

Special Meeting

The 1398th meeting of the Town of Stonington Planning and Zoning Commission was held on Tuesday, June 2, 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 Paul Altman and John Swenarton, alternate members Rob Marseglia and Bob Mercer, Director of Planning Bill Haase, and Town Planner Keith Brynes. Absent were members Paul Holland and Linda Trebisacci, and alternate Leon Jacobs.

Minutes:

Mr. Swenarton made the motion to approve the May 19, 2009 minutes. Mr. Marseglia seconded. The minutes were approved, 4-0-1

Roll Call: Altman – abstain, Young – approve, Swenarton – approve, Marseglia – approve, Mercer - approve

Consent Agenda:

PZ0554SUP Dodson Boatyard, LLC – Request approval of modified site plan for Special Use Permit approved 10/4/05, amended 7/26/06. Property located on Main & Mathews Streets, Stonington, CT. Assessor's map 101 Block 26 Lot 1. Zone MC-80.

Attorney Frank Eppinger spoke on behalf of the applicant. The applicant has recently acquired, through a Superior Court Judgment, title to several disputed parcels adjacent to their property. The applicant requests the waiver of a formal Site Plan Application and approval for the following accessory uses as permitted on the existing Special Use Permit (PZ0554SUP): parking, winter boat storage, and storage of marine equipment.

Mr. Altman made the motion to waive the requirement for a Site Plan Application and approve the request. Ms. Young seconded. The motion was unanimously approved, 5-0.

PZ0813SUP Quantum of Mystic – Request approval for addition of outdoor seating (7 seats), at existing restaurant (Tastings). Property located 4 Hendel Drive, Mystic, CT. Assessor's map 164 Block 1 Lot 8A. Zone TC-80.

Mr. Mercer thought it important that the Commission review the specific railing selected for the outdoor seating area. Ms. Young agreed.

Mr. Marseglia made the motion to approve the application with the stipulation that the specific style and material of the railing be subject to review by Staff. Mr. Altman seconded. The motion was unanimously approved, 5-0.

09-096 ZON AT&T Corporate Real Estate – Request approval for placement of a 3000 gallon above ground fuel tank for an emergency generator. Project includes removal and disposal of existing underground storage tank. Property located 30 East Main St., Mystic, CT. Assessor's map 182 Block 5 Lot 3. Zones RH-10 & LS-5.

Mr. Altman asked about the contingency plan should the tank leak during removal. Mr. Marseglia and Mr. Swenarton discussed the two-walled construction of tank structure.

Mr. Altman made the motion to table this application. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

Old Business:

PZ0911RA Town of Stonington (PZC) – Zoning Regulations Text Amendments to Article II Section 2.6 – Non-Conforming Use & Bulk; Article V Sections 5.1.2 & 5.1.3 – Use & Bulk Tables; Article VI Section 6.1 – Special Use Permits, Section 6.23 – Traffic Impact Study, & Section 6.24 – Archaeology Study; & Article VIII Section 8.3 – Site Plan Submissions, Section 8.4 – Plan Requirements, Section 8.6 – Bonding Requirements, Section 8.7 – Fee Schedule, Section 8.8 – Impact Statement, Section 8.9 – Public Hearings, and Section 8.10 – Zoning Board of Appeals.

Seated for this application were Mr. Swenarton, Mr. Marseglia, Mr. Mercer and Ms. Young.

Mr. Marseglia asked about the availability of copies of the amendments prior to publication of the revised regulations. Commission was told that copies will be made available. Mr. Mercer asked whether medical facility parking was included in the amendment. He was informed that it was not. Mr. Mercer made the motion to approve the application. Mr. Swenarton seconded. The motion was unanimously approved, 4-0.

PZ0918BR Readco Stonington, LLC - Request Bond Release/Reduction of \$45,000.00 to \$.00 for PZ0656SUP & GPP Erosion & Sedimentation Bond. Property located northeast of Route 2 (Liberty St.) & Route 49 (Voluntown Rd.) intersection, Pawcatuck, CT. Assessor's Map 18 Block 1 Lots 33 & 33A & lots acquired from the State of CT DOT. Zone HI-60.

Mr. Altman was reseated.

Mr. Marseglia brought up the issue that more construction would likely be occurring on the site and that perhaps a partial bond release would be more appropriate. The Commission found Readco's absence from this and the previous meeting to be unusual.

Mr. Marseglia moved to approve a reduction of the bond from \$45,000 to \$20,000, a release of \$25,000. Mr. Altman seconded. The motion was unanimously approved, 5-0.

Public Hearings:

Chairman Young rearranged the order in which the Hearings would be heard.

PZ0917ZC Jamie D. Aluzzo (Ted Ladwig) - Zoning Map Amendment to change from Residential RA-20 to Commercial LS-5 for properties located at 140 Liberty St. & 146-148 Liberty St., Pawcatuck. Assessor's Map 15 Block 2 Lots 8 & 9. Zone RA-20.

Due to his administrative error, the applicant requested a rescheduling of the public hearing.

Mr. Marseglia made the motion to reschedule the application to the August 4, 2009 meeting. Mr. Altman seconded the motion. The motion was unanimously approved, 5-0.

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. Continued from 4/21/09

Chairman Young announced that this evening's proceedings were limited to the rebuttal phase of the Public Hearing. Seated were Mr. Swenarton, Ms. Young, and Mr. Altman.

Attorney Eric Knapp announced the rebuttal would address the concerns raised that any changes would affect the entire Town of Stonington.

Dr. Carol Holt discussed her findings of the number of lots in town (in various zoning districts), which are less than 10,000 square feet, and when they were developed. She thought the Lord's Point and Old Mystic were the two areas that would benefit from the proposed change. She indicated that 50 percent of the lots in Lord's Point are in need of relief. Of the 62 houses around her, only 19 met the bulk requirements. Mr. Marseglia asked how many houses could be affected. Ms. Young stated that cannot be determined without a title search. Dr. Holt thought that at least 19 around her would be affected.

Attorney Knapp estimated 24 to 30 properties could be affected. He discussed the nuances of the regulation text change and argued his position. He felt that catastrophic consequences could be felt retroactively from this problem. Mr. Altman raised his concern that if this is passed other homeowners could be affected by having a house built in front of their property, and lots that were not buildable previously would now be. Mr. Swenarton asked for clarification of how a house would be built if a hurricane took it out. Attorney Knapp read Stonington ZR 2.6.3 Reconstruction, allowing for identical restoration/reconstruction. Mr. Swenarton asked for clarification of the judge's ruling of the Holt court appeal. Staff clarified the history of the parcel merger regulations. The properties were not merged because the two parcels were owned separately in different names.

Mr. Marseglia commented that the zoning changes made in 1979 created non-conforming lots. Chairman Young reviewed her four rebuttal points.

Atty. Bill Hescocock commented that this was spot zoning. Gail Shea asked about the procedure regarding providing new changes to the text and whether the public had been able to see them. Ms. Young clarified that the changes were in the staff report. Martha Slater spoke of the results of previous lot line adjustments on her property. Attorney Mark Zamarka, representing Thomasina & James O'Boyle, made two points.

Planner Keith Brynes summarized an opinion letter from Town Attorney Tom Londregan.

Mr. Altman made a motion to close the hearing. Mr. Swenarton seconded. The motion was unanimously approved, 3-0.

Mr. Altman asked specific questions about the viability of both of the Wyper-Holt parcels.

Mr. Altman made the motion to deny the application. Ms. Young seconded. Mr. Altman felt that other solutions were available. Mr. Swenarton felt there was a problem with the regulations but he was not comfortable with this as the solution. Mr. Altman thought that there would be unknown impacts and that these changes could unleash a flood of new applications from those with similar restrictions. The motion to deny was unanimously approved, 3-0.

PZ0903RA Town of Stonington (PZC) - Zoning Regulations Text Amendment to Section 9.4.4.2 which if adopted would allow other Town commissions, agencies and departments (not just PZC) to apply for a Zoning Map Amendment without the requirement to submit an A-2 survey or an impact statement for the subject properties. *PH Continued from 4/7/09*

Mr. Mercer made the motion to continue the Public Hearing to the August 18, 2009 meeting. Mr. Marseglia seconded. The motion to continue was unanimously approved, 5-0.

Mr. Altman made the motion to adjourn. Mr. Swenarton seconded. The meeting was adjourned at 11:20 pm.

John Swenarton, Secretary