

## Regular Meeting

The 1395<sup>th</sup> meeting of the Town of Stonington Planning and Zoning Commission was held on Tuesday, April 21, 2009 at Mystic Middle School, 204 Mistuxet Avenue. Chairman Lynn Young called the meeting to order at 7:00 p.m. In attendance were members John Swenarton, Paul Holland, Paul Altman, and Lynda Trebisacci, Alternate Leon Jacobs, Planning Director Bill Haase, and Town Planner Keith Brynes. Alternate Rob Marseglia was absent.

### Minutes:

Mr. Swenarton made the motion to approve the April 7, 2009 minutes. Mr. Holland seconded. The minutes were approved, 3-0-2.

Roll Call: Swenarton – approve, Holland – approve, Trebisacci – approve, Altman – abstain, Young – abstain

A discussion concerning Commission members receiving unsolicited emails from the public regarding agenda items was held. Mr. Altman made the motion that any such communication to a commission member shall be forwarded to staff when appropriate. Mrs. Trebisacci seconded. The motion was approved, 4-0-1.

Roll Call: Swenarton – approve, Holland – abstain, Trebisacci – approve, Altman – approve, Young – approve

Keith Brynes announced that the Public Hearing for **PZ0909SUP Mary Lee Steigler (CVS / A&P)** would not be heard tonight.

### Consent Agenda:

1. Property of Thomas & Dorthea Cannan – Proposed lot division of property pursuant to C.G.S. 8-18, subject to agricultural and conservation restrictions being recorded with the division plan. Property located at 339 Pequot Trail, Pawcatuck, CT. Assessor's Map 38, Block 1, Lot 3. Zone GBR-130.

Attorney Fritz Gahagan, of Waller, Smith and Palmer, requested a determination of an exempt split, perpetual conservation restriction, to allow a single house and accessory buildings in a carved out portion of the property. The rest of the property is being donated to the Connecticut Farmland Trust.

Mr. Holland made the motion to confirm that the proposal is not a subdivision. Mr. Swenarton seconded. Mr. Altman felt that it was a subdivision, previously being divided. The motion was approved, 3-2.

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

2. **09-043ZON James & Emma Lee Goddiess** – Request zoning permit for construction of an approximate 21.5' x 23.5' deck. Property located at 10 Michelle Lane, Mystic, CT. Assessor's Map 165, Block 3, Lot 1A, Unit 5B. Zone GC-60.

Mr. Holland made the motion to approve. Mr. Altman seconded. The motion was unanimously approved.

### Public Hearings:

**PZ0908SUP Seaport LLC (Seaport Campground)** - Special Use Permit application for renewal of existing Special Use Permit PZ9141SUP for a recreational campground. Property located at 45 Campground Road, Mystic, CT. Assessor's Map 167, Block 1, Lot 3. Zones GBR-130 & GC-60.

Attorney Frank Eppinger, representing Seaport Campground, presented the application. Mike Scanlon of DiCesare-Bentley was present as well. Attorney Eppinger stated that the site complies with the latest revision of the Connecticut health code regulations and meets the required number of sanitary facilities. The site has no known zoning violations. There is no change from the prior permit which has been timed on a ten year renewal cycle. The applicant had also requested elimination of this 10-year sunset provision. Ms. Trebisacci thought the annual renewal process in ZR 6.6.13 would review compliance.

### Public Comment:

Don Beck, an abutting property owner, spoke against elimination of the 10-year sunset clause, suggesting a 5-year review might be sufficient protection.

Mr. Holland made the motion to close the public hearing. Mr. Altman seconded. The motion was unanimously approved.

Mr. Altman asked staff if the Chief of Police had been contacted regarding any complaints. Mr. Brynes said the Chief had not been contacted.

Mr. Holland made the motion to approve the request for waivers. Ms. Trebisacci seconded. The motion was unanimously approved.

Mr. Holland made the motion to deny the request to eliminate the 10-year sunset provision. Mr. Altman seconded. The motion was denied 4-0-1.

Roll Call: Swenarton – abstain, Young – approve, Holland – approve, Trebisacci – approve, Altman - approve

Mr. Holland made the motion to approve the permit application. Mr. Altman seconded. The motion was unanimously approved.

**PZ0905RA Carol Holt** - Zoning Regulations Text Amendment to clarify ZR Sections 2.7 & 2.9 enabling minor lot line adjustments such that buildable status of properties remains unaffected.

Dr. Carol Holt presented the history of the Lord's Point development of small lots and sewer and septic rollout. She believes that various lot line changes over the years have made many of the buildings "unfixable," that is, unable to be brought up to code because they are non-conforming. Her property was granted a variance by the ZBA, but was subsequently overturned by an appeal. The ruling judge found that any change to a lot after 1961 presented an entirely new lot, and therefore, could not take advantage of ZR Section 2.9.

Attorney Eric Knapp, representing Dr. Holt, argued that the regulations should be restored to an "even playing field" prior to Judge Parker's ruling. Ms. Young asked if there was an attempt to come to a resolution with the neighbors after the appeal.

Mr. Holland asked how many non-conforming lots would be affected by this change. Attorney Knapp had not done that analysis. Ms. Young wanted to be convinced that the house could not be fixed, - i.e., brought up to the flood plain code.

Staff reviewed the proposed text changes of ZR Sections 2.7, 2.8 (no change), and 2.9.

Attorney Eric Knapp argued the adverse affect of the minor lot line adjustments that have occurred over the past 48 years, with many homeowners unaware until a title search brings these changes to light. Property owners may not be able to make their house flood plain code compliant and therefore are not safe. Ms. Young argued that they still have use of their property.

Mr. Holland was concerned that there was no analysis of other properties in town that would be impacted by these changes.

There was no public comment in favor.

Public Comment Against:

Attorney Tracy Collins, of Waller, Smith and Palmer, representing neighbors James & Thomasine O'Boyle, reviewed the recent court decisions regarding ZR 2.9. She and her clients are against any change in the regulation. Mrs. O'Boyle spoke about the Lord's Point area where they have lived since 1978. Tom Reynolds and Bill Hescoock spoke against. Attorney Hescoock, a neighbor, made the point that all of the previous judges' rulings on 2.9 had been clear and consistent. Mr. Haase read a letter from Gail Shea against the application.

Mr. Altman asked that the rebuttal be continued so that Town Attorney Londregan can be requested to provide further interpretation.

Mr. Altman made the motion to continue this application to the June 2, 2009 meeting, with permission for an extension given by Attorney Knapp. Mr. Holland seconded. The motion was unanimously approved.

Mr. Swenarton made the motion to adjourn at 10:25 p.m. Ms. Trebisacci seconded. The motion to adjourn was unanimously approved.

---

John Swenarton, Secretary