

**Town of Preston  
Planning and Zoning Commission  
Tuesday, October 2, 2007  
Preston Town Hall  
7:30 P.M.  
Regular Meeting**

**Minutes**

1) **Chairman Sinko called the meeting to order at 7:30 p.m.**

2) **Roll Call:**

Mike Sinko

Art Moran

Joe Biber

Roy Beauregard

Thomas Fenton

Parke Spicer II

Ed Fleming (alternate)

Richard Chalifoux (alternate)

George Jennings (alternate)

**Also Present:**

Kathy Warzecha – Town Planner

Kathleen Nichols - Recorder

3) **Determination of Quorum**

Chairman Sinko seated Ed Fleming.

4) **Approval of minutes of the September 4, 2007 Regular Meeting and Public Hearing minutes. A motion was made by T. Fenton, seconded by E. Fleming to approve the Regular and Public Hearing Minutes as amended:**

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- Roll Call – Art Moran – change absent to *excused*.
- Determination of Quorum – add R. Chalifoux as being seated.

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- 9b – change Zoning Enforcement to *zoning enforcement*.
- Change Officer to *ZEO*.
- Add a comma after *ZEO*.
- 9c – 3<sup>rd</sup> sentence - change many to *may*.

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- Change S. Sajkowicz to *C. Sajkowicz*.
- Communication (h) change irreverent to *irrelevant*.

***Page 1 of Public Hearing***

- Note that Secretary Spicer *seated E. Fleming, R. Chalifoux & G. Jennings*.
- Last sentence change **in** to *on* and **plain** to *plan*.

**No further discussion. All in Favor. So Voted. A. Moran and M. Sinko Abstained.**

## 5) Communications

- a. Draft Affordable Housing Regulations
- b. Zoning Bulletin(s) dated August 1, August 15 and September 1, 2007.
- c. Letter dated August 29, 2007 from Nickolas Giordani to ZEO.
- d. Letter dated September 12, 2007 from ZEO to Nickolas Giordani.
- e. Letter dated September 13, 2007 from Town Planner to Mr. Raymond Tortorigi re: Subdivision #5-02.
- f. Flyer dated Fall 2007 from Avalonia Trails.
- g. Zoning Practice dated August, 2007 re: Practice Cluster Development.
- h. Application for Zone/Regulation Change #07-139 from Town of N. Stonington.
- i. Letter dated September 19, 2007 from Town Planner to Stephen Sawyer re: farm wineries.
- j. Letter dated September 19, 2007 from GC of Taftville, LLC re: request for bond release for Subdivision #4-06.
- k. Received September 25, 2007 from State of CT Supreme Court/Appellate Court – Pre-Argument Conference Schedule re: Wucik v. Preston PZC (AC 29091).
- l. Letter from Jane Dauphinais regarding Affordable Housing (*to be distributed at meeting*).
- m. Affordable Housing Development District Regulations – *Draft*
- n. Memo dated September 25, 2007 from SCCOG re: Public Hearing October 15, 2007 re: Regional Plan of Conservation and Development.

## 6) Public Hearings

### a. Special Exceptions - *See separate minutes of the Public Hearing.*

- i. **Continued - Special Exception Application #3-07**, John & Mary Lee Wilcox, applicants/owners for property located at 6 Amos Road, requests to establish grape fields, harvest, utilize existing buildings for manufacturing and instruction of wine making and sale of finished product under Section 4.2.10 of the zoning regulations.

## 7) Old Business

### a. Special Exceptions

- i. **Special Exception Application #3-07**, John & Mary Lee Wilcox, applicants/owners for property located at 6 Amos Road, requests to establish grape fields, harvest, utilize existing buildings for manufacturing and instruction of wine making and sale of finished product under Section 4.2.10 of the zoning regulations.

***J. Biber, M. Sinko & A. Moran recused themselves at this time. E. Fleming, R. Chalifoux & G. Jennings were seated.***

### **Discussion:**

E. Fleming pointed out that the revised plan was submitted on the day of the meeting.

Planner Warzecha noted that there were only minor modifications on the revised plan showing:

- The sight distance of the parking lot.
- The area where existing vegetation was added on the plan.

P. Spicer noted the applicants were willing to work with the State regarding the use of pesticides and fertilizers.

Mr. Wilcox agreed that he is willing seek assistance from Chuck Lee, Department of Environmental Protection on the application and use of pesticides and fertilizers.

P. Spicer noted that the plan states “No Right Hand Turn on Amos Road” exiting the parking lot and didn’t see how this was going to be enforced. The Commission determined the sign was not necessary and unenforceable.

**A motion was made by T. Fenton, seconded by G. Jennings to approve Special Exception Application #3-07:**

**Planner Warzecha noted that the Commission may want to add to their motion the following modifications:**

- Remove the note on the plan stating *No Right Hand Turn onto Amos Road.*
- Clarify on the plan, the phasing plan for the grapes to be grown.
- Suggest that a pesticide/fertilizer plan be prepared with the assistance of Charles Lee of the Department of Environmental Protection.

**A motion was made by T. Fenton, seconded by G. Jennings to add the modifications to the motion.**

**No further discussion. All in favor. So Voted.**

**b. Site Plans**

- i. **Site Plan Application #3-07**, John & Mary Lee Wilcox, applicants/owners for property located at 6 Amos Road, requests to establish grape fields, harvest, utilize existing buildings for manufacturing and instruction of wine making and sale of finished product under Section 4.2.10 of the zoning regulations.

**A motion was made by T. Fenton, seconded by G. Jennings to approve Site Plan Application #3-07 with the same modifications as Special Exception #3-07.**

**No further discussion. All in favor. So Voted.**

*At this time J. Biber, M. Sinko and A. Moran were reseated. R. Chalifoux and G. Jennings are no longer seated. E. Fleming remains seated.*

**8) New Business**

**a. Zoning Permits**

- i. **Zoning Permit Application #5-07**, Nickolas C. Giordani, applicant/owner for property located at 277 Route 164, requests home occupation permit pursuant to section 13.10 of the zoning regulations.

Planner Warzecha explained this is a request for a home occupation permit. She distributed a copy of the application to the Commission. The home is 1,632 sf and the garage is 864 sf; however only 408 sf of the garage will be used. There will not be any changes to the exterior of the house with the exception of a display area for the headstones, stone carvings and similar. The ZEO made a determination that the applicant needed to come before the Commission as she does not believe it is a continuation of the abutting 22 Old Shetucket Turnpike property. It was determined that the applicant needed to submit a home occupation application rather than a site plan.

The Commission discussed the existing business located at 22 Old Shetucket Turnpike and the request to relocate the business to 277 Route 164 which abuts 22 Old Shetucket Turnpike. The Commission determined that Home Occupations are permitted in the Preston City Village District. Although home occupations do not allow for display area, the applicant will not be making any improvements to the site and the regulations allow for *Exceptions for Site Plan Review* under Section 16.11.c. It was determined that the application does not require a site plan review. The applicant was informed he would need to renew his permit every two years with the ZEO.

**A motion was made by P. Spicer, seconded by R. Beauregard to approve Zoning Permit Application #5-07.**

***J. Biber recused himself. R. Chalifoux was seated in place of J. Biber.***

**There was no further discussion. All in Favor. So Voted.**

***J. Biber was reseated at this time. R. Chalifoux was unseated.***

**9) Other Matters**

**a. Affordable Housing**

Chairman Sinko received a letter from Jane Dauphinais from Southeastern CT Housing Alliance. Ms. Dauphinais was present at the July 23, 2007 Affordable Housing workshop and sent the letter as follow up. The Commission briefly discussed the letter and determined a workshop would be scheduled. Planner Warzecha and Attorney Heller have met and amended the draft regulations, which the commission members received in their meeting packet.

**A motion was made by T. Fenton, seconded by P. Spicer to hold a workshop on October 23, 2007 at 7:00 p.m.**

**No further discussion. All in favor. So Voted.**

**b. Discuss and consider creating a policy with guidelines for recording and responding to zoning enforcement issues.**

The Commission discussed the present process of how the ZEO receives and responds to complaints. T. Fenton felt that it may be the time frame of how a complaint was handled that was in question. P. Spicer noted he was fine with the policy that is followed now. The Commission determined they had a process that was acceptable to them and it was determined not to make any changes.

**A motion was made by P. Spicer, seconded by R. Beauregard to continue with the present policy of how the ZEO receives and responds to complaints.**

**No further discussion. All in favor. So Voted.**

**c. Discuss and consider creating a policy to track approved site plan improvements of campgrounds.**

***J. Biber recused himself at this time. R. Chalifoux was seated.***

The Commission noted that this topic is just for discussion. Planner Warzecha noted that a policy does need to be created for tracking of site plan improvements and not just campground site plans.

T. Fenton made a motion, seconded by E. Fleming to take no action on this topic pending the study of the Land Use Study Committee.

**No further discussion. All in Favor. So Voted.**

***J. Biber was reseated at this time. R. Chalifoux was unseated.***

**d. Discuss and consider creating a policy to allow Public Comment at meetings.**

At the BOS meeting of June 21, 2007, the board adopted a policy to allow public comment during their meetings and forwarded the policy to all boards and commissions for their review and consideration.

M. Sinko noted that this Commission has never had open public comment.

The Commission has received an opinion from two different attorneys regarding public comment. Attorney Zizka stated that as a regulatory commission, we are not having a

*public meeting* but a *meeting in the public*. There is time for public comment at a meeting during a public hearing.

M. Sinko noted that it can become problematic to have open public comment if a public hearing has been continued and if something is said during a public comment period about an application, it could possibly affect the decision. At that point the comment is on the record. It does not make a good policy for this commission to have public comment outside of a public hearing. M. Sinko noted that Attorney Manfredi had similar comments regarding this matter.

M. Sinko noted that an applicant or agent on behalf of the applicant/owner can speak on an application anytime other than during a public hearing.

Planner Warzecha explained that you have the right to allow for comments outside of a public hearing for site plans but the Commission does not have to do so. Having a public comment period is different than public comment during a public hearing on an application. Even if it is not a public hearing, but public comment is allowed on an application, you will have to afford both sides the opportunity to speak.

**A motion was made by R. Beauregard, seconded by J. Biber to continue with our present policy.**

**No further discussion. All in favor. So Voted.**

**e. Letter dated September 19, 2007 from GC of Taftville, LLC re: request for bond release for Subdivision #4-06.**

Planner Warzecha noted that the \$5,000 bond on file was for improvements to sight distances and removal of vegetation of Subdivision Plan #4-06. She informed the Commission that a site walk was completed and it was determined that the work was acceptable.

**A motion was made by R. Beauregard, seconded by P. Spicer to release the \$5,000 bond based on a favorable inspection.**

**No further discussion. All in favor. So Voted.**

**10) Adjournment**

A motion was made by T. Fenton, seconded by E. Fleming to adjourn the meeting at 9:26 p.m.

**All in favor. So Voted.**

Respectfully submitted,

Kathleen Nichols  
Recorder