

Special Meeting

The 1400th meeting of the Town of Stonington Planning and Zoning Commission was held on Tuesday, July 21, 2009 at Pine Point School, 89 Barnes Road, Stonington. Secretary / Acting Chairman John Swenarton called the meeting to order at 7:00 p.m. In attendance were members Paul Altman and Lynda Trebisacci, and alternate Bob Mercer, Director of Planning Bill Haase, and Town Planner Keith Brynes. Member Paul Holland and Alternates Rob Marseglia and Leon Jacobs were absent.

Seated were Mr. Swenarton, Mrs. Trebisacci, Mr. Altman, and Mr. Mercer.

Minutes:

Mr. Mercer made the motion to approve the minutes of the 6/16/09 meeting. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0.

Staff Reports:

1. Possible regulation amendment permitting expansion of existing residential uses in LI-130 zone. Town Planner Brynes discussed exploring rights for non-conforming uses and expansion. He determined that there are 19 residences which reside in LI-130, Hi-60 or M-1 zones and are limited in how they may expand. Mr. Altman made the motion to table the discussion. Mr. Mercer seconded. The motion was unanimously approved, 4-0.
2. Policy governing zoning amendment referrals to other commissions. Mr. Altman thought that comments made by other Commissions at meetings puts the Commission at a disadvantage. Recent press articles misinterpreted another Commission's statement about a proposed application. Staff did not want the regulations to become cumbersome. Staff shall refer applications to advisory commissions as appropriate.

ZEO - Pending Variances; A-2 survey waiver requests:

ZBA#09-09 Thomas & Dorothea Cannan (Michael Scanlon) - Staff felt an A-2 survey would be excessive for such a large parcel. Mr. Altman made the motion to approve the waiver. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

ZBA#09-10 Gregory & Julie Duba - Staff recommended the waiver be granted. Mrs. Trebisacci made the motion to approve the waiver. Mr. Altman seconded. The motion was unanimously approved, 4-0.

Administrative Review:

ZON09-123 Henry Han & Amie Shzuhz - Request zoning permit for construction of an approximate 7.5' x 7' shed. Property located at 20 Mechanic St., Pawcatuck, CT. Assessor's Map 4, Block 7, Lot 1. Zone DB-5.

Staff recommended tabling this application. Mr. Altman made the motion to table the application. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0.

ZON09-128 K. Schwam & J. Pagnozzi (Jay Presser) - Request zoning permit for change of use from Retail to Personal Services. Property located at 67 Williams Ave., Mystic, CT. Assessor's Map 161, Block 20, Lot 9. Zone LS-5.

Mr. Altman recused himself.

The applicant is planning a dog grooming business. It is a permitted use and the signage would be changed. The sign would be the same painted type.

Mr. Mercer made the motion to approve the application. Mrs. Trebisacci seconded. The motion was unanimously approved, 3-0.

PZ0540SUP & CAM Stonington Seahawk, LLC – Request site plan modification to approved application to utilize existing crushed stone and grass surfaces for parking rather than bituminous concrete as originally proposed.

Mr. Altman was reseated.

Clint Brown, DiCesare-Bentley Engineers, discussed the request for crushed stone rather than concrete. Staff thought the stone to be a preferable choice with less environmental hazard.

Mr. Altman made the motion to approve the application Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0.

4ZON09-004 Masons Island Landing, LLC - Request approval of an architectural/engineering update to the Masons Island Landing, LLC duplex application approved on 1/27/09.

Tim O'Neil of Evergreen Building Systems discussed the change to the foundation plan from pilings to segmented solid wall. Mr. Altman discussed the FEMA foundation requirements for flow-throughs. The original plan was more open, but Mr. O'Neil reassured the Commission that they are in compliance with FEMA code. The buildings will be LEED certified.

Mrs. Trebisacci made the motion to approve the request. Mr. Altman seconded. The motion was unanimously approved, 4-0.

Mr. Haase asked the Commission if they would permit any subsequent "tweaking" to be handled by staff rather than brought before them. The Commission felt Staff could administer future minor adjustments.

Old Business:

PZ0923SPM & GPP Hendels, Inc. (Jon Hendel) – Site Plan Modification and Groundwater Protection Permit applications for construction of a 1,950 square foot retail store and fuel pumping facility with associated parking, landscaping, & utilities. Property located at 466 Liberty St., Pawcatuck, CT. Assessor's Map 20 Block 3 Lot 2. Zone HI-60. New Submittal: 6/16/09

Staff recommended tabling the application so that it may be brought before the Commission as a Public Hearing at the September 1, 2009 meeting.

Mr. Altman made the motion to table the application and set a Public Hearing for 9/1/09. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0.

Public Hearings:

PZ0921CNU EOF Realty, LLC - Application for a Change of Non-Conforming use per ZR 2.6.1.3 to permit residential use for existing apartment. Property located at 595 Greenhaven Rd., Pawcatuck, CT. Assessor's Map 8 Block 2 Lot 1 & Map 8 Block 1 Lot 1. Zones RA-20 & RR-80.

The applicant has withdrawn the application.

PZ0919SUP Rox Riv Realty, LLC - Special Use Permit application for approval of a 15-seat restaurant in a 1,436 SF unit in an existing building. Property located at 12 Coogan Blvd., Mystic, CT. Assessor's Map 164 Block 4 Lot 1 Unit 101. Zone TC-80.

Attorney Susan Hays of Updike, Kelly & Spellacy, representing the applicant, discussed the request to permit a high turnover 15-seat restaurant with shared parking in the former Domino's restaurant. Clint Brown of DiCesare-Bentley discussed their parking study analysis which concluded that the parking was adequate. The study was done in April and did not factor in the high summer season traffic.

Mr. Altman made the motion to close the Hearing. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0. Mr. Altman made the motion to approve the waivers. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0. Mr. Altman made the motion to approve the special use permit with stipulations. Mrs. Trebisacci seconded. The motion was unanimously approved.

Stipulations:

1. New signage shall comply with approved multi-tenant signage program.

2. The Town's maximum seating notice must be posted in a conspicuous location inside the restaurant.

PZ0920SD & GPP Stephen O. Monson – Subdivision & Ground Water Protection Permit applications for a 5-lot subdivision of a 23.2± acre parcel. Properties located at 33 & 69 Wolf Neck Rd, Stonington, CT. Assessor's Map 139 Block 1 Lots 13 & 14. Zone RR-80.

Engineer John Mereen of Gerwick-Mereen, presented the subdivision site plan for the development. Mr. Altman was concerned about the 15-foot drive accessing multiple parcels would not be wide enough to handle traffic and emergency vehicles. Mr. Mereen stated that the Fire Marshal requested a 40-foot turnaround. Mrs. Trebisacci asked about an existing cart path. Mr. Mercer asked about free splits on each of the two lots.

Public Comment: Alan Whitford is not against the development, but wanted to alert the Commission about the springs in the area that feed a pond on Lantern Hill Road. Darryl Rugh asked about re-subdivision and about size requirements of rear lots. He also showed the location of an existing house that is accessed by the same road making it 6 lots on one road. Mr. Brynes explained the Wetlands proration section of the regulations. Mr. Mercer was concerned about the maintenance of the roads. Mr. Brynes warned how paving the entire length of the driveways might impact the wetlands. Mr. Brynes read four stipulations and Mr. Altman suggested two additional: widen the shared driveways to 20 feet where 2 or more houses are served, and create a homeowners association for driveway maintenance.

Mr. Altman made the motion to close the Public Hearing. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0. Mr. Altman made the motion to approve the ground water protection permit application. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0. Mr. Altman made the motion to approve the application with the six (6) recommended stipulations. Mrs. Trebisacci seconded. The motion was unanimously approved, 4-0.

Stipulations:

1. Final Plans shall be reviewed to the satisfaction of the Town's Engineering Department and Old Mystic Fire Department.
2. Final plan shall be revised to reflect new lot and house numbers as assigned by the Town.
3. The applicant shall hire an appraiser, acceptable to the Department of Planning, to conduct an appraisal of the land. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$ [amount shall be determined prior to final plans are recorded on the land records] was approved by the Planning & Zoning Commission, each new lot shall be assessed [1/5 of the 10% value]."
4. Prior to recording, AutoCAD files of the subdivision shall be submitted to the Town.
5. Shared driveways where two (2) or more houses are served shall be widened to 20 feet.
6. A Homeowner's association shall be set up to address driveway maintenance.

Mr. Altman made the motion to adjourn the meeting. Mrs. Trebisacci seconded. The motion to adjourn was unanimously approved, 4-0. Mr. Swenarton adjourned the meeting at 9:26 PM.

John Swenarton, Secretary