

The 1380th meeting of the Stonington Planning and Zoning Commission was held on August 19, 2008 at Pine Point School, 89 Barnes Road, Stonington, CT. Present for the meeting: Members Paul Altman, Paul Holland, Julianne McCabe, Charles Sneddon, and Lynn Young. Alternates Robert Marseglia, John Swenarton, and Lynda Trebisacci. Town Planner Keith Brynes, and Director of Planning William Haase.

Chairman Charles Sneddon called the meeting to order at 7:05 p.m.

Minutes:

Ms. McCabe motioned to approve minutes of June 17, 2008, as written and Mr. Holland seconded. Motion carried unanimously. Mr. Holland motioned to correct minutes of July 15, 2008, page 4, vote language for application PZ0814SUP seconded by Ms. McCabe. Mr. Holland withdrew his motion, Ms. McCabe withdrew her second. Staff will review the tape.

Staff:

Keith Brynes distributed a list of items for the Planning and Zoning Commission to focus on next year. It will be reviewed at the September 2, 2008 meeting.

A letter from Neil Madden will be discussed during the public hearing.

ZEO - Pending Variances, A-2 Survey Waiver Requests:

ZBA #08-13 Michael & Sharon Scarpa (Peter Springsteel) - Section 5.1.1 to reduce setback to reduce the 100 ft. infringement area.

Mr. Holland motioned to approve, seconded by Mr. Altman. Motion carried 4-1. Roll Call: Paul Altman approve, Paul Holland approve, Julianne McCabe approve, Charles Sneddon approve, and Lynn Young oppose.

Consent Agenda:

David Bishop - Request for clarification of Town's zoning map relative to property located at 68 Masons Island Rd., Mystic. Assessor's Map 160 Block 6 Lot 9. Zones RC-120 & MC-80.

Keith Brynes read regulations that in the absence of a specific dimension on the zoning map the Commission shall determine the exact location. The zoning map was created in 1986, and updated in 1991. When the map was digitized in 1996, the zoning boundaries moved south 19 feet.

Mr. Holland motioned to return the lines 19 feet back to the original position prior to digitizing the map, seconded by Ms. McCabe. Motion carried 5-0.

08-203ZON Faith Assembly of God Church - Request approval for construction of a 16' x 10' shed. Property located at 436 Liberty St., Pawcatuck, CT. Assessor's Map 18, Block 4, Lot 8. Zone CS-5.

Mr. Holland motioned to approve application 08-203ZON, seconded by Mr. Altman. Motion carried 5-0.

08-208ZON Dean Wilkinson - Request approval for construction of a 12' x 15' deck. Property located at 4 West Arch St., Pawcatuck, CT. Assessor's Map 3, Block 1, Lot 9B. Zone LS-5.

Mr. Holland motioned to approve application 08-208ZON, seconded by Mr. Altman. Motion carried 5-0.

08-216ZON Darlene Wilkinson, et al (Theresa Gavitt) - Request approval for construction of a 16' x 28' deck. Property located at 7 Bankers Court, Pawcatuck, CT. Assessor's Map 17, Block 1, Lot 20. Zone CS-5.

Mr. Holland motioned to approve **08-216ZON**, seconded by Ms. McCabe. Mr. Altman questioned the diagram and if part of the proposed deck encroaches on the setback. Mr. Holland withdrew the motion, Ms. McCabe withdrew second. Mr. Holland motioned to approve application 08-216ZON with the

stipulation that all new construction remain within the 25 ft setback including stairs, seconded by Ms. McCabe. Motion carried 5-0.

Note: Commission was in error in their requirement for a 25 ft side yard setback; parcel is in a CS-5 Zone which has a 10 ft side yard setback.

07-416ZON Pine Point School - Revisions to overflow parking access for new addition. Property located at 89 Barnes Road, Stonington, CT. Assessor's Map 73, Block 3, Lot 4. Zone RR-80.

Mr. Holland motioned to approve, seconded by Ms. McCabe. Motion carried 5-0.

07-043ZON Mystic Hospitality, LLC - Signage for Equinox Restaurant. Property located at 253 Greenmanville Ave., Mystic, CT. Assessor's Map 171, Block 1, Lot 2. Zone TC-80.

Chairman Sneddon stated throughout the town there has been an effort to support improved signage. He asked the owner to work with his signage company to develop something more in keeping with improvements to the building and work with town staff.

Old Business:

PZ0803SD & GPP James & Jacqueline Burgess & Susan Blaisdell – Subdivision & Groundwater Protection Permit Applications for a 26-lot subdivision of an approximate 50.54 acre parcel. Property located at 56 Jeffrey Rd., Pawcatuck, CT. Assessor's Map 17, Block 1, Lot 6, Zone RM-20.

Continued from 5/6/08.

NEW SUBMITTAL: 2/19/08

PUBLIC HEARING CLOSED: 6/17/08

Mr. Holland stated there are unresolved issues with two cul-de-sac roads being twice as long as regulations allow one being 1,240 ft. and one 1,250 ft. There is a regulation it should be generally 600 feet. Mr. Altman stated there seems to be an articulation of a safety problem and suggested a stipulation to make it a 28 ft. road and add a fire hydrant at the end of each cul-de-sac for more fire protection. Discussion ensued regarding emergency vehicles. Mr. Sneddon stated he did not find staff comments inappropriate, it articulates what the Commission has done in the past, and the road width is adequate.

Ms. Young motioned to approve application PZ0803SD with staff stipulations, seconded by Ms. McCabe. Motion carried, 4-1. Roll call: Paul Altman approve, Paul Holland oppose, Julianne McCabe approve, Charles Sneddon approve, Lynn Young approve.

Ms. Young motioned to approve ground water protection permit, seconded by Ms. McCabe. Motion carried 5-0.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer and Pawcatuck Fire Department.
2. 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 inspection fee shall be submitted prior to the issuance of any Zoning Permits.
3. A Performance Bond shall be secured with the Town per Section 5.2 of the Subdivision Regulations. 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 Performance Bond shall be submitted to the Department of Planning prior to the issuance of any Zoning Permits.
4. Prior to the issuance of any Zoning Permits, the applicant shall pay a \$9,000 cash bond to the Town for future maintenance and/or repair of the proposed drainage basin.
5. Final plan shall be revised to reflect new lot and house numbers as assigned by the Town.

PZ0818SPA Estate of Stephen E. Owens (Fleischmann) - Site Plan Approval for the clarification of existing structures, parking and uses on site. Property located at 21 East Main St., Mystic, CT. Assessor's Map 174, Block 2, Lot 5. Zone DB-5.

Mr. Holland motioned to approve application PZ0818SPA with two recommended staff stipulations, seconded by Mr. McCabe. Motion carried 5-0.

Stipulations:

1. Plan shall be revised to include Base Flood Elevation, ground floor elevation, and statement that "Future improvements must comply with Flood Hazard Regulations.
2. Rear storage building shall be used for storage only. No other uses shall be allowed without prior Commission approval.

Ms. McCabe announced that this was Chairman Sneddon's last meeting. She recognized his accomplishments and endless hours he served on the Board.

A five minute recess was called.

Ms. McCabe read the call of the public hearings.

PZ0815SUP Alva Associates, LLC (Duncklee, Inc.) - Special Use Permit application to construct three (3) 1-story office & warehousing structures (5,300SF, 6,000SF, & 7,100SF) with associated parking, access drives, grading, lighting & landscaping. Property located at 296 Taugwonk Rd., Stonington, CT. Assessor's Map 70, Block 1, Lot 3. Zone LI-130. *Rescheduled from 7/15/08 & 8/5/08. Applicant requests the Public Hearing be opened and continued to 9/16/08.* at Mystic Middle School.

Mr. Holland motioned that the public hearing be opened and continued to September 16, 2008, seconded by Mr. Altman. Motion carried 5-0.

Seated for the Public Hearing: Paul Altman, Paul Holland, Robert Marseglia, Julianne McCabe, and Lynn Young. Paul Altman presided.

Mr. Sneddon left the meeting. Mr. Altman was appointed Chairman Pro Tem.

PZ0820RA 99 Mechanic, Inc. - Zoning Regulation Amendment to Section 6.6.15 Attached Housing: Section 6.6.15.2, change Maximum Number of Stories to a Maximum Building Height (RM20 & RM15, 30ft & RH10, 35ft), add grading note to Note 1; add Note 2 concerning integral lot area; and add open area note to Section 6.6.15.6.

Attorney Thomas Liguori represented the applicant and presented a slide presentation of the proposed Crescent Club at Greenhaven consisting of 88 townhouses. The design services a particular market and limits those who purchase. In the draft regulation areas not used for development shall be protected by a development easement and deeded to the town or conservation organization. The alternative to approving this application is a conventional subdivision which would permit 8 additional driveway or road cuts and 5 additional curb cuts on Mary Hall Road and would not require any existing tree canopy be preserved on either road. Note 2 was introduced to accommodate the correspondence of Neil Madden letter. After the evolution of the evening we would like this board to pass the amendments which would allow us to go forward with an application which shows the type of units we have built in the past, who occupies them, and why it is a design should be allowed in the community. Robert Marseglia questioned the public response at the information meeting. Mr. Liguori responded that the predominate sentiment was for a 100 foot buffer, put the recreational area in the middle, and limit the townhouses to two bedrooms.

Public Comment

Dora Hill, 26 Oakwood Avenue, spoke in opposition stating in the past several years every applicant seeks a zoning regulation change to suit the owner. David Madden, 64 Mary Hall Road, spoke in opposition stating the project is out of character with the neighborhood, and there is no compelling reason

to change the regulation. Peg Moran, 81 Mary Hall Road, spoke in opposition to the application stating that it is not consistent with the neighborhood. Wayne Anton, 12 Schiller Avenue, spoke in opposition stating that the presentation was different from the information meeting and questioned why the town would want to take over the land. Carline Donnarummo spoke in opposition stating regulations should not encompass discretion and to apply for a variance one has to prove a hardship. Joanne Anton, 12 Schiller Avenue, raised concerns about traffic, blasting and its effects on wells and foundations. Gail Shay, River Road, spoke in opposition and in favor of maintaining the integrity of existing attached housing regulations. Fran Slater, 446 Greenhaven Road, spoke in opposition to the three-story structures and questioned emergency vehicle accessibility. Keith Brynes read the letter from Neil Madden, 69 Mary Hall Road, in opposition.

Keith Brynes read comments from other organizations regarding the proposed application. Bill Haase recommended submitting site plans to the Pawcatuck Fire Department. Mr. Holland disagreed, stating it should go to every fire department since the vote is on a regulation change and not a site plan application. Bill Haase questioned Attorney Liguori on the areas protected by an easement and deeded to the town. His interpretation was open space and recreation areas should be in a condo association.

Rebuttal

Attorney Liguori spoke in rebuttal stating areas that do not become open space, recreation or the neighborhood area will fall in the conservation easement. Given the design, where there is a driveway that services a couple of units and circulates through there is 360 degree access around a couple of buildings. This is the same slide presentation that was given at the Pawcatuck Neighborhood Center. We asked the Planning & Zoning Commission to look at whether the building design is something that you would like to have the opportunity to include in your community. If you were inclined to approve what we propose in its original form or modified form, we want to develop this property. Mr. Liguori stated there appears to be little support for the application change and he requested to withdraw the application.

Adjournment:

Mr. Holland motioned to adjourn at 10:10 p.m., seconded by Mr. Marseglia. Motion carried unanimously.

Julianne McCabe, Secretary