

Regular Meeting

The 1346th meeting of the Stonington Planning and Zoning Commission was held on February 20, 2007 at the Mystic Middle School at 7:00 p.m. Present for the meeting were: Commission members Charles Sneddon, Paul Altman, Julianne McCabe, Alisa Morrison, Lynn Young, and Alternates Paul Holland and Robert Marseglia. Also in attendance were Town Planner Keith Brynes and Director of Planning Jason Vincent.

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

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

Minutes:

Ms. Young motioned to approve the minutes of the January 2, 2007, and February 6, 2007 meetings as written and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Ms. McCabe motioned to approve the minutes of the December 19, 2006 meeting as written and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Ms. McCabe motioned to approve the minutes of the January 16, 2007 meeting as written and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Correspondence:

Don Sadowski asked the Commission to read his letter dated December 22, 2006 into the record, as well as Mr. Vincent's response. Mr. Vincent read both letters into the record.

ZEO - Pending Variances:

ZBA #07-02 Liz & Toby Trebilcock (MCM Restoration Corp) – Seeking a variance of ZR 5.1.1 to reduce the front yard setback from 75 feet to 64 feet and reduce the non infringement area from 100 feet to 35 feet for construction of a 2nd floor addition on property located at 135 Mistuxet Avenue, Mystic, CT. Assessor's Map 162, Block 2, Lot 13, Zone GBR-130.

Ms. Morrison motioned to approve the waiver of an A-2 survey & Ms Young seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Consent Agenda:

PZ0360SD SUP & GPP Meehan Group, LLC - Application for a forty-eight lot subdivision. Property located on Whitehall Ave., Jerry Browne Rd., & Pequot Trail, Old Mystic. Map 165 Block 5 Lots 1 & 14 & Map 148 Block 3, Lots 1 & 3. Zones RA-40 & RR-80. Request 90-day extension to file final plans.

Mr. Brynes presented a brief history of the request.

Ms. Young motioned to approve the request and Ms. McCabe seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

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

Mr. Brynes reviewed the application for the Commission.

Mr. Beebe answered questions from the Commission.

Ms. Young motioned to approve the request for a waiver of the site plan and Ms. McCabe seconded. Motion carried 4-0-1.

Roll Call: Paul Altman – abstain, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Old Business:

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 3/6/07

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. Brynes stated the applicants requested to present this application along with a second application being heard during the Public Hearing segment of the meeting. The Commission agreed to listen to both applications at one time.

Chairman Sneddon called a 5 minute recess.

Public Hearing: 7:40 p.m.

Ms. McCabe read the call for Public Hearing A:

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.

Frank Eppinger, attorney for the applicant, P.O. Drawer 929, Groton, CT; Chris Chamberland, 118 Ridgefield Dr., Middletown, CT; Whitney Talcott, landscaper, presented the application and addressed questions from the Commission.

No one spoke in favor of the application.

Speaking against was Susan Dobbin, 9 Pequotsepos Center North, Mystic, CT.

General Comments were made by William Waterhouse, 10 Pequotsepos Center North, Mystic, CT; and Carlene Donnarummo, 22 Oakwood Ave., Pawcatuck, CT.

Mr. Brynes presented staff comments, including the stipulations recommended by staff.

Attorney Eppinger spoke in rebuttal.

Mr. Altman motioned to close the Public Hearing and Ms. McCabe seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young

– approve, Alisa Morrison – approve.

The Public Hearing was closed at 9:05 p.m.

Ms. Young motioned to grant the requested waivers and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Ms. Young motioned to approve the Special Use Permit with 6 stipulations and resolution language recommended by staff and Mr. Altman seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer.
2. Final plans shall be reviewed to the satisfaction of the Old Mystic Fire Department.
3. Final plans shall delete proposed landscaping from site plan sheet as it conflicts with the new landscaping plan (sheet L-1).
4. Final plans shall show the location of set aside parking area in lieu of eliminated spaces per ZR 7.10.2.2.
5. Final plans shall be recorded in the Town's Land Evidence Records after Commission signature.
6. Applicant shall post a cash landscaping bond to cover initial installation and future maintenance of the berm prior to issuance of a zoning permit. Applicant shall provide a cost estimate for approval by the Town Engineer.

Ms. Young motioned to approve the separate site plan modification (PZ0703SPM LCS Westminster, LLP), with 3 stipulations and resolution language recommended by staff and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Stipulations:

1. Final plans shall be submitted showing the location of Phase IV which will be limited to 23,980SF in gross floor area.
2. The applicant shall submit a future Site Plan Modification showing the reduction in the gross floor area of Phase IV.
3. Final plans shall be reviewed to the satisfaction of the Old Mystic Fire Department.

Chairman Sneddon called a 5 minute recess.

Ms. McCabe read the call for Public Hearing B:

PZ0701POCD Town of Stonington (Conservation Commission) - Plan of Conservation and Development Amendment for the adoption of the Conservation Commission 2006 Open Space Plan.

Jennifer Herbst, 14 Coveside Ct., Mystic, CT; and Stanton W. Simm Jr., 20 Sommers Lane, Stonington, CT, presented the amendment and answered questions from the Commission.

Speaking in favor were: Bill Lyman, 579 Taugwonk, Rd., Stonington, CT; Jim Smith, 264 Taugwonk Rd., Stonington, CT, Dora Hill, 26 Oakwood Ave., Pawcatuck, CT; Ed Hart, 587 Taugwonk Rd., Stonington, CT.

General Comments were made by Gail Shea, 197 River Rd., Pawcatuck, CT.

Mr. Vincent presented staff comments, introducing new information.

Ms. Shea responded to the new information.

Mr. Vincent continued with staff comments.

Mr. Simm spoke in rebuttal.

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

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

The Public Hearing was closed at 10:20 p.m.

Ms. Young motioned to adopt the amendment with staff's recommended stipulations and modifications and Ms. Morrison seconded. Motion carried 5-0.

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Stipulations:

The Planning and Zoning Commission made the following additions to the DRAFT open space plan:

1. Open Space Plan Page 2, five functional open space categories:
 - a. Add the term *value* after *open space*.
 - b. #1 add *coastal riparian buffer* in addition to *riparian buffer*.
2. Open Space Plan Page 3, Open Space creation by regulation: Add, *The Planning and Zoning Commission should consider increasing the mandatory open space set aside in conventional subdivisions from 15 percent to 20 percent.*
3. Open Space Plan Page 5, Goal #2 Protect Natural Resources to Ensure Public Health and Safety: Add, *Protect Coastal Resources.*
4. Open Space Plan Page 5, Goal #4 Maintain and Enhance Recreational Areas: Add, *Secure Public Access Easements.*
5. Open Space Plan Page 6, Goals and Objectives Strategies:
 - a. Add *10. Inventory unique and valuable lands.*
 - b. Add, *11. Secure Public Access Easements.*
 - c. Add, *12. Secure Conservation Easements, when appropriate.*
 - d. Add, *13. Consider Buildable Land Regulations.*
 - e. Add, *14. Connect Open Space through Greenways.*

These items will be included in the Action Plan.

Item a. (10) is assigned to the Conservation Commission

Items b.-e. (11-14) are assigned to the Planning and Zoning Commission.

6. Add Glossary terms for *Riparian: The land adjacent to a water-way, including rivers, lakes, ponds and wetland habitats* and *Coastal Riparian: The land adjacent to coastal resources as identified in the Coastal Area Management Act.*
7. Page 15, Action Plan: add, *Develop North Main Street Greenway.*

Ms. McCabe read the call for Public Hearing C:

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. *Continued from 1/16/07*

Mr. Vincent presented the application to the Commission.

Speaking against were Dora Hill, 26 Oakwood Ave., Pawcatuck, CT; and Gail Shea, 197 River Rd., Pawcatuck, CT.

General Comments were made by Ed Hart, Taugwonk Rd., Stonington, CT.

Mr. Brynes presented staff comments.

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

Roll Call: Paul Altman – approve, Julianne McCabe – approve, Charles Sneddon – approve, Lynn Young – approve, Alisa Morrison – approve.

Ms. Young motioned to deny the application for the purpose of discussion and Ms. Morrison seconded.

During the discussion the Commission decided they needed to review the information before rendering a decision.

Ms. Young withdrew her motion to deny, and Ms. Morrison withdrew her second.

Chairman Sneddon announced the Commission was holding an Executive Session and the room was cleared except for Commission members.

Executive Session:

- A. Girouard Associates, Inc., v. Stonington Planning and Zoning Commission
- B. Steinlauf, et al, v. Stonington Planning and Zoning Commission

Julianne McCabe, Secretary