

The 1382nd meeting of the Stonington Planning and Zoning Commission was held on September 16, 2008 at Mystic Middle School, 204 Mistuxet Avenue. Present for the regular meeting: Paul Altman, Paul Holland, John Swenarton, and Lynn Young; Alternates Leon Jacobs and Rob Marseglia, and Director of Planning, William Haase.

Call to Order:

Lynn Young, Chairman, called the meeting to order at 7:00 p.m.

Appoint Alternates:

In the absence of Julianne McCabe, Leon Jacobs was seated for the meeting.

Minutes:

Paul Altman motioned to waive approval of the minutes, seconded by Paul Holland, approved unanimously.

Correspondence:

Bill Haase informed the Commission a POCD Implementation Committee progress status letter was included in the packet.

Joe Larkin, Zoning Enforcement Officer, provided the zoning permit summary.

Consent Agenda:

Paul Holland motioned to move Consent Agenda items 2, 3, and 4 to the top of the agenda. Seconded by John Swenarton. Motion carried 4-1. Paul Altman voted in opposition.

2. Request for revocation of \$7,000 of funds from Bond #05-001 for PZ0433SD Coccoomo Brothers (applicant) Sam Sissisky (owner) – Approved 9-lot subdivision of a 21-acre parcel. Property located at Whaler Rd, Schooner Dr., & Cutter Dr., Mystic. Assessor's Map 162, Block 1, Lots 4-11, Map 162, Block 2, Lots 1-5, Map 163, Block 2, Lots 7-12; Map 163, Block 1, Lots 14-16; & Map 163, Block 2, Lot 17. Zones RA-20 & GBR-130.

Bill Haase stated Mr. Coccoomo did not finish the road and that the Town was obligated to appropriate \$7,000 for roadway construction. This bond revocation will allow the Town to recover its expenditure. Paul Altman motioned to approve the request. Seconded by Paul Holland. Motion carried unanimously 5-0.

3. Equinox Restaurant Signage -- Property located at 253 Greenmanville Ave., Mystic, CT. Assessor's Map 171, Block 1, Lot 2. Zone TC-80.

Bill Haase stated this application was in front of the Commission as a consent agenda item in August. At the last meeting the conclusion of the Commission was to have the applicant meet with Town staff and seek a resolution.

Paul Holland questioned if the Commission has the authority to request the applicant to change the content of what is proposed to be written on a sign. Haase responded that the Commission cannot regulate a sign's content. Paul Altman stated the applicant is over his signage allocation since the proposal is for 89.7 s.f., whereas the regulations proscribe 64 s.f. Haase stated the applicant has certain vested rights regarding free-standing signs, which are not an issue at this time. The applicant requested approval for what was pre-existing when the site was occupied by Bickford's Restaurant. Paul Holland stated this is a pre-existing non-conforming situation.

Zoning Regulation 7.12.7.1 was reviewed and after discussion it was decided not to include an 8 s.f. Howard Johnson sign in the calculation. Lynn Young stated the cumulative size of non-conforming signage is not known when the site was occupied by Bickford's. Paul Holland motioned to approve the applicant's signage request for 89.7 s.f., including proposed word signs above the windows. Seconded by Paul Altman. Motion carried unanimously 5-0.

4. 08-249ZON MacDuff Associates (Bonnie Clark) - Request a change of use from Barber Shop to Travel Agency. Property located at 35C Williams Ave., Mystic. Assessor's Map 161 Block 14 Lot 2. Zone LS-5.

Paul Altman motioned to approve the application. Seconded by Paul Holland. Motion carried unanimously 5-0.

1. Review of revised elevations and interpretation of gross floor area regulations for PZ0667CNU & CAM Masons Island Landing, LLC - Approved Application 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.

The applicant stated he went to the Planning Department and requested approval to add garage doors to the previously approved building plan to improve energy efficiency and make it the building more aesthetically pleasing. However, the modified architectural drawings were not acceptable to Town staff. Applicant stated that if it is not possible to enclose the garage from a zoning perspective, it is still possible to improve the original architectural styling and modify the enclosures. Lynn Young expressed concern that a home owner could enclose the garage at a later date after the structure was constructed. Discussion ensued concerning the number of stories, maximum building height, and FEMA floodplain regulations. Haase noted that structural elements below the base flood elevation must be designed to permit flow through of stormwater. Floodplain Manager Joe Larkin stated that breakaway walls are only required in V zones, and that this structure is in an A zone. Larkin then discussed his interpretation of the zoning regulations, in that a fully enclosed garage will contribute to a building's overall gross floor area. Town Attorney Thomas Londregan offered his opinion on zoning regulations pertaining to floors and gross floor area.

Paul Holland motioned to approve an architectural rendering submitted by the applicant that depicts a predominately open garage floor level – this version of the plan does not depict garage doors or any window-type enclosures. This motion was seconded by Lynn Young. Bill Haase suggested that the architectural plan depicting the Commission's preferred design be referenced as an exhibit in the motion. Paul Holland withdrew the motion, Lynn Young withdrew the second. Paul Holland motioned to approve architectural elevations referenced as "Exhibit 1", with no garage doors or door or window enclosures permitted. Seconded by Paul Altman. Motion carried unanimously 5-0.

Public Hearing: 8:25 p.m. Paul Holland read the call of the public hearing.

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. *Continued from 8/19/08.*

Seated for the Public Hearing: Paul Altman, Paul Holland, Leon Jacobs, John Swenarton, and Lynn Young

Patrick Lafayette, PE presented a site plan depicting a three building expansion at the existing Duncklee facility, including a revised parking and driveway layout, landscaping and stormwater detention structures. This site plan buffer reflects a requirement of 50 ft. adjoining the southerly property line, prompted by the adjoining property being combined into a single residential lot. A center driveway will service the three rear buildings. The stormwater drainage layout includes a detention basin in the rear, and a large grass swale to the front of the property to capture driveway sheet flow.

The applicant's attorney Theodore Ladwig addressed standards for granting special permit in an LI-130 zone. In his opinion the application complies with the Plan of Conservation and Development and meets the zoning regulation's requirements for a special use permit. Ladwig stated that town staff raised a number of issues, and that all but one has been resolved – the staff comment that building material should be something other than metal. Ladwig stated that regulations don't specifically provide for that. Ladwig said this project will not cause an adverse impact on the surrounding neighborhood, and regulations establishing additional buffers proximal to adjoining residential lots have been complied with. This proposal meets the regulations as it provides sufficient buffers and landscape screening.

Public Comment - In Favor

Laura Cramer, 239 Montauk Avenue – Read a letter supporting the application written by Tony Sheridan, President, Southeastern Connecticut Chamber of Commerce (letter entered as Exhibit #1).

Bill Turner, 297 New London Turnpike - Duncklee has been very responsible business citizens and the company has worked to make their property as pleasing as possible.

Tricia Cunningham, representing the Mystic Chamber of Commerce, read a letter in support of the application (letter entered as Exhibit #2).

Blunt White, Chairman Stonington Economic Development Commission - Urged the Planning and Zoning Commission to be flexible and fair with the applicant's request to build a project in a light industrial zone.

Paul Feeney, 295 Taugwonk Road - Lives directly across the street from the applicant and supports the project, stating that it fits within the character of the neighborhood.

Public Comment - Opposed

Jim Smith, 264 Taugwonk Road - Does not challenge the as of right allowance to build up to 10,000 s.f. on this property, but states that what is being requested via a special use permit is excessive and it will adversely affect property values. Mr. Smith submitted a written opinion from G.B. Erb Appraisal Company (Exhibit #3) stating that there would be a negative increase on traffic and additional increase in noise, and excessive nighttime lighting. The expansion of an industrial use would have a negative impact on surrounding residential real estate values.

Attorney Frederick Gahagan, represented Jim Smith - Submitted a lengthy memo (Exhibit #4). Stated that the application fails to comply with requirements for a special use permit. It does not address types of uses, hours of operation, noise, and types of site generated traffic. It does not meet perimeter shade tree requirements or requirements of 7.13.3 of the zoning regulations.

Daryl Centel, 122 Stony Brook Road - Raised concern for parking and traffic, setting a precedent under LI-130. The expansion is too large for a rural area.

Niall Doherty, 505 Taugwonk Road - Read a letter stating that the proposed increase in industrial development should be reviewed with regard to impact (Exhibit #5). Development would have a negative impact on the environment and contrary to LI-130 regulations.

Joyce Fingerut, 537 Taugwonk Road - Proposed expansion is for a new line of businesses. Raised concern about wetland impacts and pollution. Adverse affect on surrounding property values. It involves density and bulk and is much more than needed for the existing business (letter entered as Exhibit #6).

Bill Lyman, read a letter written by Robert and Linda Schaeffer, 324 Taugwonk Road, who were not present for the meeting (Exhibit 7) – The Schaeffer's oppose future building and would like to preserve the country setting.

Bill Lyman, 579 Taugwonk Road – Speaking for himself in opposition to the application due to the size of the proposed buildings -- 21,000 s.f. on a three acre lot. Concern for undefined end use of the businesses, traffic volume, and increased number of employees. Special use permit requirements list various considerations, one of which is the impact on adjoining areas. If the application is not denied, Mr. Lyman asked that the decision include stipulations that address concerns of those in speaking in opposition.

Ed Hart, 587 Taugwonk Road - This is the wrong area for LI-130. Town water and sewers for this for a project of this scope are needed. This zoning district should be changed as the POCD recommends.

Vera Harsh, 547 Taugwonk Road - This area is primarily agricultural. Runoff and waste would go to the watershed.

Jim Kelly, 439 Taugwonk Road - This project is out of scale, out of character.

General Comments

Stanton Simm, 20 Sommers Lane - POCD recommends LI-130 in this area be changed to GBR-130 because of the rural area. In 2005 the Conservation Commission attempted to change it, recommending that the current LI-130 zone be realigned. Questioned the size of the proposed septic system.

Chairman Lynn Young called a five minute recess. The public hearing resumed at 10:40 p.m.

Staff Report

Bill Haase presented the staff report and emphasized the deadline for closing this public hearing is September 23, 2008. That said, if the Commission chooses to close hearing tonight it would still have 65 days to render a decision.

Haase stated that the POCD recommends industrial use on the property and the application appears to be consistent with the POCD in this regard. He warned that differing recommendations contained in the POCD could be interpreted as both pro and con for this application, and that the Commission would be on firmer ground to approve, modify or deny this application by instead relying on the zoning regulations. Haase said this application was submitted to a number of different staff for review, including Larry Sullivan, Town Engineer. The staff report did not contain a recommendation to approve or deny because at the time it was written, Larry Sullivan's report had not yet been received.

Haase noted that the most recent letter from Town Planner Keith Brynes is dated September 3, 2008, and that the revised plan submitted by the applicant dated September 10, 2008 responds

to some of the concerns contained in this letter. One concern that staff focused on in letters to the applicant dated July 31, 2008 and September 3, 2008 is the quality of building materials and architecture. Haase cited Section 7.13.3 of the zoning regulations as a key standard for design review. All that was received from the applicant in response to the September 3rd letter was a product catalog from a company that manufactures metal buildings. Generic building elevations submitted on May 16, 2008 do not match proposed building footprints as depicted on the site plan. Haase said the Commission must decide if this satisfies 7.13.3. At this time, it is the opinion of staff that the application does not meet the standards for architectural elevations. Paul Holland stated 7.13.3 applies to all applications and this is a special permit where we need extraordinary scrutiny.

Rebuttal

Engineer Patrick Lafayette stated that the applicant's submitted landscaping plan meets the buffer requirements, including of 25 feet of screening and tree planting plus 25 additional feet in which no buildings will be constructed. Town staff's calculations calling for 32 perimeter shade trees have been addressed on the September 10th plan revision. Off-street parking requirements have been met. Backup turnarounds for trucks are based on Connecticut Department of Transportation criteria. Regarding drinking water supply, the Connecticut Department of Public Health has all the technical information but cannot process it until there is an approved plan. Employees will total 40, and septic systems as a result of downsized buildings have been reduced in size. The property will contain 17.7 percent impervious coverage so it is not being maxed out.

Paul Altman questioned what the buildings will look like. Attorney Ladwig stated the applicant will build a structure that will look like a real barn. Paul Altman questioned if the applicant would agree to a stipulation that staff would be responsible for approving architectural elevations. Attorney Ladwig agreed and stated the expansion of development on this site will not have an adverse impact on the surrounding residential or agricultural neighborhood. It is not an over intensification.

Paul Holland motioned to close the hearing. Seconded by Paul Altman. Motion carried unanimously 5-0. Paul Holland motioned to table further discussion until October 21, 2008. John Swenarton seconded. Motion carried unanimously 5-0.

Adjournment:

Paul Holland motioned to adjourn the meeting at 11:16 p.m., seconded by Paul Altman. All members voted in favor.

Paul Holland, Acting Secretary