## **Stonington Planning Board meeting**

18 January 2024

PRESENT: Renee Sewell, Ben Jackson, Bob Winters, Anna Goff, Caleb Scott, Peter Haskell, Ed Reece

PUBLIC: Brian Billings, Ryan and Jennifer Larrabee, Priscilla Allen Scott, Andrew McCullough, Sandy Ward, Rebecca Daugherty, Christine Carter, Carla Falkenstein, Brian Carroll, Ron Watson, Tom Gotwalls

**ZOOM:** Blair Sanders, Susan MacKay, Sandra MacKay Miley, Charlie Hopkins, Roger Block, Mallory Reece

Meeting was brought to order by the Chair at 6:30pm. A quorum was present.

A motion was made to accept the minutes of the last meeting, as written.

Moved: Jackson Second: Goff

Approved by vote: 7:0

New member, Edward Reece, was welcomed to the Board as a 1st Alternate

Item 1: Green Mountain Communications application to upgrade T-Mobile equipment on existing cell tower, Cemetery Road, Map 5 Lot 3on

Application was made to install additional antennas (1 dish, 2 radios) and associated hardware to the side of the existing tower. No conflicts of interest were noted with any Board member. Proof of ownership was established and the application was determined to be complete, meeting all criteria. There will be no change in height to the tower.

DECISION: Motion was made to Approve the application. Moved: Goff

Second: Jackson

Approved by vote: 7:0

Item 2: Town of IAH Broadband Committee, IAH Boat Co, Bayview Ave, Map 88 Lots 76+77. Installation of fiber optic cable.

Application was made to install (attach) approx 150' of 2" fiber optic cable, via conduit, to existing IAH Boat Services stone wharf and wall, connecting to utilities on Main Street. No conflicts of interest were noted with any Board member. The application was determined to be complete and the Board found no issues with the project.

DECISION: Motion was made to Approve the application. Moved: Goff

Second: Reece

Approved by vote: 7:0

Item 3: Town of Isle au Haut, Versant Power/IAH Boat Co., Bayview Ave, Map 88 Lots 76+77. Installation of submarine cable.

Application was made to install a new (and redundant) underwater power cable using existing rights of way and easements. Project has been approved by State and Federal agencies. The new cable will run alongside the existing cable, which will continue to be used until no longer serviceable. This project will insure that there will be no interruption in electrical service to Isle au Haut. Stonington Harbor Committee found no issues with the project. The application was determined to be complete.

DECISION: Motion was made to Approve the application.

Moved: Jackson

Second Goff

Approved by vote: 7:0

Item 4: Sandra & Susan MacKay: 61 Sellers Rd, Map 4A Lot 19. Shoreline stabilization project

Project designed to preserve shore cover and protect appox 220' of shoreline against the effects of sea level rise. The plan includes the construction of a rip rap barrier about 8" above road height with the addition of strategically placed plantings (juniper and others). The application, accompanied by an engineered site plan, was determined to be complete. The Board found no issues with the project.

DECISION: Motion was made to Approve the application.

Moved: Goff

Second: Jackson

Approved by vote: 7:0

Item 5: Reconsideration of application for Jack's Brook Subdivision, Oceanville. Ryan and Jennifer Larrabee, Map 28 Lot 72

The original application for approval was found incomplete by the Board at it's November 16<sup>th</sup> meeting due to the fact that four of the proposed lots were undersized (less than two acres), automatically triggering, by ordinance, the need for a comprehensive hydrologic survey. The applicants asked for a variance. With the advice of the Town Attorney, the Board suggested that it would reconsider with a written statement from a qualified professional stating that there would be sufficient water and favorable conditions for development.

The applicants provided a written report from Lippett Geological, LLC, in which they evaluated the site, "addressing the hydrogeological requirements as defined by the Subdivision Ordinance for the Town of Stonington". Their findings concluded that, in their opinion, there would be sufficient water available for the subdivision and that the site development would not adversely impact water quality or quantity for adjacent properties.

After additional research by the Chair over the past few weeks, it became clear that the Board had but one option. The Planning Board has no authority to grant variances (this can only

be done by the Board of Appeals) and we are directed, by law, to follow exactly, the articles of the Ordinance as written. Lot sizes must comply with the two acre minimum. If not, then a compressive hydrological study must be provided. We cannot stray from the Ordinance.

Apologies were made to the applicants for the misinformation provided to them at the November meeting, but we had no other choice but to deny the application. Recourse for the applicants would be to redraw lot lines to create two-acre lots, provide the hydrological study or take the matter to the Appeals Board for review.

DECISION: Motion was made to Deny the application

Moved: Goff

Second: Jackson

Approved by vote: 7:0

Item 6: Application for Short Term Rental, 136 Cat Cove Rd, Map 3, Lot 11C made by The Brazas Group LLC, Lake Forest, CA., to be managed by The Island Agency, PO Box 543, Stonington, ME

No conflicts of interest were expressed by Board members and the application was determined to be complete. All required information was provided but the property lies within 1000 feet of another STR property, disqualifying it for approval.

DECISION: Motion was made to Deny the application.

Moved: Reece

Second: Goff

Approved by vote: 7:0

Item 7: Reconsideration of application for Change of Use from a gallery to a restaurant, 68 Main LLC, Ronald Watson, Map 8A Lot 52.

Revisions to the site plan were presented which included a narrative of Watson's plan for the operation of the restaurant. More detailed plans of the kitchen layout and the seating arrangement in the dining area were included but the Board still found Watson's application lacking in sufficient detail and with some important information omitted. A second egress door exists in the rear of the building but was not included in any drawing and the three floors of the building are currently fitted with a sprinkler system (not mentioned in any of the descriptions). The thread of e-mails between Watson and the Fire Marshall is confusing, leaving no clear indication of his findings. Plans to address accessibility and fire and safety issues were not adequately described. Watson did say that an accessible bathroom and 36" doors would be included in the project but no indication was made on the plan. After a lengthy discussion with Watson explaining his narrative and plans, the Board was satisfied that it could approve the application with conditions.

DECISION: Motion was made to Approve the application with the understanding that an exhaust hood would not be required and with the condition that all ADA requirements (including an accessible bathroom) and all state and local fire safety codes will be met.

Moved: Jackson

Second: Scott

Approved by vote: 7:0

Moved to adjourn meeting at 8:05pm

Moved: Jackson

Second: Goff

Approved by vote: 7:0

Next meeting scheduled for Thursday, February 15, 2024.

Respectfully submitted,

R N Winters - Secretary