

## Regular Meeting

The 1513<sup>th</sup> meeting of the Town Of Stonington's Planning and Zoning Commission was held on Tuesday, March 18, 2014 at the Mystic Middle school, 204 Mistuxet Avenue, Mystic, CT. The meeting was called to order by Chairman Ben Tamsky at 7:00pm. Also present were Commissioners John Prue, Frances Hoffman, Bob Mercer, and Curtis Lynch; Alternate Gardner Young and Town Planner, Keith A. Brynes.

Seated were Ben Tamsky, John Prue, Frances Hoffman, Bob Mercer, and Curtis Lynch.

**Minutes:**

Ms. Hoffman motioned to approve the March 4, 2014 minutes. Mr. Lynch seconded. Motion approved, 4-0-1. Roll Call: Prue – approve, Hoffman – approve, Mercer – approve, Lynch – approve, Tamsky - abstain

Commissioners were in agreement to address Administrative Review items prior to Commission Initiatives.

**Administrative Review:**

**ZON14-030 Thomas J. Capalbo, et al (William Kane)** - Zoning Permit application for change of use from retail to personal services (fitness center). Property located at 37 South Broad St., Pawcatuck. Assessor's Map 14, Block 1, Lot 4. Zone GC-60.

Mr. Brynes summarized the application, stating it complies with the zoning regulations and does not require a special use permit because personal services is a permitted use in this zone, citing the supporting regulation language. The applicant will need to submit a zoning permit for any signage. Ms. Hoffman motioned to approve the application. Mr. Lynch seconded. Motion unanimously approved, 5-0.

**CGS 8-24 Review** – Review of transfer of land off Bigelow Street to the Town for roadway purposes. Property located at Map 13 Block 12 Lot 7. Zone RA-15.

Mr. Brynes explained the State statute requirement that the Commission provide an opinion as to whether the proposed action is consistent with the POCD. Bigelow Street is not an approved town road although the DPW has been maintaining the street. The property owners propose bringing the road up to Town standards in order to create conforming lots through a lot line adjustment of existing parcels. Tim Doyle, an owner, explained the history of the paper street noting that the Town Engineer, Highway Department, and Fire Department suggested and approved the proposed plan that also includes improving Huntington St. Ms. Hoffman motioned to approve the transfer of land off Bigelow Street to the Town for roadway purposes to the town, via this CGS 8-24 Review, to be replied to as follows: "The 2004 Plan of Conservation and Development does not specifically address this issue. Bigelow Street is classified as a "Residential Access" street – a "non-through street serving 15 homes or less." Mr. Lynch seconded. Opinion was approved, 4-1.

Roll Call: Tamsky – approve, Hoffman – approve, Mercer – approve, Lynch – approve, Prue – deny.

**Commission Initiatives:**

Discussion of 2014 Plan of Conservation and Development:

POCD Subcommittee members Sara Lathrop and Bill Lyman were present. Mr. Tamsky stated this evening's meeting would serve as the first discussion between the PZC and the POCD Subcommittee on the 1<sup>st</sup> draft of the 2014 Plan of Conservation & Development. Sara Lathrop, Subcommittee Chair, said the subcommittee feels good about the first draft provided by Planimetrics but did have some changes, including retaining policies and task for each chapter, using the table of contents originally drafted by the subcommittee, and having the final document as one volume. The Subcommittee intends to hire Planimetrics for a 2<sup>nd</sup> draft and will be meeting again with Glenn Chalder of Planimetrics on March 31, 2014. The 2<sup>nd</sup> draft will be sent out to local boards and commissions for comment and a public informational meeting will be held. At the April 7<sup>th</sup> Subcommittee meeting the Conservation Commission's proposed changes to the Open Space Plan will be discussed. Mr. Lynch

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stated that the Commission has given the Subcommittee the charge to develop the POCD and it should be the Subcommittee's decision whether to include changes to the Open Space Plan in the POCD adoption process. Mr. Lyman discussed recommended implantation measures in the plan. Mr. Tamsky shared specific concerns in chapters 8, 9, 10 of the draft version. There will be more feedback from other commissioners for Ms. Lathrop, at a later date.

The meeting recessed at 8:32pm and reconvened at 8:40pm

Mr. Tamsky stated he was part of the interview/selection panel for the Director of Planning position but there is a possibility the Board of Finance will defund the position. John Prue and Fran Hoffman will draft a statement to present to the Board of Finance at their April meeting.

Mr. Tamsky turned the meeting over to Vice Chairman John Prue for deliberations and voting on application **PZ1318RA Paul G. Holland, Jr.**

**Old Business:**

**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 closed 3/4/14.

Seated for this application were Gardner Young, Curtis Lynch, Frances Hoffman, John Prue, & Bob Mercer.

Mr. Brynes presented drafted changes to the regulation amendment that were recommended by the Commission during the public hearing. Mr. Lynch moved to approve the regulation amendment with a setback requirement of 70 feet on one side and 30 feet on the other side of the property. Mr. Mercer seconded. The motion was withdrawn to clarify the motion further.

Mr. Young moved to approve the regulation amendment with a 70-foot setback on one side and a 30-foot setback on the other side for a total of 100 feet for both sides and including staff's language on screening included in the staff report:

"Where a new structure/addition in the GBR-130 Zone is constructed less than 50 ft. from an existing dwelling unit or adjacent lot, screening shall be provided along the common property line in accordance with the definition of "screening" in Section 1.2.2. Screening shall extend for the length of 25 ft. on both sides past the new structure. Existing screening may fulfill this requirement. New accessory structures of not more than 100 sq. ft. in area and no more than 10 ft. in height shall be regulated by the screening requirements of Section 2.14."

Mr. Mercer seconded the motion. Ms. Hoffman disagreed with this motion for the following reasons: impact on neighbors, zoning has been in place for quite some time, appearance of spot zoning, confusion in the regulation and the sensitivity of the land in that area. Ms. Hoffman stated that the ZBA was the process exists for cases such as Mr. Holland's. Mr. Prue stated that the ZBA would recommend that the applicant apply for a regulation amendment. Staff stated it may not be the best action to include the screening stipulation. After deliberation, the commission voted 4-1 in favor of the application. Effective Date of the regulation is 4/7/14.

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

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Mr. Prue turned the meeting back over to the Chairman Tamsky.

**Continuation of Commission Initiatives:**

Discussion of modifications to Section 6.6.7 - Excavations and Filling: Mr. Brynes said this item is stalled until there is a good draft available for discussion.

Discussion of Technical Standards Document Adoption: Mr. Brynes said the next step is to adopt the changes into the regulations. The April 15, 2014 meeting was suggested as the date for the Commission to discuss drafted changes to the Subdivision Regulations.

Discussion of policy / Commission interpretation regarding potential conflict between Zoning Regulations 7.7.8.2.1, 7.7.8.3.2 and FEMA regulations related to additions to legally non-conforming buildings that are not "substantial improvements" in flood hazard areas: Mr. Tamsky asked staff to include all information on this topic in the next staff report for commissioners to review & discuss at the next meeting.

Discussion of draft regulations and Zoning Map Amendment for a new Zoning Heritage Mill (HM) District. Mr. Prue motioned to remove this item from commission initiatives since it is being addressed in the POCD. Ms. Hoffman seconded. Motion unanimously approved.

Mr. Prue motioned to add an agenda item to Commission Initiatives for the discussion of retail sales in the M-1 Zone. Mr. Lynch seconded. Motion unanimously approved.

Mr. Mercer motioned to adjourn the meeting. Mr. Prue seconded. The meeting adjourned at 9:45pm.

  
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Frances Hoffman, Secretary