



Town of

# North Stonington, CT

PLANNING & ZONING COMMISSION

## REGULAR MEETING

THURSDAY, SEPTEMBER 7, 2006 – 7:00 PM

New Town Hall  
Conference Room  
40 Main Street  
North Stonington, CT 06359

### Minutes Approved ~ September 14, 2006

1. **CALL MEETING TO ORDER:** Chairman G. Russell Stewart, III called the Regular Meeting of the North Stonington Planning & Zoning Commission to order on Thursday, September 7, 2006 at 7:02 p.m. in the New Town Hall, Conference Room.

**COMMISSIONERS PRESENT:** G. Russell Stewart, III, Chairman, Vilma Gregoropoulos, Vice-Chairman, Anne H. Nalwalk, Elaine Boissevain, Louis E. Steinbrecher (7:14 p.m.) and Alternate Members Duncan Schweitzer, Charles Elias and Susan Grufstedt (7:14 p.m.)

#### **COMMISSIONERS ABSENT:**

**STAFF PRESENT:** Sr. Planner & Zoning Official Craig Grimord, Administrative Assistant Cheryl Konsavitch and Planning & Zoning Attorney Michael Carey.

2. **ADDITIONS TO THE AGENDA:** None

3. **PUBLIC COMMENT:** None

#### **PUBLIC HEARINGS:**

A. **SUB #06-115, SPEC #06-116** (*Lime Kiln Woods*) Application of Amos Lake Development, L.L.C., 3416 Bargaintown Road, Egg Harbor Township, NJ 08234 for Special Permit Subdivision. The proposal is for an 11-lot subdivision of property using development flexibility under Section 510. The property is located on the easterly & westerly sides of Hollowell Road and on the southwesterly side of Northwest Corner Road at the intersection of the southeasterly line of Hollowell Road with the Southwesterly line of Northwest Corner Road, North Stonington, CT 06359. Tax Map #32/2714, 2715, Lot #50/68, 1546, 1546A, 4376, 4376A (*PH opened on 8/03/06 & continued & extended to 9/07/06; Received on 6/08/06 & PH must close on or by 9/07/06*)

Vice-Chairman Gregoropoulos read the application into the record.

A. Nalwalk recused herself

Seated: R. Stewart, E. Boissevain, V. Gregoropoulos for S. Grufstedt, D. Schweitzer for L. Steinbrecher, C. Elias

Attorney Harry Heller representing the applicant was present for this application.

Attorney Heller stated the application before the Commission is for an 11-lot subdivision on 115 acres of land that was submitted under Section 510 which allows design flexibility with a commitment to dedicate at least 60% of the subdivision to open space.

Atty. Heller reviewed with the Commission a 200-scale map of the proposed subdivision. Atty. Heller stated the property being proposed for subdivision is the remaining property that Weduco Farms purchased in the 1950's. The remaining land is located in both North Stonington and Preston. Atty. Heller stated they are not proposing any development on the Preston property. Atty. Heller stated that in various workshops with the Commission, the design parameters of concern for the development of this property was that the streetscape along Hollowell Road and Northwest Corner Road be preserved. Atty. Heller believes they have accomplished this goal with the design of this proposed subdivision.

Atty. Heller stated that they have encumbered virtually all of the streetscape along Northwest Corner & Hollowell Roads with Open-Space so that the streetscape would be preserved in perpetuity. Atty. Heller stated the proposed recipient of the Open-Space, Avalonia, have agreed to accept the dedication.

Atty. Heller stated a common driveway off of Northwest Corner Road would access the proposed subdivision. The common driveway would entail one curb cut and be maintained by a Homeowners Association.

Atty. Heller stated that one of the issues that have been raised by the Planner is the fact that the proposed subdivision is including property from Preston in the density calculations. Atty. Heller stated no development is being proposed in conjunction with this project in the Town of Preston and the Commission would have no jurisdiction on the land in Preston.

Atty. Heller went over a map showing existing and proposed open space parcels and submitted it for the record as (Exhibit A).

Atty. Carey stated that he agrees with Atty. Heller that the Commission has no jurisdiction on property that is outside the Town boundary and for that reason he believes the property outside the Town cannot be counted toward the density or the open-space requirement.

The Commission discussed whether or not the property in Preston should be counted toward the open-space and density calculations.

Atty. Heller stated his applicant has applied for waivers through the Special Permit process to waive Section 510.2.b (2) and Section 510.2-c of the Zoning Regulations.

Vice-Chairman Gregoropoulos stated she had listened to the tapes of the Public Hearings when the Open-Space Subdivision was being proposed and it was the intent of the Commission that the buildable square requirement not be waiveable. Vice-Chairman Gregoropoulos stated she would like the Public Hearing tapes of the Open-Space regulation amendment entered into the record.

ZEO Grimord stated the Commission did not intend to waive the buildable square or lot area requirements when these regulations were proposed.

Atty. Heller stated there are two issues, one is the buildable square requirement which he believes the Commission has the authority to waive by Special Permit and the whether or not the Commission can count the property in Preston toward the density calculations.

The Commission asked their Attorney to review the 2 issues and advise the Commission on how to proceed.

Secretary Steinbrecher requested applicant proof of lot density with the calculations to verify.

ZEO Grimord stated Atty. Heller has submitted a letter requesting a continuance and an extension of this Public Hearing.

Nick Mullane, 1<sup>st</sup> Selectman stated the Commission should receive a complete application at the time of Public Hearing so they do not have to keep continuing and extending Public Hearings.

Atty. Heller stated he had received review comments on this application from the Planning and Zoning Office on 8/02/06 for the 8/03/06 meeting.

Atty. Carey asked for clarification on the two issues the Commission had with this application. The Commission verified one as the jurisdictional ruling with the land in North Stonington and the authority of the Commission under Section 510.1 to grant, by Special Permit, waivers of buildable area requirement.

ZEO Grimord read the continuance and extension letter into the record from Atty. Heller.

Chairman Stewart asked if there were any questions or comments from the public on this application. There were none.

**MOTION by E. Boissevain, SECOND by C. Elias to accept the continuance and extension letter from Atty. Heller and continue the Public Hearing on SUB #06-115, SPEC #06-116 to October 12, 2006. MOTION CARRIED UNANIMOUSLY.**

**B. RC #06-137 (*Regulation Change*)** Application of the North Stonington Planning & Zoning Commission, New Town Hall, 40 Main Street, North Stonington, CT 06359 to delete Section 611.1 pertaining to Interior Building Lots & 710 pertaining to Mobile Home Parks. To remove, modify & replace Section 728 pertaining to Accessory Apartments. Modify Section 403.1, Table of Use Regulations of the Zoning Regulations. (*PH set for 9/07/06; Received on 7/20/06 & Commission can act on as their schedule permits*)

Secretary Steinbrecher read the application into the record.

Seated: A. Nalwalk, E. Boissevain, V. Gregoropoulos, L. Steinbrecher, R. Stewart

ZEO Grimord went over his memo pertaining to this application.  
The Commission discussed the proposed regulation changes.

Secretary Steinbrecher read the letter from SCCOG and the Conservation Commission into the record.

Chairman Stewart asked if there were any questions or comments from the public. Ron Robbins asked a question pertaining to existing subdivisions.

Chairman Stewart asked if there was anyone from the public speaking in favor of this application. There were none.

Chairman Stewart asked if there was anyone from the public speaking against this application. There were none.

ZEO Grimord stated to the Commission that he has outlined the findings that the Commission needs to look at in order to approve the regulation changes along with a proposed motion to approve.

Secretary Steinbrecher read the findings into the record from ZEO Grimord's memo of 8/29/06 into the record with corrections:

1. The proposal addresses the public safety from fire, panic, flood and other dangers

*Fire safety will be reviewed on an individual case-by-case basis as it relates to accessory apartments. Removal of the mobile home park regulations promotes fire safety in that the regulations allowed for the close proximity of mobile homes in a high-density environment.*

2. The proposal effects on the health and general welfare of the community.

*No negative effects are foreseen with these regulation changes.*

3. The proposals effects on the population in regards to density and overcrowding

*Removal of the Mobile Home Park Regulations may prevent an overcrowded and high-density development from being created because the current regulations do not offer any controls for this kind of development.*

4. Have adequate provisions been addressed for transportation, water, sewerage, schools, parks and other public requirements.

*This proposal will have no negative effect on these areas and the mobile home park does not look at buildable area.*

5. Has reasonable consideration been made as to the character of the district and the suitability for the particular uses with a view to conserving the value of the existing buildings and land and encourage the most appropriate use of the land.

*In the case of the repeal of the Mobile Home Parks, the Commission feels that this type of high-density development is not the most appropriate use of land as the regulations are currently written.*

6. Consideration of the proposals impact on agriculture in the area.

*The proposals should have no deleterious impact on agriculture. The accessory apartment regulations have the potential to create housing on existing farms to supplement farm income, and to provide housing for employees.*

7. The protection of historic features and structures has been considered.

*This proposal will have no impact to protecting historical features and structures and the mobile home park does not look at buildable area.*

8. The protection of existing and potential public surface and ground drinking water supplies has been considered.

*This proposal should have no effect on surface and ground drinking water supplies and there will be a positive effect on getting rid of the mobile park regulations, as it does not take into effect buildable area.*

**MOTION by V. Gregoropoulos, SECOND by L. Steinbrecher to close the Public Hearing on RC #06-137. MOTION CARRIED UNANIMOUSLY.**

**MOTION by V. Gregoropoulos, SECOND by L. Steinbrecher to approve RC #06-137 to delete Zoning Regulations 611.1 and 710. Delete Section 728, modify as proposed and amend as Section 623, and modify the Table of Use Regulations Section 403.1 to reflect these changes. The Commission believes it is in the best interest of the town and the public to repeal and/or modify the regulations pertaining to Interior Building Lots and Accessory Apartments, as the proposed changes would allocate these administrative decisions to the ZEO and streamline the application process. It has been determined that the repeal of the Mobile Home Park Regulations are necessary as the existing regulations do not reflect the current land use policies of the Town. These proposals are consistent with the POCD in that there are really no changes to the Interior Building Lot Regulations or the Accessory Apartment regulations other than to change the administrative approval process from the commission to the ZEO. Removal of the Mobile Home Park Regulations reduces the residential build-out potential by removing a type of development that promotes high-density usage on small lot areas. The effective date of the Regulation Change will be October 2, 2006. MOTION CARRIED UNANIMOUSLY.**

**C. SUB #06-085, SPEC #06-086 & SPEC-APZ #06-088 (Shunock River Estates II) Application of Joseph Mascaro, Raymond Trebisacci, Stephen Reck & Steven Bossie, 53 Oshwigochie Hills Road, Niantic, CT 06357 for a Special Permit Subdivision with proposed Stormwater retention basins in the Aquifer Protection Zone. The proposal is for a 12-lot subdivision of property using development flexibility under Section 510, located behind 126 Babcock Road, one mile east on Babcock Road from the intersection of Wyassup Road and Babcock Road. The property is located on the South side of Babcock Road. Tax Map #110/2742, Lot #31/8197. The Public Hearings for**

these applications will be heard concurrently. (NO ACTION NEEDED; PH opened on 7/06/06 & continued to 8/10/06 & 9/14/06; Received on 5/04/06 & PH must close on or by 9/14/06)

**D. RE-SUB #06-146** (*Gillis 2-Lot Re-Sub*) Application of Kenneth Gillis, 53 Mains Crossing Road, North Stonington, CT 06359 for a 2-Lot Re-Subdivision on property located approximately 600 +/- feet south of the intersection of Norwich-Westerly Road (Rte. 2) & Mains Crossing Road, North Stonington, CT 06359. Tax Map #101/2732, Lot #06/7570 (NO ACTION NEEDED; PH set for 10/05/06; Received on 8/03/06 & PH must close on or by 11/07/06)

Secretary Steinbrecher read Item C-D into the record and stated no action needed for these items.

**5. COMMISSION REVIEW:**

**IBL #06-131** (*Interior Building Lot*) Application of Karen Stanley/Melissa & John Miner, 304 Pendleton Hill Road, North Stonington, CT 06359 for an Interior Building Lot on property located at 304 Pendleton Hill Road. Tax Map #103/2742, Lot # 84/4755  
(Commission review set for 8/10/06 & continued to 9/14/06; Received on 7/06/06 & Commission must act on or by 9/14/06)

**6. PENDING APPLICATIONS:**

**SPEC #06-038** (*Special Permit*) Application of the North Stonington Little League Association, Inc., c/o Jacques Parenteau, P.O. Box 419, North Stonington, CT 06359 to construct a Little League complex with associated site improvements. Property located on Swantown Hill Road, approximately 1 mile from Norwich-Westerly Road (Rt. 2) on the north side of Swantown Hill Road, North Stonington, CT 06359. Tax Map #77/2723, Lot #64/2993A (PH continued to & closed on 7/20/06; opened on 5/04/06 & continued to 6/01/06 & 7/20/06; Received on 4/06/06 & Commission must act on or by 9/21/06)

ZEO Grimord gave the Commission a draft motion to look over and the Commission will discuss at their 9/14/06 meeting.

**7. NEW APPLICATIONS:** None

**8. SENIOR PLANNING & ZONING OFFICIAL'S REPORT/ISSUES:**

ZEO Enforcement Report/August

ZEO Grimord went over his enforcement report for the month of August and his correspondence with the Commission.

**9. NEW BUSINESS:** None

**10. OLD BUSINESS:**

The Commission went over the draft policy statement concerning Public Hearing continuance requests and made some corrections. The consensus of the Commission was to adopt the policy statement.

**11. PLANNING ISSUES & DISCUSSION:**

**A. Ad-Hoc Committee**

The next Ad-Hoc Committee meeting is scheduled for Tuesday, September 26, 2006 at 5:30 p.m. at the New Town Hall, Conference Room

**B. NEMO Task Force Update**

Vice-Chairman Gregoropoulos stated she talked to John Rozum of NEMO and he has contacted the Commission's contracted planner, NEMO will try to get a presentation put together to address the duties and responsibilities of the Zoning Board of Appeals.

**12. CORRESPONDENCE:**

The Commission went over the correspondence in their packets.

**13. REVIEW MINUTES:**

Review minutes of Regular Meeting of 8/10/06

**MOTION by C. Elias, SECOND by E. Boissevain to approve the minutes of 8/10/06 with the necessary corrections. MOTION CARRIED.**

Abstained: V. Gregoropoulos

**14. ADJOURNMENT:**

**MOTION by C. Elias, SECOND by L. Steinbrecher to adjourn the meeting at 9:50 p.m. MOTION CARRIED UNANIMOUSLY.**

Respectfully Submitted,

Cheryl Konsavitch, Administrative Assistant  
Planning & Zoning Office