

**Town of Preston
Planning and Zoning Commission
Tuesday, March 4, 2008
Preston Town Hall**

Public Hearing Meeting

1) Chairman Sinko called the meeting to order at 7:40 p.m.

2) Roll Call

Michael Sinko, Chairman
Art Moran, Vice-Chairman
Joseph Biber
Roy Beauregard
Ed Fleming
Thomas Fenton
Parke Spicer II, Secretary - *absent*

Richard Chalifoux (Alternate)
George Jennings (Alternate)
Charles Raymond (Alternate) - *excused*

Also Present:

Kathy Warzecha, Town Planner
Kathleen Nichols, Recorder

3) Chairman Sinko seated R. Chalifoux.

4) Public Hearings

a. Zoning Matters

- i. **Zoning Text Change #2-08 - AN AMENDMENT TO SECTION 4.2.11 OF THE ZONING REGULATIONS RENUMBERING THE CURRENT SECTION REGARDING TACK SHOPS TO SECTION 4.2.12.**

VARIOUS AMENDMENTS TO THE ZONING REGULATIONS AS FOLLOWS: SECTION 4.2.11 (*R-120, R-80, R-60, and R-S*), SECTION 6.2.13 (*R-40*), SECTION 8.9.2 (*C-1*), SECTION 9.2.4 (*C-2*), SECTION 10.2.6 (*Industrial*), SECTION 11A.6.1 (*Planned Development*), SECTION 11B.4.14 (*Resort Commercial*), SECTION 11C.3.1d (*Thames River Design District*), SECTION 11D.3.4k (*Preston City Village District*) ALLOWING LARGE ACREAGE FARM VINEYARD AND WINERY AND ADDING SECTION 15.18 SPECIAL EXCEPTION CRITERIA AND REQUIREMENTS FOR LARGE ACREAGE FARM VINEYARDS AND WINERIES.

Vice Chairman Moran read the Public Hearing notice which appeared in the Norwich Bulletin on February 21 and February 28, 2008.

Submitted for the record were the following exhibits:

Exhibit #1 – Zoning Text Change #2-08.

Exhibit #2 – Legal Notice

Exhibit #3 – Certified letter dated February 15, 2008 sent to the abutting towns.

Exhibit #4 – Letter of notification dated February 15, 2008 sent to the SE Council of Governments.

Exhibit #5 – Letter of notification dated February 15, 2008 sent to the Department of Environmental Protection, Long Island Sound Program.

Exhibit #6 – Letter received from Eleanor Miller, 60 Miller Road.

Exhibit #7 – Petition signed by Preston residents.

Planner Warzecha noted that she contacted the COG to see if their review of the regulation change was complete; however the COG informed her they did not have a quorum at their last meeting so it is recommended that this hearing be continued until the next meeting.

Chairman Sinko addressed the public and explained the process of what is being proposed this evening. The proposed regulation change is in response to an inquiry the Commission received in October 2007. After discussing the request, the Commission determined that they would write draft regulations to allow “*Large Acreage Farm Vineyards and Winery*” by Special Exception.

Chairman Sinko noted that the renumbering of Section 4.2.11 to 4.2.12 would allow the proposed section “*Large Acreage Farm Vineyard and Winery*” regulation to follow 4.2.10 “*Farm Winery.*” If Section 4.2.11 is not passed by the Commission, section number 4.2.11 will be left open.

At this time Chairman Sinko asked if anyone wanted to speak in favor or against changing the numbering of the regulations.

No comments at this time.

Chairman Sinko asked if anyone wanted to speak in favor of Zoning Text Change #2-08.

Ann Sawyer – Miller Road

Ms. Sawyer noted that her family had requested the Commission to address Large Farm Wineries and wanted to clarify that the proposed regulations are not specific to her families personal plans. The regulations as written are very general and her family will not be asking for all of the proposed allowed details in the regulations. Ms. Sawyer noted that they wanted to be good neighbors and if anyone wanted to ask her any questions, she is more than happy to discuss their proposal.

Chairman Sinko clarified for the public that these regulations have been written for all properties in Preston greater than 50 acres and not for any particular parcel.

Chairman Sinko asked if anyone wanted to speak in opposition of Zoning Text Change #2-08.

Gary Piszczek – Miller Road

Mr. Piszczek read the following for the record:

“While I applaud the Planning and Zoning boards recent efforts to “preserve the farms of Preston and allow for diversity and sustainability”, I’m dismayed by your solutions. I’m troubled by your willingness to redefine agriculture from its traditional role of the production of crops and livestock, to a form of entertainment and tourism. Furthermore, I’m angry at this boards willingness to exclude the agricultural community of Preston form the decision making process. In all my conversations with the farms of this town we never envisioned the solution to our problems would include weddings, festivals or events celebrating the harvesting of the crops we grow. The farmers of Preston have never asked for such privilege nor do we feel these proposed changes have anything to do with preserving the farmland of the town. To promote the creation of commercial endeavors surrounded by five acres of cropland is the exact opposite profile of the typical large family farm in town. These farms commonly consist of five acres of facilities supporting in my case by a minimum of 150 acres of cropland, this draft as written has it priorities reversed and cannot possibly achieve its goals. It has been said the most important place in the world is the place we call home. Preston is my home and our agricultural history, so large a part of our past and so vital to our future, is equally as important. Therefore, I question why an area in town targeted in Preston’s Plan of Conservation and Development (POCD) for low impact agricultural an residential use, with an emphasis on preservation of the prime farmland, would be singled out as the impetus for a town-wide zone change that will achieve the very opposite. Exposing Preston’s residential neighborhoods and the farms they embrace to commercial activity and all the negative impacts such use inevitably creates, is inexcusable and in direct conflict with the goals for land use also described in the town’s POCD. One persons’ negligible impact is always another’s unbearable burden. Therefore, as a farmer and resident of Preston, I urge this board not to approve this proposed zone change.”

Eleanor Miller – 60 Miller Road

Ms. Miller read the following for the record:

“Theoretically, the primary purpose of zoning is to segregate uses that are thought to be incompatible; in practice, zoning is used as a permitting system to prevent new development from harming existing residents or businesses.” Wikipedia

“I am not against a vineyard per se in Preston, if it is located appropriately. When a vineyard is also a banquet facility and is also located in an established residential neighborhood then the primary purpose of zoning has been violated.

I would like to talk about my neighborhood on Miller Road from an historical perspective and as a resident.

- Miller Road is a farming community
- A family community
- It is an atmosphere of open fields, grazing cows, rambling stone walls and deep woods with hiking trails.
- Tranquility
- Farms were the foundation of Preston and having the Piszczek dairy farm on Miller Road is a treasure.
- There are many families on Miller Road. Many of us have been here for 30-40 years or longer, some of us have grown up here and never left or came back after time away. All these people have remained here as it has been a quiet, beautiful, private place to live.
- Even with all the development that is encroaching on Preston, Miller road maintains the rural character.
- There is a network of people on Miller Road who have known each other as neighbors for a life time and its nice to be able to say you know how your neighbors are. If someone needs help it is only a phone call away. There is a support system that is hard to find in contemporary life. We watch out for each other.
- New people who have moved here in the last year or so came here to expect it to be a rural community with peace and quiet.
- Having an entertainment facility in our neighborhood will bring in crowds of people whom we do not know and will not care about the families who now live in Preston and on Miller Road.
- A zone change like the one being presented this evening for a LARGE ACREAGE VINEYARD AND WINERY with COMPLEMENTARY USES would change all that we now have on Miller Road.

What do these things have to do with rural living?

- Events open to the public
- Weddings and private parties catered and with a full bar
- Noise from “amplified sound”
- Buffer strips
- Parking lots with surfaces (asphalt?)
- Events until 11:15 pm – 10pm and 9pm depending on the day
- Traffic control
- Building structures

While out getting signatures from people who oppose this zone change (from all over Preston not just Miller Road, residents Several individuals that said they were disgusted with Preston now and are planning to leave (not because of taxes but the atmosphere and lack of concern for conservation.) What do you think about that? These people

who have been here for a lifetime, paid their taxes, added to the community they loved in one way or another and are now feeling a slap in the face from the very people many of us voted for to protect our way of life by making wise decisions. This zone change is not a wise decision when it allows an intrusion onto secondary roads and established neighborhoods like Miller Road.

Preston needs a vision for the future that carries the past or we are going to lose the history and the quality of country life we now enjoy. I am not alone in thinking this way.

Amy Chmelecki – Miller Road

Ms. Chmelecki is opposed to the zone change as there is presently a feeling of being safe on Miller Road; however, the safety will be jeopardized due to people consuming alcohol and driving on back roads. Ms. Chmelecki feels this zone change will have a negative impact on their country road and the entire town of Preston. This is a low impact established neighborhood and feels that the inclusion of business that will increase traffic and will destabilize the environment the residents now enjoy.

David McKain – Watson Road

Mr. McKain is opposed to the regulations zone change. Mr. McKain noted that the Green Valley Institute states that real estate values and the development of farm land and open space threatens to forever alter the visual impact of our scenic towns and remove value farm land from agricultural production. Counter intuitive an increase in development usually increases the town's tax burden. It is also noted the purpose of the Green Valley institute is to protect natural resources and agricultural lands and development does not always do this.

Mr. McKain also noted a comment from Government Rell regarding CT property taxes being in a state of crisis. CT has the 2nd highest local property tax per capita in the nation. It is time for something to be done about the property tax crisis in CT. Most inordinate increases in prop tax affect the residents over 70 years old who are on fixed retirement incomes and social security. CT is behind the times and punitive to their most mature population. There are a lot of people who are in this category in Preston.

Nancy Herbert – Preston

Ms. Herbert noted that she has lived in Preston for most of her life her. She was on a town committee at the age of 19. She cares about keeping Preston the lovely rural area as it is. This proposal is in an insult to all of Preston's homeowners since it allows a commercial enterprise and one that is noisy to reside on a rural countryside road. It is unfair to those who purchased homes in residential areas and will possibly face traffic issues. Ms. Herbert stated that Miller Road has several 90 degree angles in the

road and those drivers who are unfamiliar with this road will be more likely to cause an increase in accidents and the need for emergency services.

Eleanor Miller – 69 Miller Road

Mrs. Miller read the following for the record:

It was shocking to learn about the proposal for a zoning change that would allow for a Large Acreage Vineyard and Winery to be located on Miller Road adjacent to Piszczek's Dairy Farm and among residential homes. To quote Michael Sinko - "the regulations could be applied to any property in town that meets the requirements." In other words, any residential property on a secondary road could be affected by this proposed zoning regulation. When some of us decided to canvass as many Preston homes as we could reach to get their opinions on this matter and sign a petition opposing it - I was apprehensive about knocking on peoples' doors. It was the urgency and importance of the matter as to what this would do to the character of our neighborhood that gave me the courage. So I went forward!! I received wonderfully warm receptions. No one was aware of this proposed zoning change. I canvassed Miller Road, Route 165, Cedarcrest Drive, Benjamin Road, and Radler Road. 95% of the people that I contacted were most willing to sign the petition. Additional roads were canvassed by other concerned citizens with the same results. I had a request from Ron Piccoli of 25 Cedarcrest Drive who is unable to attend this meeting. He asked me to speak for him and to say that he does not want this operation to be located on Miller Road. Many thanked me for what I was doing.

Miller Road residents are composed of families who have lived here for generations as well as several recent families who have either built new homes or purchased existing homes. All opposed the proposal for the same reason; they feel their quality of life, which is the reason they reside here, would be greatly diminished. Those who do not live on Miller Road feel this is not a suitable operation to be located in the midst of residential homes. Now we have been told by Mr. Sinko that if this proposed zoning regulation is approved, it could happen to them!!

With such strong opposition from Preston citizens and taxpayers we feel it would unconscionable for the Preston Planning & Zoning Commission to approve this zoning change.

Margaret Gibson – Watson Road

Ms. Gibson stated that she has been before the PZC a number of times to speak about the Fuller property located on Miller Road and the work it would take to conserve this property.

It is understood that the regulations are so broadly written and applies to any road that is unfortunate enough to have a property of over 50 acres.

Ms. Gibson participated in obtaining signatures for the petition and learned that over 90% of the people that she spoke with understood that they are at risk also and are opposed to this proposed zone change. Ms. Gibson noted that she wanted the PZC to know the thinking of some of the people who oppose zoning changes like this. These are people who want to see a leadership in the town that encourages a flow of ideas and information which promotes transparency and openness in government and activity and which encourages the growth of the democratic community. Ms. Gibson noted that she has nothing against the Sawyer family or any other particular property owner. She questions if this zoning change would have come had not the Sawyer family initiated the purchase on Miller Road. Residents on Miller Road were not consulted. Those people in Preston who are charged with safety issues, traffic and fire were not consulted and this is known as they signed the petition. The PCAC and the newly formed Conservation Commission were also not consulted. Ms. Gibson does not feel the information was provided to the community or other elected/appointed bodies in a proper manner in order for them to comment on the proposed change. Ms. Gibson does not want to think that the PZC in this town is more responsive to outside people with an idea (even a good idea) than it is to the people who live in Preston who would be affected by that idea. It is felt that the PZC owes the residents of Preston equal time and the courtesy of consultation and their wisdom. The PZC does not represent developers or people from out of town. Ms. Gibson noted she is very passionate about this as she feels very deeply about the principals that she speaks of. Ms. Gibson speaks for people who are looking for a new vision in our evolving community – one that values and maintains its historic and rural character while evolving new strategies for growth and sustainability.

Ms. Gibson questions the broadness of the regulations as written and questions how many complaints have to be lodged and to whom – what is the process of grievance set forth in order for the residents to feel comfortable in passing regulations when they include locating a business on secondary residential roads.

Ms. Gibson noted that Lynwood Crary signed the petition against the regulation. Mr. Crary previously served on the PZC and is a well respected farmer in this town.

Ms. Gibson feels that she is in a public hearing where minds have already been made up and there is even a zoning regulation change to renumber the sections in order to accommodate the new regulation. Ms. Gibson understands this is a town wide regulation but questions again if these regulations would have been written without the impetus of the sale of property on Miller Road. She asks that the Commission rewrite these regulations so they do not include wineries on secondary roads and which puts a business/winery into a residential and established community.

Chairman Sinko noted that the regulation change has been on the PZC agenda for over 5 months and has been publicly posted. A public hearing is the way for the public to have time to express their thoughts.

Bill Champagne – Northwest Corner Road.

Mr. Champagne read the first statement of the proposed zone change *“In order to allow for diversity and sustainability of agricultural uses to preserve the farms in Preston, “* and stated he felt this is a great change while the rest of the proposed zone change is not. He noted that the farms in Preston make up the character of Preston and whatever any Commission can do to help farmers is highly recommended. Mr. Champagne asked for clarifications about some of the wording in the regulations. Section 15.18.1 b ii states there shall be no more than 3 such events per week - he questions if such a business is established and begins to have more than three events, how this can be stopped at this point.

Chairman Sinko noted that this would be a zoning violation and a stop order would be issued.

Mr. Champagne asked for clarification of full meals and the ability to serve alcohol beverages.

Chairman Sinko noted that if the caterer has a liquor license they would be able to serve a full bar.

Mr. Champagne noted that the regulations state the Commission may limit the number of people allowed to attend a function and questioned who determines this number and when this is determined.

Chairman Sinko noted this is determined at the time of the application and will be set by the fire marshal and will be based on the size of the facility.

Mr. Champagne asked about the size of the building allowed to be built and how many parking spaces.

Chairman Sinko noted that a limit was not set.

Mr. Champagne stated that he felt that these regulations at least need to be tightened up with size of building and parking, etc.

Chairman Sinko stated these applications would be by special exception.

Mr. Champagne noted that the facility could be required to be located and have frontage on a state road or be located in a commercial zone.

Susan Chapman – 153 Miller Road

Ms. Chapman does not feel that Miller Road is able to handle additional traffic. It is a cut through road due to the casinos. A fire truck went off the road last year due to a faulty guardrail. People walk and bicycle on this road. Ms. Chapman does not feel that the vineyard will help the tax base as it would be agricultural.

Bob Chapin – 7 Maynard Hill Road

Mr. Chapin supports the concept of maintaining agricultural in town. He would like to add that the concept of alcohol consumption and drivers discharged onto residential roads is a bad idea.

Patrice Champagne – Northwest Corner Road

Ms. Champagne is concerned with taking a 50 acre parcel and only requiring 5 acres of vineyard with the remaining land being used as commercial. She feels that this negates zoning altogether. She has seen regulations drafted due to a proposal and the entire town ends up with regulations that were perhaps meant for one use. She feels it is absolutely difficult to have zoning and then have anything be able to happen next to you when you have invested in a residential zone. If this is about agriculture – then lets' make the winery grow more grapes and be agriculture. Ms. Champagne feels this is a commercial use being slipped in as agricultural use and feels this is entirely wrong.

Gail Rigney – Middle Road

Ms. Rigney asked where the protection of existing historic resources is. Ms. Rigney asked if there was a map of Preston showing how this decision was reached. She asked how many 50 acre parcels were being talked about. Chairman Sinko noted that maps were created showing the number of parcels that were 50 acres plus.

Ms. Rigney she is not anti-vineyard or anti-development but feels there needs to be more limits set on banquet halls; however, she is pro-preserving Preston. She is concerned there is no limit on the size of the banquet hall and should not be the primary use in a residential area. Ms. Rigney feels that there needs to be tightening of the regulations. There are three separate parcels with 50+ acres around her home and the potential is there for her to have weddings all around her every weekend.

Tim Bowles – River Road

Mr. Bowles noted that he echoed Mr. Champagne's opening statement regarding the beginning of the regulations as it is felt that the statement is really trying to address farmland preservation and diversify agricultural use. However, what he is hearing tonight is that the regulations will allow this use to be on secondary roads and would impose a negative effect on the neighborhoods. Mr. Bowles noted that the secondary roads will not support the traffic in a safe manner. He feels that the regulations could work on state roads and specific locations and feels there should be a compromise with the regulations.

The Commission should consider the concern with music and creating enough of an adequate buffer so as not to impact abutters. He feels the regulations are too broadly written and are too general. Mr. Bowles acknowledges and appreciates the public hearing this evening.

Chairman Sinko noted that if an application is received for a specific site there would be a public hearing as the regulation is by special exception only.

Gary Piszczek – Miller Road

Mr. Piszczek noted that he is disappointed that more farmers were not involved in the proposed regulation change.

Keleigh Baretincic – Lakeview Drive

Ms. Baretincic noted she is not against the proposed regulations; however, does not feel the secondary roads are equipped to handle the additional traffic but does feel they may work on the state roads.

Chairman Sinko asked if anyone wanted to speak for or in opposition of Zoning Text Change #2-08.

Tim Bray – 23 Mattern Road

Mr. Bray stated he sees this as a change which is happening all over Southeastern CT. Towns will be facing these issues over and over again. He noted that there is 1.3 million square feet of new retail in SE CT with approx. 80,000 pre-leased. We can expect change to happen and be smart about it. Mr. Bray suggested talking to N. Stonington about their vineyard.

Pat Tunucci – Miller Road

Ms. Tunucci stated that it appears that the Commission is forgetting about winter time with the snow and sheets of ice.

Scott Western – Miller Road

Mr. Western stated that he has two small children. His family chose this location to move to and build their home. He feels there is a conflict of interest in allowing commercial uses in a residential area. He suggested that a vineyard should grow grapes on the property and have receptions, etc on commercial property.

Gail Rigney – Middle Road

Ms. Rigney noted that she is concerned with the building size and the capacity of people. Ms. Rigney asked what the intent and incentive was with this zone change.

Chairman Sinko stated that the Commission felt it was a good idea to investigate Large Farm Wineries.

Margaret Gibson – Watson Road

Ms. Gibson is asking the Commission not to pass the proposed regulation change as currently written. Many people are not opposed to a winery; however, the regulations are too broad and need to be re-written.

Gary Piszczek – Miller Road

Mr. Piszczek agrees that a vineyard is agricultural; however, the public should have been more involved. Mr. Piszczek finds this hard to do as the public is not allowed to speak unless on an agenda.

Chairman Sinko noted that the notices are published in the Clerks' office and on the Town's website. There is also a list serve that Bob Chapin maintains. Mr. Chapin receives the agenda each month and sends it to all of those listed on the list serve. These proposed regulations were not done in a vacuum.

Chairman Sinko asked if anyone wanted to speak in opposition of Zoning Text Change #2-08.

Amy Chmelecki – Miller Road

Ms. Chmelecki asked if the Commission reviewed the regulations that North Stonington has.

Chairman Sinko noted that this has been done.

Planner Warzecha noted that she spoke with the ZEO in North Stonington and asked about complaints received. The complaints were mostly about the sound system; however, this has been addressed and since then, they have received very few complaints.

Ms. Chmelecki noted that they can hear Norwich in the summer time.

Keleigh Baretincic – Lakeview Drive

Ms. Baretincic asked how the minimum of 5 acres of crop was determined. It was noted that 5 acres is a standard number of acres for a vineyard.

Ms. Baretincic noted that if you can make a profit with 5 acres of crop then you wouldn't need a banquet facility.

Chairman Sinko asked if there were any other comments for or against the regulation change.

Hearing no further comments, Chairman Sinko tabled the public hearing.

ii. **Zoning Text Change #3-08 - AN AMEMDMENT REVISING SECTION 13.14.4 OF THE ZONING REGULATIONS REGARDING TEMPORARY MOBILE HOME/TRAILERS.**

Chairman Sinko read the Public Hearing notice which appeared in the Norwich Bulletin on February 21 and February 28, 2008.

Submitted for the record were the following exhibits:

Exhibit #1 – Zoning Text Change #3-08

Exhibit #2 - Certified letter dated February 15, 2008 sent to the abutting towns

Exhibit #3 - Letter of notification dated February 15, 2008 sent to the Department of Environmental Protection, Long Island Sound Program.

Exhibit #4 - Letter of notification dated February 15, 2008 sent to the SE Council of Governments.

Exhibit #4a – Letter dated February 8, 2008 from SE COG.

Exhibit #5 – Letter dated February 12, 2008 from Town of Lisbon.

Exhibit #6 – Legal Notice

Chairman Sinko noted the basis for this regulation change is if a resident had the unfortunate experience of a fire in their home, the change would allow the ZEO to sign off on a zoning permit to allow the placement of a mobile home/trailer instead of the resident having to wait for the Commission to meet or hold a special meeting.

Chairman Sinko asked if there were any comments.

Andy Bilodeau – 99 Lakeview Drive

Mr. Bilodeau noted to the Commission there was a typo in the legal notice and on the Public Hearing agenda and questioned whether the public was sufficiently notified of the change. The notice stated the regulation section as being 13.14.2 and it should read 13.14.4.

The Commission discussed this typo and determined that the wording was clear enough and they would continue with the public hearing.

Chairman Sinko asked if there were any other comments for or against the regulation change.

Hearing no further comments, Chairman Sinko closed the public hearing.

- iii. **Zoning Text Change #4-08 - AMENDMENT REVISING SECTION 19.2 OF THE ZONING REGULATIONS REFERENCE TO NON-CONFORMING USES OF BUILDINGS REGARDING NONUSE OF A NON-CONFORMING USE, LOT OR BUILDING.**

Submitted for the record were the following exhibits:

Exhibit #1 – Zoning Text Change #4-08.

Exhibit #2 – Letter of notification dated February 15, 2008 sent to the SE Council of Governments.

Exhibit #3 – Letter of notification dated February 15, 2008 sent to the Department of Environmental Protection, Long Island Sound Program.

Exhibit #4 – Certified letter dated February 15, 2008 sent to the abutting towns

Exhibit #5 – Legal Notice.

Planner Warzecha noted that the SE Council of Governments has not responded due to not having a quorum at their last scheduled

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meeting. It is recommended to continue the Public Hearing until April 1st, 2008.

***Chairman Sinko asked if there were any other comments for or against the regulation change.
Hearing no further comments, Chairman Sinko tabled the public hearing at 9:25 p.m.***

Respectfully submitted,

Kathleen Nichols
Recorder