

## Regular Meeting

The 1388<sup>th</sup> meeting of the Stonington Planning and Zoning Commission was held on Tuesday, December 16, 2008 at Mystic Middle School, 204 Mistuxet Avenue. Chairman Lynn Young called the meeting to order at 7:00 p.m. In attendance were members Paul Altman, Lynda Trebisacci and Paul Holland; Alternate members Leon Jacobs and Rob Marseglia, and Acting Director of Planning/Town Planner Keith Brynes.

**Appoint Alternates:**

Leon Jacobs was seated for John Swenarton.

**Minutes:**

Mr. Holland made the motion to approve the minutes of October 21, 2008. Mr. Altman seconded. The minutes were unanimously approved. Mr. Holland made the motion to approve the minutes of November 18, 2008. Mr. Altman seconded. The minutes were unanimously approved. Ms. Trebisacci made the motion to approve the minutes of December 2, 2008. Altman seconded. The minutes were unanimously approved.

**Correspondence:**

Conservation Commission letter regarding potential Zone Change application along Taugwonk Road from LI-130 to GBR-130. Mr. Brynes described the procedural issue of waiving the A-2 survey by having the Planning and Zoning Commission co-sponsor the application. CC Chairman Stanton Simm discussed his letter to the PZC. Mr. Altman voiced his concerns regarding the loss of industrially zoned land.

Mr. Holland motioned to approve the request to co-sponsor the application and Ms. Young seconded. Motion failed 2-3.

Roll Call: Holland – approve, Young - approve, Altman – deny, Trebisacci – deny, Jacobs - deny

**Consent Agenda:**

**1. PZ0475SPA & CAM Threadmill Partners, LLC** – Request changes to previously approved Site Plan & Coastal Area Management Review to convert historic 4-story Threadmill property into 57 residential dwelling units. Demolish existing outbuilding on River Rd. & replace it with an 8,000 sq. ft. retail facility. Assessor's Map 5, Block 5, Lot 3. Zone IHRD.

Mr. Brynes described the application, originally approved in 2004, noting that it is in a floating zone (IHRD). The applicant requests a change from condominiums to rental units, and that a front building planned for demolition be renovated instead. Total number of units will change from 57 to 58 and the number of parking spaces will decrease from 133 to 125, with 99 being the minimum number required.

Ms. Young and Mr. Holland felt that the changes went beyond the consent agenda oversight. Mr. Altman felt the public should have the opportunity to hear the proposed changes. The consensus of the Commission was to have the applicant submit a site plan application with a public hearing.

Simon Gerson, the applicant's representative, described the proposed changes and felt they were minor enough to be handled through consent agenda action.

Mr. Holland made the motion to require the applicant to submit a Site Plan Modification application and conduct a Public Hearing. Mr. Altman seconded. The motion was unanimously approved.

**2. PZ0612ZC & PZ0634SPA Prospect Northeast Development, LLC**

- b.** Request release of existing funds (\$8000.00 + interest), for replacement of existing fencing along Mechanic St. with arborvitae & other low shrubs.

Attorney Ted Ladwig represented the applicant. Dan Barber mentioned the previously discussed issue of a bridge across Mechanic Street which now will not be built. The applicant requests release of existing funds (\$8000.00 + interest), for replacement of existing fencing along Mechanic St. with arborvitae & other low shrubs

Mr. Holland made the motion to approve the release of funds. Mr. Altman seconded. The motion was approved, 5-0.

- a.** Request removal of stipulation #12 to previously approved Master Plan: "At the applicant's suggestion, \$1,000 per unit shall be deposited into an interest bearing account at the initial sale of each individual unit. This fund shall become fully active at the completion of the all of the initial unit sales. This fund shall remain

active for a period of five years from the completion of sales, at which time the fund shall be available to the town of Stonington for public improvements in the vicinity of this development (1/4 mile)."

Mr. Marseglia stated that if removing the stipulation would assist in the sale of the units, it would be preferable to having unsold units.

Mr. Holland made the motion to deny the request to remove stipulation #12. Mr. Altman seconded.

Motion to deny approved 5-0.

#### **Old Business:**

**PZ0823ZC & CAM Thomas Haggerty & Gail Shea** - Zoning Map Amendment from Residential RC-120 to Residential RR-80 (portion to remain RC-120), and a Coastal Area Management Review for property located at 197 River Road, Pawcatuck, CT. Assessor's Map 7 Block 2 Lot 2. Zone RC-120. Public Hearing closed 10/21/08.

Ms. Trebisacci recused herself. Mr. Marseglia was seated.

The Commission discussed the Department of Environmental Protection's initial request for more information and the lack of the CAM review made the application incomplete. Carol Szymanski of DEP needed to render an opinion in order for this Commission to vote on. The Public Hearing is now closed. Attorney Ladwig did not feel there was enough time to submit more information. Altman thought that since the hearing was closed that the Commission needed to make a decision based on the information already presented.

Mr. Holland made the motion to approve the waivers requested in the application. Mr. Marseglia seconded. The motion failed 3 to 2.

Roll Call: Holland – approve, Young - deny, Altman – deny, Marseglia – approve, Jacobs – deny

Ms. Young made the motion to deny the application. Mr. Altman seconded. The motion to deny was approved 4 to 1.

Roll Call: Holland – deny, Young - approve, Altman – approve, Marseglia – approve, Jacobs – approve

#### **Reasons for denial:**

1. Request for waivers not approved.
2. Referral to the DEP is incomplete.

**PZ0827SPM Mystic Food N More, LLC (Malik)** - Site Plan Modification for the placement of a walk-in cooler and construction of stairs and deck on site. Property located at 34 East Main St., Mystic, CT. Assessor's Map 174, Block 18, Lot 1. Zone LS-5. *Extension provided.*

Mr. Holland made the motion to table the application to the January 6, 2009 meeting. Mr. Altman seconded. Motion was approved, 5-0.

**PZ0830SPM & CAM Zheng Investments, LLC (Canavan)** - Site Plan Modification & Coastal Area Management Review for the construction of a 798 sq. ft. addition to existing structure. Proposal includes associated parking & landscaping. Property located at 6 Greenmanville Ave., Mystic, CT. Assessor's Map 173, Block 7 Lot 1. Zone CS-5.

Mr. Holland made the motion to table the application to the January 6, 2009 meeting. Mr. Altman seconded. The motion was unanimously approved.

**PZ0831CAM John & Lisa West (Frost)** - Application for a Coastal Area Management Review for construction of a single family residence on a 1.6 acre parcel. Property located at 29 Money Point Rd., Mystic, CT. Assessor's Map 180 Block 2 Lot 24. Zone RA-20.

Ms. Trebisacci was reseated.

Mr. Brynes presented the application.

Mr. Holland made the motion that the application was consistent with the CAM. Mr. Altman seconded. The motion was approved, 5-0.

#### **Public Hearing:**

Paul Holland read the call for the Public Hearing.

**PZ0832SUP Davis-Standard, LLC (Plasse)** - Special Use Permit application to construct a 25,800SF warehouse facility with office, associated parking (30 spaces), related site improvements, and offsite underground utilities within Constitution Avenue. Property located on Constitution Ave, Pawcatuck, CT. Assessor's Map 36, Block 4, Lots 2 & 2G. Zone M-1.

Leon Jacobs left the meeting. Rob Marseglia was seated.

Mark Ferrara owner of Anthem Sports spoke on behalf of his plan to build a new building on the Davis Standard property for his business which has outgrown its current location. Clint Brown, engineer from DeCesare-Bentley described site plan. The property was subdivided back in 1985. Lot lines are being redesigned to be more sensitive to wetlands but without adding new lots. The project is planned in three phases. Storm drainage will discharge to a pond. Ms. Young asked about construction materials. Construction will be of steel with a brick or concrete block material face. Mr. Altman confirmed that the Fire Marshall had stated that access around the building was adequate. Mr. Marseglia requested they come back with finalized elevation plans.

Mrs. Joann White, 19 Swan St., Pawcatuck, spoke against the application. Dora Hill, Oakwood Ave., Pawcatuck, spoke against the application. Stanton Simm, Sommers La., Stonington, spoke about the history of the site and that information from that time should be carried forward.

Rebuttal: Mr. Brown noted that a major change in delineation of wetlands occurred in 1987. When Mr. Brown contacted the soil scientist of that time; he was told that it had to be redone. Mr. Brown discussed the Army Corp of Engineers involvement and jurisdiction. He stated that the closest Swan street property was over 500 feet away and a 2.5 acre conservation easement in between had been provided.

Mr. Holland made the motion to close the hearing. Mr. Marseglia seconded. The motion was approved, 5-0.

Mr. Holland made the motion to approve the requested waivers. Mr. Marseglia seconded. The motion was approved 5-0.

Mr. Holland made the motion to approve the application with 6 stipulations. Mr. Altman seconded. The motion was approved 5-0.

#### **Stipulations:**

1. Prior to the issuance of any Zoning Permits the applicant shall provide to the Town an Inspection Fee equal to 5% of the total estimated site improvement cost 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.
2. Final plans shall be filed in the Town's Land Evidence Records after Commission signature.
3. Final plans shall be revised to reflect applicant's memo dated 12/1/08.
4. Final building elevations shall be reviewed by the Commission through the Consent Agenda process.
5. Final plans shall be reviewed to the satisfaction of the Pawcatuck Fire Department concerning their 12/16/08 comments.
6. Army Corps of Engineers approval or statement of non-jurisdiction must be granted prior to the issuance of any Zoning Permits.

Mr. Altman made a motion to add to the agenda a discussion of waivers. There was no second.

Chairman Young adjourned the meeting at 10:04 P.M.

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Paul Holland, Acting Secretary