

Town of Preston
Planning and Zoning Commission
Tuesday, July 27, 2021
7:00 P.M.
Preston Plains Middle School (Cafeteria)
1 Route 164 Preston, CT 06365
PZC Regular Meeting

1. Call to Order

Art Moran, Jr. called the meeting to order at 7:00 P.M.

2. Roll Call

Members

Art Moran, Jr. - Chairman
Richard Chalifoux - Vice Chairman
Anne Sabrowski - Secretary
Denise Beale - excused
Charles Raymond - excused
Doreen Rankin
Mike Sinko

Alternates

Nate Koniecko - absent
Fred Eddy

Kathy Warzecha - Town Planner
Kimberly Lang - Recorder

3. Determination of Quorum

Fred Eddy was seated for Charles Raymond.

4. Approval of Minutes

a. Regular Meeting Minutes dated June 22, 2021

Two corrections were noted - page 1 in the motion under item #4 the word should be position not potion, and on page 3 in the fourth bullet the words 'of the campground' should be added after the word neighbors, for clarification.

Richard Chalifoux motioned to accept the correct Minutes of June 22, 2021. Doreen Rankin seconded the motion. Richard Chalifoux, Anne Sabrowski, Doreen Rankin, Mike Sinko, Fred Eddy voting in favor of the motion and Art Moran abstaining.

5. Communications

- a. Email dated June 21, 2021 from Ahmed Choudhry to Kathy Warzecha, Town Planner regarding Bond Release for Site Plan #2019-02a, Ahmed Choudhry, Applicant and Rizwan Jameel, Owner for property located at 397 Route 2; Construct new entry drive.
- b. Letter received from Colleen Bezanson, Montville Assistant Town Planner to Jill Keith, Preston Town Clerk regarding Richard P. Heller and proposed Zoning Text Amendment to Section 14A.3(d).
- c. Letter dated July 1, 2021 to Mr. Fred Eddy from Town Planner, Kathy B. Warzecha regarding appointment of Mr. Eddy as an Alternate Member of the PZC Commission.
- d. Draft Amendment for Temporary and Limited Moratorium on Cannabis Establishments.
- e. Letter dated July 29, 2021 to Carlos Lima from Mildred Peringer, Preston ZEO regarding removal of a rooster located at 154 Old Jewett City Road.
- f. Letter dated July 29, 2021 to Julie Manfred from Mildred Peringer, Preston ZEO regarding removal of a rooster located at 46 Beatrice Street.
- g. Letter dated June 30, 2021 to RVA Realty LLC from Mildred Peringer, Preston ZEO regarding trash in front and rear of property at 10 Terrace Avenue.
- h. Letter dated July 6, 2021 to Stephen Gallant from Mildred Peringer, ZEO regarding removal of a rooster at property located at 33 Tanglewood Dr. Ext.
- i. Zoning Bulletin, June 10, 2021
- j. Zoning Bulletin, June 25, 2021
- k. Affordable Housing Plan Memo

The Commission members discussed the three rooster complaints and read over several Zoning Regulations in particular 5.1.5 and 5.1.6. They discussed the definition of terms such as poultry, chicken, and rooster. It was finally decided that Kathy Warzecha would speak to Millie Peringer about property size and citing Zoning regulations.

6. Public Hearing - There was none.

7. Old Business - There was none.

8. New Business - There was none.

9. Other Matters

- a. **Bond release for Ahmed Choudhry regarding Site Plan #2019-02a, Ahmed Choudhry, Applicant and Rizwan Jameel, Owner for property located at 397 Route 2; Construct new entry drive.**

Kathy Warzecha read a letter from Tom Cummings stating that he felt property was acceptable and stable and that he felt that the town could release the bond. Mrs. Warzecha went on to add that she felt the bond could be released provided that the incorrect signage be removed, and that the owners pay \$120 Engineering Fee. Richard Chalifuox mentioned the lack of curbing along the roadway where the old entrance was located, and suggested that it be installed before the bond is released.

Mike Sinko motioned that the bond be released provided the Do Not Enter signs be removed from the entrance; curbing is installed; and \$120 Engineering Fee is paid.

Doreen Rankin seconded the motion. The motion was carried unanimously.

- b. **Nick Rankin for property located at 101 & 107 Hollowell Road, request to modify conservation easement that was approved as part of Subdivision #2-05 – Weduco Farms Subdivision.**

Kathy Warzecha explained that this needs to be tabled because the request needs to go to the Inland Wetlands & Watercourses Commission first.

- c. **Draft Subdivision Regulations**

Kathy Warzecha stated that she is waiting for detailed information from Tom Cummings before the Draft is ready for the Commission to look at. This was tabled until the August meeting.

- d. **Draft Short-Term Rental Regulations**

The Commission questioned several areas of the Draft. One such area is the length of stay being 3 weeks in a 3-month period; it was decided that anything longer is not a vacationer, which is the intended use. The phrase “by the same party” needs to be consistent throughout the document where appropriate. Kathy Warzecha explained the reasoning for 6 copies of plans - to give copies to the different agencies to allow them to review the application; and the notarized paperwork is for consistency with other town procedures. Amplified music was then discussed, it was then decided that the wording should be changed to: “Noise levels can’t exceed the State of Connecticut noise level regulations”.

e. Affordable Housing Plan

Kathy Warzecha explained that this was the first step of the POCD; she went on to explain that the state has mandated that every town have a plan in place by June of 2022. The group discussed the difference between affordable housing and low-income housing. It was suggested that a subcommittee be formed to work on the plan and that they could meet an hour before the Regular PZC meeting. The subcommittee will consist of Art Moran, Doreen Rankin, Anne Sabrowski, and Kathy Warzecha. Mrs. Warzecha had already obtained copies of Salisbury, Stonington, Essex, Hampton, Manchester, and Old Saybrook plans and distributed them to the PZC members. Each member is to read them over and make note of parts that they felt would pertain to Preston. Kathy Warzecha will have an outline ready by the August meeting. It was agreed to discuss the matter at the August regular meeting and subsequently the subcommittee will meet at 6:00 prior to the regular meeting.

2021 Guide to Legislation Impacting Development and Land Use Procedures

Kathy Warzecha went over the new state legislation that has just come into effect. She pointed out that some of the changes have to do with procedure, while others actually affect regulations. Mrs. Warzecha would like to take the new state regulations and highlight town regulations that are affected and will need changing. She pointed out several major changes such as:

1. Unused consultant fees need to be paid back to the applicant within 45 days after the completion of the project with interest.
2. There were revisions made the authorization statement of what the Zoning Commission can regulate – it is pretty much the same, but lettering was added. Additions include – protection of historic, tribal, cultural and environmental resources, address the disparities in housing needs and education, remove the use of the word character and use physical site characteristics instead, provide for incentives for developers that use solar or renewal forms of energy and water conservation, etc.
3. We will need to remove the minimum size requirements for housing – it needs to be consistent with the State Building Code.
4. Our current regulations regarding accessory apartment are pretty much consistent with the statutes, we might need to tweak them a bit, for example I don't think we can require that the permits be renewed. Decisions regarding accessory apartments need to be made within 65 days.
5. After January 2023, the zoning enforcement officer will be required to be certified from the Connecticut Association of Zoning Enforcement Officers.
6. PZC and ZBA members will be required to take training when appointed and every other year thereafter. The PZC and the ZBA will be required to certify to the BOS that they have complied with the training requirements.
7. The town is required to prepare an affordable housing plan no later than January 2022. The plan needs to be submitted to the State Office of Policy and Management. The Affordable Housing Plan may be part of the POCD. The Affordable Housing Plan shall be updated every 5 years.

8. Modifications were made to expiration dates for applications.
9. Recreational Cannabis – the town will receive 3% sales tax on the gross receipts from the sale of cannabis or hybrid retailer of micro cultivator operating a municipality. The tax can only be used for certain purposes. But the town may grant no more than one retail and micro-cultivator for every 25,000 residents – does that mean that Preston cannot have any? We can prohibit them and or restrict. Also growing cannabis is not considered agricultural.

Kathy Warzecha will send the link for the legislation to PZC members.

f. Draft Amendment for Temporary and Limited Moratorium on Cannabis establishments.

It was suggested to amend Preston Zoning Regulations by adding Section 26 a temporary and limited moratorium on cannabis establishments. It was pointed out that without a moratorium people can apply to open an establishment. With a moratorium it gives the Commission time to think and decide what is best for the town. The moratorium can be lifted before the decided time is up, but it would take another Town Meeting to extend it. It was decided to schedule a Public Hearing in August.

g. Update on Site Plan #2019-01, Sultan Ali Javed, Applicant/Owner for property located at 212 Route 2; Gas station and market.

Kathy Warzecha updated the Commission noting that there has been some progress in the cleanup of the site. There has been very little oversight from the state with regards to the cleanup - which is disappointing. The applicant's Licensed Environmental Professional has been giving monthly reports to the town to ensure there is continuous progress. The contaminated soil has been removed from the site. There are two waste oil tanks that have been pumped and will be removed soon. They have installed a new filter for the well in a house located on Lincoln Park Road. Most of the contamination has been contained.

10. Public Comment - There was none.

11. Adjournment

Mike Sinko motioned to adjourn at 8:37 P.M. Doreen Rankin seconded the motion. The motion was carried unanimously.

Respectfully submitted,

Kimberly Lang

Recording Secretary