

Regular Meeting

The 1390th meeting of the Town of Stonington Planning and Zoning Commission was held on Tuesday, January 20, 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, and Paul Altman. Alternate Rob Marseglia was seated for the meeting. Planner Keith Brynes was present. Lynda Trebisacci and alternate Leon Jacobs were absent.

Minutes: Mr. Altman made the motion to approve the January 6, 2009 minutes. Mr. Holland seconded. The minutes were unanimously approved.

Correspondence:

PZ0564SUP & GPP Girouard Associates – Discussion solely to confirm conduct of an executive session at the 02/03/09 meeting regarding the Stipulated Judgment Agreement. The Commission motioned to set the date of the Executive session for February 3, 2009 at 6 P.M. with the Town Attorney to be present. The motion was unanimously approved.

Reports - Commission:

Discussion of possible regulation amendment to revise Section 9.4.4.2.1 to allow Town departments and commissions other than the Planning and Zoning Commission, to apply for zoning map amendments without the requirement for an A-2 survey.

Mr. Swenarton made a motion to direct staff to draft an amendment to revise Section 9.4.4.2.1 to allow Town departments and commissions other than the Planning and Zoning Commission, to apply for zoning map amendments without the requirement for an A-2 survey. Mr. Holland seconded. Mr. Marseglia raised the issue of Mr. Swenarton's past participation on the Conservation Commission.

The motion was approved, 3-2.

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

Consent Agenda:

PZ0822SD & CAM Estate of Harriet K. Sullivan (D. Reagan) - Subdivision Application & Coastal Area Management Review for an 8-lot subdivision of an approximate 3.96 acre parcel. Request 90-day extension to file final mylars.

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

Old Business:

PZ0827SPM Mystic Food N More, LLC (Malik) - Site Plan Modification for the placement of a walk-in cooler and construction of stairs and deck on site. Property located at 34 East Main St., Mystic, CT. Assessor's Map 174, Block 18, Lot 1. Zone LS-5. New Submittal: 10/21/08 *Extension provided.*

Mr. Altman made the motion to table the application to the February 3rd meeting. Mr. Holland seconded. The motion was unanimously approved.

PZ0830SPM & CAM Zheng Investments, LLC (Canavan) - Site Plan Modification & Coastal Area Management Review for the construction of a 798 sq. ft. addition to existing structure. Proposal includes associated parking & landscaping. Property located at 6 Greenmanville Ave., Mystic, CT. Assessor's Map 173, Block 7 Lot 1. Zone CS-5. New Submittal: 11/18/08 *Extension provided.*

Mr. Altman made the motion to table the application to the February 3rd meeting. Mr. Holland seconded. The motion was unanimously approved.

Public Hearing:

Mr. Swenarton read the call for the Public Hearing.

PZ0833CNU Peter Fleming & Scott Nye - Change of Non-Conforming Use approval to replace existing 900 sq. ft. of billboards (3 each 12' x 25' single-sided), and replace with one 600 sq. ft. double-sided, down-lighted 10' x 30' x 15' single-pole mounted billboard, and one 80 sq. ft. lighted I.D. sign. Property located at 786 Stonington Rd., Stonington. Assessor's Map 75, Block 2, Lot 2. Zone GC-60.

Paul Holland left the meeting at 8:00 p.m.

Attorney Richard Cody described the proposal to change the billboard to a similar or like use. Replacement with a smaller, double-sided, down lit unit (lit only until 11:00 p.m.), would be a reduction from the two existing. A commissioner asked whether Mr. Nye would be willing to remove the lighting, and he replied, yes, if necessary.

The Staff report contained correspondence from the State DOT suggesting that a right-of-way encroachment permit might be necessary. The applicant indicated they would be willing to apply for such.

Ms. Young asked Attorney Cody if he had read the "Route 1 Corridor Study." Mr. Cody replied he had not.

Public Comment: Dora Hill of Pawcatuck spoke against and was specifically concerned about the product advertisement in the sign. Carlene Donnarummo spoke against especially the request for a lighted billboard. Attorney Nick Kepple spoke against the application.

Staff presented Town Attorney Tom Londregan's opinion that the Commission does not have jurisdiction to allow the expansion of the detached Flemings sign. Mr. Swenarton asked about the right-of-way and the DOT's review process.

Mr. Altman made the motion to close the Public Hearing. Mr. Marseglia seconded. The motion was unanimously approved, 4-0.

Mr. Altman made the motion to grant the waiver for the site plan requirements. Mr. Marseglia seconded. The motion was unanimously approved, 4-0.

Altman made the motion to deny the application. Mr. Marseglia seconded. The motion was unanimously denied, 4-0.

Reason for Denial:

1. Based on the Town Attorney's legal opinion that a variance from the Zoning Board of Appeals is required for the expansion of the Fleming's detached sign, Section 2.6 does not authorize the Commission to allow new non-conformities on the site.

Mr. Brynes asked that the following New Submittal application be removed from the agenda due to its incomplete status. The Commission discussed policy issues regarding incomplete applications.

PZ0903SUP Mary Lee Stiegler (Service Select Signs) - - Special Use Permit application to permit a 60 square foot externally illuminated sign on existing building and a 16 square foot internally illuminated sign on existing pylon. Property located at 25 Broadway Ave., Mystic, CT. Assessor's Map 174, Block 14, Lot 1. Zone LS-5.

Mr. Marseglia made the motion to remove the application as a new submittal to the PZC. Mr. Altman seconded. The motion was unanimously approved, 4-0.

Mr. Marseglia made the motion to adjourn the meeting. Mr. Altman seconded. The meeting was unanimously adjourned at 8:50 p.m.

John Swenarton, Secretary