

Special Meeting

The 1512th meeting of the Town Of Stonington's Planning and Zoning Commission was held on Tuesday, March 4, 2014 at the Mystic Middle school, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Acting Chairman John Prue at 7:00pm. Also present were Commissioners Frances Hoffman, Bob Mercer, and Curtis Lynch; Alternate Gardner Young, and Town Planner Keith A. Brynes. Commissioner Ben Tamsky was absent.

Seated for the meeting were Bob Mercer, John Prue, Curtis Lynch, Gardner Young, and Fran Hoffman.

Minutes:

Ms. Hoffman motioned to approve the February 4, 2014 minutes. Mr. Mercer seconded. The motion passed, 5-0.

Ms. Hoffman motioned to approve the February 18, 2014 meeting minutes. Mr. Mercer seconded. The motion passed, 3-0-2.

Roll Call: Prue –approve, Hoffman - approve, Lynch – approve, Mercer – abstain, Young - abstain

Commission Initiatives:

Given the next meeting (3/18/14), appeared to have a light agenda, Mr. Prue asked for the Commissioners' thoughts on what topics they may wish to discuss, noting that Commission Initiatives items need review. Commissioners wished to have an update from the POCD subcommittee so they can spend significant time discussing the issues. Mr. Lynch's concerns were there was a lack of economic information provided to the subcommittee and the Open Space Plan should be written by the POCD subcommittee, not the Conservation Commission. Mr. Brynes explained that the subcommittee would review the Conservation Commission's plan prior to acceptance. Mr. Mercer noted that these were all topics for the Commission to address at length at the next meeting.

Administrative Review:

ZON14-017 Mystic Hospitality, LLC (John Sousoulas) - Zoning Permit application to change existing window in Mystic Diner building to a walk-up service window. Property located at 253 Greenmanville Ave., Mystic. Assessor's Map 171, Block 1, Lot 2. Zone TC-80.

Mr. Brynes reviewed the application, noting that a revised plan provided by the applicant showed bollards in front of the proposed walkup window and the repositioned parking spaces. The updated plan was sent to the Fire Marshal and the Building Official, and neither had any issues with the plan. Applicant John Sousoulas, responded to Ms. Hoffman's comment regarding providing some sort of decorative planter, explaining that he has contracted with a landscaper to do plantings in the Spring in the "Landscaped Area" noted on the site plan in the Staff Report. Mr. Brynes explained based on previous approvals, there was sufficient square footage available for signage. Mr. Lynch motioned to approve the application. Ms. Hoffman seconded. The motion was approved, 5-0.

ZON14-019 Mystic Fire District (Carole Dupont) - Zoning Permit application for change of use from personal services to retail restaurant (The Mystic River Popcorn Co.), and associated signage. Property located at 12B Cottrell St., Mystic. Assessor's Map 182, Block 1, Lot 13. Zone DB-5.

Mr. Brynes summarized the application, noting that there are no changes in signage or parking requirements. Applicant Carole Dupont responded to Mr. Prue's and Mr. Lynch's questions, explaining that it was a relatively simple operation. Mr. Mercer motioned to approve the application. Mr. Lynch seconded. The motion was approved, 5-0.

Public Hearing(s):

Ms. Hoffman read the call for the Public Hearing at 7:30pm.

PZ1318RA Paul G. Holland, Jr. – Regulation Amendment application to change the current GBR-130 zoning district side yard setback requirement of 75 feet on each side to a minimum of 25 feet on one side with a total of 100 feet for both sides. Public Hearing continued from 2/18/14.

Paul Holland presented his application, providing a history of the 2011 Conservation Commission application which initially proposed the setback change, and the rationale based on the building envelope comparison between a square RR-80 (2-acre) and a square GBR-130 (3-acre) lots. He noted that 52% of the town's developed GBR-130 lots are undersized, and the side yard setback requirements of GBR-130 allow RR-80 lots to have a larger building

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envelope. Mr. Holland read from letters of support from past PZC Chairmen Chuck Sneddon, John Swenarton, and Rob Marseglia, and provided economic and similar sized-lot statistics comparing the towns of Stonington and East Lyme. Mr. Holland and Commissioners discussed applying for variances to provide relief, alternate number of feet for the side yard setbacks, the 100-ft non infringement zone, and the initial reasoning behind the GBR-130 requirements.

Speaking in Favor: Rob Marseglia and Bert Bell, representing the Conservation Commission.

Speaking in Opposition: Rick Newton spoke about the environmental and water supply concerns, noting that the GBR-130 is on fragile aquifer/watershed land, submitting his comments as an exhibit. Joyce Fingerut, asked about possible guidelines for applying the setbacks in concert with the abutting neighbors so that all property rights are considered. Ed Hart, 547 Taugwonk Rd., was also concerned with the fragility of the land, high water table, drainage, and the inadequacy of a 25-foot setback. John Harsh, 547 Taugwonk Rd., stated there should be consideration for properties where there are existing non conforming structures.

General Comments: Stanton Simm, Conservation Commission Chairman.

The meeting recessed at 8:58pm and reconvened at 9:05pm.

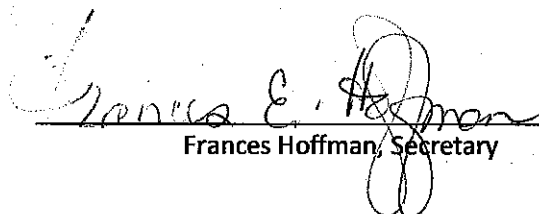
Mr. Brynes read a letter from Gail Shea, submitted as an exhibit, stating that she is opposed to the proposal, suggesting the property owner apply for a variance. Mr. Brynes read an email he received from Bill Lyman, submitted as an exhibit, commenting that reducing both side yard setbacks might be a better approach as it would be more uniform application for developed parcels. Mr. Brynes read the comments received from DEEP and spoke of the feasibility and difficulty in tailoring setbacks to neighbors' preferences. He stated that the POCD does not address setbacks for zoning districts.

Rebuttal: Mr. Holland responded to Ms. Shea's letter, and the idea of keeping one side of property at a 25' setback. He and Mr. Prue discussed the idea of a buffer being required for structures closer than a specified number of feet. After Mr. Brynes read the definitions of a buffer and screening, it was agreed that the word screening was the appropriate term to use in this situation.

Ms. Hoffman motioned to close the hearing. Mr. Mercer seconded. The motion was approved, 5-0.

The commission discussed the idea of requiring screening and defining parameters as to how the setback would be applied. This idea would offer flexibility to the property owners. Mr. Brynes expressed his concern over drafting language that would satisfy all different property layouts in this zone. Ms. Hoffman expressed her concern over the sensitive land area and watersheds. The commission asked staff to: 1) provide historical information on zoning of this area, and 2) draft language for two setback scenarios (75'/25' and 70'/30'), along with screening. The commission will deliberate these at the next meeting.

Ms. Hoffman motioned to adjourn the meeting. Mr. Mercer seconded. The meeting adjourned at 10:03pm.



Frances Hoffman, Secretary