alternate, she would like to get more involved in the town. He did state that she has just taken a position at EB and has training for the next few months and would not be able to be involved until after the New Year.

The Commission had a short discussion on how best to move forward with an interview, which is required. It was decided that to check with Sarah to see if a Zoom Meeting would be possible.

## **8. Public Hearing - See Minutes**

## **9. Old Business**

### **Subdivision**

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

***Denise Beale motioned to waive the use of one monument to preserve a stone wall for Subdivision Application #2022-02, Nicholas Rice and Steven Rice, Applicant/Owner for property located at 39 Doolittle Road; 6 lot re-subdivision. Doreen Rankin seconded that motion. The motion was carried unanimously.***

***Denise Beale motioned to approve Subdivision Application #2022-02, Nicholas Rice and Steven Rice, Applicant/Owner for property located at 39 Doolittle Road; 6 lot re-subdivision with the following nine (9) recommendations/modifications of the Town Planner:***

- 1. Note on the plan that any future foundation drains shall not have directional flow outlet within 100 feet of an abutting property.**
- 2. They have moved the driveway for Lot 5 ten feet from the catch basin; however, it should be noted on the plan that the driveway must be 10 feet from each basin.**
- 3. The plan should note that all vegetation along the town right-of-way shall be removed in the area of Lots 2 and 3 to the stone wall for sight distance or as required by the Public Works Manager as a condition of obtaining a Zoning Permit and Driveway Permit.**
- 4. Remove the driveway (and culvert) shown on the plan serving Lot 6 that enters from the road right-of-way. Any drainage installed should consult the Public Works Manager if it impacts the Town drainage.**
- 5. Pins and monuments shall be installed prior to the endorsement of the plan. Certification shall be submitted by the land surveyor.**
- 6. Open Space fee shall be provided for lots not being retained by the owner (Lot 3 will be retained by the owner). An appraisal shall be provided for the remaining land to**

establish an Open Space fee. The appraiser shall be licensed in the State of Connecticut.

7. Note on the plan that prior to the start of construction, the ZEO shall be notified to inspect installation of the erosion and sediment control measures.
8. Correct reference on the plan to the deed for the road. The deed reference is incorrect.
9. The calculation of Lot 6's acreage without the access strip needs to be noted on the plans.

***Doreen Rankin seconded that 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.

Briana Cabral was not in attendance with the requested material so the Commission will wait until next month.

#### **Site Plan**

- a. **Site Plan Application #2022-03**, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road; One day events.

This application is still incomplete. He was asked through an email if he'd like to withdraw, he said he would, but a formal letter has yet to be received.

***Doreen Rankin motioned to deny Site Plan Application #2022-03, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road; One day events, without prejudice. Denise Beale seconded the motion. The motion was carried unanimously.***

#### **Special Exception**

- a. **Special Exception Application #2022-02**, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road; One day events.

***Doreen Rankin motioned to deny Special Exception Application #2022-02, Eduard Mayer, Applicant/Owner for the property located at 39/43 Pierce Road; One day events, without prejudice. Denise Beale seconded the motion. The motion was carried unanimously.***

#### **10. New Business**

##### **Zoning Permit**

- a. **Zoning Permit Application #2022-06**, Jean & Paula Martinelli Applicant/Owner for the property located at 28 Tanglewood Drive, Ext.; Short-Term Rental.

Kathy Warzecha reviewed her report concerning the application. She stated that she has received all the required documents and information from the applicant. She let the Commission know that she and the Building Inspector had visited the property. She stated that the property has adequate area for parking two vehicles or more. That the garbage and recycle receptacles are inside the garage. The applicant has provided a notarized Short-Term Rental agreement noting: there will be no outdoor events, stays are limited to three weeks in a three-month period, and the 24-hour contact information has been given.

The Uncas Health Department has approved the application for the use as a 4-bedroom Short-Term Rental. The Building Inspector has requested a number of improvements be done before the property can be used as a short-term rental, these include: labeling fireplace emergency turnoff, adding CO2 detectors, adding ground lines, etc. The applicant has notified all the abutters, including across the street.

Ms. Warzecha recommended the following conditions be met if the Commission were to approved this application:

- A sign should be installed to adequately identify the property.
- Meet all the Building Inspectors comments prior to occupying the short-term rental.
- Prior to occupancy, a final inspection is required to ensure all the conditions are met.

At this point, Paula Martinelli, stated that she has been running an Airbnb in Rhode Island for the past 4 years. To protect her properties, she follows the following rules:

- Minimum renting age is 30 years old.
- Does allow pets with pre-approval. She has declined a few because they were too large for the property or an aggressive breed.

When asked further about aggressive pets she explained that the backyard is fenced in on 3 sides and that renters are told to keep pets on a leash at all times. She also explained that her husband is an insurance agent and they use the list of breeds that the insurance company uses to determine which breeds to restrict.

It was stated that there are people at the property now. However, they are friends not renters, and that they are helping to make the repairs and additions that the Building Inspector requires. She also stated that she has blocked out the months of October and November so that no one can rent during those months.

Ms. Martinelli was firmly told that until the final inspection is done that, she cannot rent the property, and if she does that, she would incur a penalty for each day she violates.

***Charles Raymond motioned to approve Zoning Permit Application #2022-06, Jean & Paula Martinelli Applicant/Owner for the property located at 28 Tanglewood Drive, Ext.; Short-Term***

***Rental with the recommended conditions of the Town Planner. Denise Beale seconded the motion. The motion was carried unanimously.***

## **11. Other Matters**

### **a. PZC Schedule Planner**

The Commission briefly reviewed and discussed the proposed Planner.

***Doreen Rankin motioned to approve the PZC Schedule Planner as presented. Denise Beale seconded the motion. The motion was carried unanimously.***

### **b. Poquetanuck Village Traffic Calming Grant Project**

Kathy Warzecha updated the Commission that she received a letter from SCCOG just today that stated that they recommended against the use of speed tables and that she will work on the other comments with the consultant.

### **c. POCD**

The Commission reviewed the survey that will be used to gather information for the 2024 POCD. It was stated that for the 2014 POCD survey it was mailed to every household and that they received a strong response to the survey. Ms. Warzecha will also share the survey with the Selectwoman and all the department heads to see if they have any questions to add to the survey.

The Commission then had a brief discussion of how best to distribute, but it was decided they needed to first complete the survey by getting input from the department heads.

### **d. 2023 Calendar of Meetings**

***Rich Chalifoux motioned to waive the 2023 Calendar of Meetings onto the Agenda. Charles Raymond seconded the motion. The motion was carried unanimously.***

The Commission discussed the various ways to deal with the December meeting, which fell on December 26th. After weighing several options, it was decided not to schedule a December meeting, but hold a Special Meeting if there was pressing business to attend to.

***Doreen Rankin motioned to approve the amended 2023 Calendar of Meetings which eliminates the December Meeting. Denise Beale seconded the motion. The motion was carried unanimously.***

### **e. Executive Session: Pursuant to Conn. Gen. Stat. Section 1-200(6)(E) and 1-210(b)(1)- Discussion of Blue Camp Lawsuit and Litigation, it being hereby**

determined by the Planning and Zoning Commission that the public interest in withholding such a discussion clearly outweighs the public interest disclosure.

*Doreen Rankin motioned at 8:09 P.M. to move to an Executive Session of the Planning and Zoning Commission, inviting Art Moran, Richard Chalifoux, Doreen Rankin, Denise Beale, Charles Raymond, and Kathy Warzecha into the session. Denise Beale seconded the motion. The motion was carried unanimously.*

They reconvened the Regular Meeting at 8:18 PM. No action was taken during the Executive Session.

#### **11. Adjournment**

*Denise Beale motioned to adjourn at 8:19 P.M. Doreen Rankin seconded the motion. The motion was carried unanimously.*

Respectfully Submitted,

*Kimberly Long*

Recording Secretary

**Preston Planning & Zoning Commission  
Public Hearing  
Tuesday, October 25, 2022  
Preston Plains Middle School Cafeteria**

**5. Call to Order** - Art Moran, Jr. called the meeting to order at 7:14 P.M.

**6. Roll Call**

**Members**

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

**Alternates**

Fred Eddy - absent  
Terri Eickel - excused  
  
Kathy Warzecha - Town Planner  
Kimberly Lang - Recorder

***Also Present***

8 members of the public

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

Kathy Warzecha added a few more Exhibits into the record:

Exhibit 21 - A copy of the new plan and each Commission member has a smaller version.

Exhibit 22 - The Planner's report.

Exhibit 23 - The Minutes from the Inlands Wetlands Commission meeting approving the new plan.

Exhibit 24 - A copy of the Deed to Doolittle Road.

Exhibit 25 - A letter dated October 6th from CLA indicating that they have reviewed the plan and that it is acceptable.

Ms. Warzecha then reminded the Commission that at the September Meeting there was a question as to whether Lot 6, a rear lot, met the Zoning Regulations. The new plans show an enlarged area of the frontage. She pointed out, on the enlarged portion of the plan, where the driveway and right-of-way were located. She reminded the Commission that the regulations don't allow shared driveways, and that the new plan offers a primary feasible driveway



between the wetlands and along the property line. The lot is 6.84 acres; however, they need to show on the plan the calculation of the acreage of the parcel without the access strip.

After reviewing the revised plan, Ms. Warzecha stated that the application complies with the regulation, but recommends the following comments and modifications should be adhered to:

10. Note on the plan that any future foundation drains shall not have directional flow outlet within 100 feet of an abutting property.
11. They have moved the driveway for Lot 5 ten feet from the catch basin; however, it should be noted on the plan that the driveway must be 10 feet from each basin.
12. The plan should note that all vegetation along the town right-of-way shall be removed in the area of Lots 2 and 3 to the stone wall for sight distance or as required by the Public Works Manager as a condition of obtaining a Zoning Permit and Driveway Permit.
13. Remove the driveway (and culvert) shown on the plan serving Lot 6 that enters from the road right-of-way. Any drainage installed should consult the Public Works Manager if it impacts the Town drainage.
14. Pins and monuments shall be installed prior to the endorsement of the plan. Certification shall be submitted by the land surveyor.
15. Open Space fee shall be provided for lots not being retained by the owner (Lot 3 will be retained by the owner). An appraisal shall be provided for the remaining land to establish an Open Space fee. The appraiser shall be licensed in the State of Connecticut.
16. Note on the plan that prior to the start of construction, the ZEO shall be notified to inspect installation of the erosion and sediment control measures.
17. Correct reference on the plan to the deed for the road. The deed reference is incorrect.
18. The calculation of Lot 6's acreage without the access strip needs to be noted on the plans.

Nicholas Rice, 270 Fairmount Ave. Worcester, Ma., and Steven Rice, 24 Kilburn St. Charlestown, RI.

Nicholas Rice asked for clarification of brush removal along the road for Lots 2 and 3. He was told that should be done just before a Zoning Permit is issued for the lots, not right now. Steven Rice spoke about the drainage swale is 100% on our property, it wasn't dug by us so we can fill it in or leave it. He went on to remind the Town Planner and the Commission that the Town was to look into that issue of the drainage at the end of Doolittle Road and the fact that the drainage runs down onto their right-of-way; and he would like assurances that the Town will look into that. He stated that they have worked closely with the Town Planner over the course of the last several months and feel that they have met all the expectations for this application and formally requested approval of this subdivision to move forward.

Kathy Warzecha pointed out that they have requested a waiver of the use of one monument in the northeast corner of the property to preserve an existing stone wall. They would like to use a drill hole instead. The Commission would have to act on that before they act on the application.

The Public Hearing was closed at 7:29 P.M.

Respectfully Submitted,

*Kimberly Lang*

Recording Secretary