

Special Meeting

The 1345th meeting of the Stonington Planning and Zoning Commission was held on February 6, 2007 at the Mystic Middle School at 7:00 p.m. Present for the meeting were: Commission members Paul Altman, Alisa Morrison, Lynn Young, Charles Sneddon, and Alternate Robert Marseglia. Also in attendance were Town Planner Keith Brynes and Director of Planning Jason Vincent.

Seated for the meeting were: Paul Altman, Robert Marseglia, Lynn Young, Alisa Morrison, and Charles Sneddon presiding.

Chairman Sneddon called the meeting to order at 7:00 p.m.

Correspondence:

Mr. Vincent announced letters received and sent by the Commission. Chairman Sneddon asked if anyone from the public wished to address the Commission concerning correspondence. Don Sadowski stated he had sent a letter to the Commission two weeks prior to this meeting, and hoped the Commission would respond. Chairman Sneddon announced a response would be available on Wednesday, February 7, 2006 at the Town Hall. At the next meeting, Mr. Sadowski would have the opportunity to read his letter into the record and the response would also be read.

Consent Agenda:

Amendment to PZ0238SUP Aramark Corp. (Sea Research Fnd.) – Request conversion of Lakeside Patio back to exhibition space. Property located at 55 Coogan Blvd. Assessor's Map 164 Block 3 Lot 2; Map 150 Block 1 Lots 28, 28A & 28B. Zone TC-80.

Mr. Brynes presented a history of the application. Keith Sorenson, Director of Facilities at the Aquarium, presented the application and answered questions from the Commission.

Mr. Altman motioned to approve the request and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Lynn Young – approve, Charles Sneddon – approve, Alisa Morrison – approve.

07-020ZON Carla Enterprises - Request waiver of site approval for an 11' x 14' addition to existing structure. Property located at 59 Williams Ave., Mystic. Assessor's Map 161 Block 20 Lot 7. Zone LS-5.

Mr. Altman is recused.

Chairman Sneddon denied the request for waiver of a Site Plan Application.

Mr. Altman is seated.

David Beebe - Request waiver of site plan approval to permit placement of a 40' storage container for landscaping mulch, topsoil & stone. Property located at 16-18 Stonington Rd., Mystic. Assessor's Map 160 Block 2 Lot 3. Zone GC-60.

David Beebe presented the request and answered questions from the Commission. Chairman Sneddon asked for more information before considering the request.

Old Business:

PZ0661RA Town of Stonington – Regulation Amendment to Section 8.7 Fee Schedule to provide a re-application fee process for applications that have been withdrawn prior to Commission review and for Zoning Permit resubmissions within one year of Zoning Official decision. No action required. Public Hearing continued to 2/20/07.

PZ0664SPM & CAM Latimer Point Condominium Assoc., Inc. – Site plan application for approvals for

the additions to existing houses & various deck, shed & stair additions / alterations. Property located at addresses in the southern portion Latimer Point, Stonington, CT. Assessor's Maps/Blocks/Lots: 154/2/13, 154/4/2, 154/4/20, 154/4/27, 154/5/2, 154/5/9, 154/6/8 & 154/6/9. Zone RM-20.

Ed Lally, Board member of the Latimer Point Condominium Association presented the application and responded to questions from the Commission.

Ms. Young motioned to approve CAM as consistent with Coastal Area Management and Mr. Marseglia seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Lynn Young – approve, Charles Sneddon – approve, Alisa Morrison – approve.

Ms. Young motioned to approve the site plan and Mr. Marseglia seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Lynn Young – approve, Charles Sneddon – approve, Alisa Morrison – approve.

PZ0701POCD Town of Stonington (Conservation Commission) - Plan of Conservation and Development Amendment for the adoption of the Conservation Commission 2006 Open Space Plan. No action required. Public Hearing set for 2/20/2007.

PZ0702SUP Berstev, LLC (Josh Feldman) - Application for Special Use Permit to allow liquor sales for consumption on-premises. Property located at 4 Roosevelt Ave., Mystic, CT. Assessor's Map 174, Block 17, Lot 4. Zone LS-5. No action required. Public Hearing set for 3/6/2007.

PZ0703SPM LCS Westminster, LLP – Request for site plan modification to Stoneridge Phase III construction. Modify original Phase III footprint of 23,186SF to 32,860SF. Property located at 186 Jerry Browne Rd., Mystic. Assessor's Map 150 Block 1 Lots 15, 16 & 25. Zone RA-40.

Mr. Marseglia motioned to table the application because the applicant was not present and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Lynn Young – approve, Charles Sneddon – approve, Alisa Morrison – approve.

PZ0704SUP LCS Westminster, LLP – Request for Special Use Permit to allow for the construction of a 936 sq. ft. storage garage, a reduction of the approved parking from 431 spaces to 371 spaces, & the associated relocation of 2 carport structures. Property located at 186 Jerry Browne Rd., Mystic. Assessor's Map 150 Block 1 Lots 15, 16 & 25. Zone RA-40. No action required. Public Hearing set for 2/20/2007.

Chairman Sneddon called a five minute recess.

Public Hearing: 7:45 p.m.

PZ0667CNU & CAM Masons Island Landing, LLC - Applications for Change of Non-Conforming Use & Coastal Area Management Review for the redevelopment of an existing 4.2+/- acre parcel into five (5) residential duplexes & three (3) single family residences. Property located at 29-30 Dubois Dr., Mystic, CT. Assessor's Map 175, Block 4, Lot 10. Zones RM-15 & RC-120.

Seated for the Public Hearing were: Robert Marseglia, Paul Altman, Charles Sneddon, Lynn Young, and Alisa Morrison.

This Public Hearing was continued from January 16, 2007 during the public response segment.

Speaking in favor was Jean Schweid, Dubois Drive, Mystic, CT.
Speaking against was Gail Shea, River Rd., Pawcatuck, CT.

Mr. Brynes presented staff comments and Mr. Vincent read a letter from the CTDEP into the record.

Bob Ferrara, Gerry Martorelli and Roy Okurowski spoke in rebuttal.

Ms. Young motioned to allow for Public Comment because of the amount of information given in the rebuttal, and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Speaking against was Gail Shea, River Rd., Pawcatuck, CT.

General Comments were made by Carlene Donnarummo, Oakwood Ave, Pawcatuck, CT; and David Schweid, Dubois Drive, Mystic, CT.

Ms. Young motioned to close the Public Hearing at 9:30 p.m. & Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Mr. Altman motioned to approve CAM as consistent with Coastal Area Management Mr. Marseglia seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Mr. Altman motioned to approve the requested waivers and Mr. Marseglia seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Mr. Altman motioned to approve the Special Use Permit for Excavation and Filling and Mr. Marseglia seconded. Motion carried 3-2.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – deny, Alisa Morrison – deny

Mr. Altman motioned to change the nonconforming use to a different nonconforming use with 18 stipulations and resolution language recommended by staff and Mr. Marseglia seconded. Motion carried 3-2.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – deny, Alisa Morrison – deny.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer.
2. Final plans shall be recorded in the Town's Land Evidence Records after Commission signature.
3. Final plans shall designate areas for boat repair, boat maintenance, boat storage and marina office.
4. Final Planting Plan (Sheet LS-1) shall be revised to show proposed dumpster screened with evergreen trees or shrubs at least six feet high in addition to fence shown.
5. Location of car-top boat launch shall be shown on final plans; appropriate public access signage shall be installed prior to Certification of Zoning Compliance.
6. An Erosion and Sedimentation and Site Restoration Bond shall be secured with the Town in the form of Cash, which must be acceptable to the Town Attorney. The Bond amount shall be established by the Town Engineer after an estimate of the construction cost is provided by the applicant, and approved by the Town Engineer. The Erosion and Sedimentation Bond shall be submitted to the Department of Planning prior to the issuance of a Zoning Permit.
7. An inspection fee equal to 5% of the total cost of site improvements, including Erosion and Sedimentation Control elements shall be paid to the Town of Stonington for inspection services relative to Erosion and Sedimentation Control and Construction Inspection. The Inspection Fee

amount shall be established by the Town Engineer after an estimate of the construction costs is provided by the applicant, and approved by the Town Engineer. The fee will be used to pay for town inspectors, and the remainder of the inspection fee payment will be returned to the applicant upon successful completion of the project (Certificate of Zoning Compliance).

8. A note shall be added to the final plans stating that the Town has the right to request any additional E&S measures as deemed necessary during construction and that the cost of these measures is to be borne by the developer.
9. Significant changes to architectural designs shall be approved by the Commission through the Consent Agenda process.
10. Dubois Drive and other existing driveways may be maintained at a minimum non-conforming width of 20'.
11. No artificial fertilizers shall be used for lawn maintenance.
12. Any ice melting chemicals utilized shall be approved by the Town Engineer in order to protect coastal resources.
13. All building lighting shall be shown on final plans and shall utilize full cut-off fixtures.
14. Dewatering/construction sequence shall be reviewed to the satisfaction of the Town Engineer.
15. All utilities shall be placed underground.
16. Four parallel parking spaces proposed along Dubois Drive shall be shown as "future spaces" and are not required to be constructed at this time.
17. A Public Access Easement in lieu of marina shall be provided and effectuated only upon the termination of the marina use. Termination of the marina use includes any reduction of marina activity from current conditions. The Planning & Zoning Commission shall evaluate diminutions of marina services for compliance with this requirement.
18. Permit shall be valid for one (1) year as per ZR 8.2.4.

Ms. Young read the call for Public Hearing B:

PZ0669RA MIRG Mystic Harbour, LLC - Regulation Amendment to Zoning Regulation Section (ZR) 7.19.6.3.2 IHRD New Construction Design Standards to allow for ten (10) units of housing per acre.

Christopher Rixon, 17 Lema Drive, Mystic, CT presented the application.

No one spoke in favor.

Speaking against were: Dora Hill, 26 Oakwood Ave., Pawcatuck, CT; Gail Shea, River Rd., Pawcatuck, CT; and Carlene Donnarummo, 22 Oakwood Ave., Pawcatuck, CT.

Mr. Brynes presented staff comments.

Mr. Rixon spoke in rebuttal.

Ms. Young motioned to accept comments from the Public & Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Dora Hill spoke against.

Ms. Young motioned to close the Public Hearing and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve

Ms. Young motioned to approve the amendment with Alternative 1 (additional restriction on adding adjacent lots for density purposes), with an Effective Date of March 1, 2007 and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Chairman Sneddon called a five minute recess.

Ms. Young read the call for Public Hearing C:

PZ0671SUP Stonington Lodge Odd Fellows Corp. - Special Use Permit application for rehabilitation of existing structure as per ZR 6.6.14. Rehabilitation includes 1st floor retail; 2nd, 3rd & 4th floor residential; parking & landscaping. Property located at 11 Cottrell St., Mystic, CT. Assessor's Map 182 Block 4 Lot 4. Zone DB-5.

Rod Desmarais, 20 Riverview Dr., Mystic, CT; Mark Comeau, architect, 291 Elm St., Stonington, CT; and Nuria Stockman from DiCesare/Bentley presented the application and addressed questions from the Commission.

Tim Murray, Steamboat Wharf, Mystic, CT; spoke in favor.
Bill Sheetz, 4 Haley St., Mystic, CT; made general comments.

Mr. Brynes presented staff comments.

Ms. Young motioned to close the Public Hearing and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Ms. Young motioned to approve the request for waivers and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Ms. Young motioned to approve the application with 12 stipulations recommended by staff and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Robert Marseglia – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Stipulations:

1. Final plan must clarify location of individual parking spaces.
2. Final plan must correct name of zone in Site Plan Note #1 to DB-5.
3. Final plan must note presence of Flood Hazard Overlay District and base flood elevation.
4. Final plan must include a statement as to whether or not the proposed alterations to an existing structure meet the criteria of the substantial improvement definition section per Section 7.7.4.4.
5. Final plan must include a statement as to whether there will be dry access to the structure during the 100-year storm event per Section 7.7.4.5.
6. Final plans must include the following certification by a registered engineer or architect. The design and methods of construction are certified to be in accordance with accepted standards of practice to minimize flooding and flood damage.
7. Final plans are reviewed to the satisfaction of the Town Engineer.
8. Prior to the issuance of any Zoning Permits the sidewalk easement and private right of-way easement must be recorded in the Town's Land Evidence Records. The sidewalk easement must be accepted by the Town prior to recording.
9. Final plans shall be recorded in the Town's Land Evidence Records after Commission signature.
10. Final choice of exterior colors and materials shall be reviewed by the Commission through Consent Agenda.
11. The Remedial Action Plan shall be forwarded to the Town.
12. The Town shall be an additional insured as part of the environmental insurance policy.

Ms. Morrison motioned to adjourn and Mr. Altman seconded. Motion carried 5-0.

The meeting was adjourned at 11:00 p.m.

Lynn Young, Acting Secretary