

Special Meeting

The 1406th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 6, 2009 at Mystic Middle School, 204 Mistuxet Ave., Mystic. Acting Chairman Paul Holland called the meeting to order at 7:00 p.m. Present for the meeting were Commissioners John Swenarton, Lynda Trebisacci, Bob Mercer, and Ben Tamsky; Alternates Rob Marseglia and Chris Regan, Director of Planning Bill Haase, and Town Planner Keith Brynes.

Minutes:

John Swenarton made a motion to approve the September 15th minutes with one correction, Mrs. Trebisacci seconded. The minutes were approved, 4-0-1.

Roll Call: Holland – approve, Swenarton – approve, Trebisacci – approve, Mercer – approve, Tamsky – abstain

John Swenarton made a motion to approve the September 29th minutes. Mrs. Trebisacci seconded. The minutes were unanimously approved, 5-0.

Election of Officers:

The Acting Chairman proposed the following slate of officers: John Swenarton - Chairman, Paul Holland - Vice Chairman, and Lynda Trebisacci - Secretary. The Slate of officers was unanimously approved, 5-0.

Seated for the meeting were Paul Holland, John Swenarton, Lynda Trebisacci, Bob Mercer, and Ben Tamsky

Administrative Review:

PZ0118SD Downes-Patterson Corp. – Consideration of revocation of 3 bonds totaling \$80,977.00, associated with 40-lot Rockridge subdivision. Property located at Cronin Dr., Brannegan Dr. & Parkwood Ave. Bonds include #04-002 Erosion & Sedimentation Bond (\$5,000.00); #04-009 Performance Bond for Completion of Brannegan Dr. (\$15,000.00); #04-010 Public Improvement Bond (\$60,977.00).

Mr. Marseglia stated that he had visited the area and Shea Drive was a disaster. He felt the Town should call in the bonds. Planner Brynes noted that the developer had suffered from the economic downturn and was finding it difficult to meet his commitments. Mr. Tamsky asked if the Town would risk anything by revoking the bonds. Mr. Haase thought the Commission was coming into a period where the Commission would be dealing with this issue as other developers faced similar deficits.

Mr. Holland made the motion to approve the request to revoke the three (3) existing bonds, exploring the options of putting liens on any lots currently owned by the developer, and ensuring that the corner lot is cleaned up. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

PZ0448SD & CAM Anthony Silvestri - Application for a four lot subdivision of a 5.2 acre parcel. Property located at 149 Whitehall Ave. Mystic, aka, Old Mystic Village Marina LLC. Map 165, Block1, Lot 22. Zone RA-40. Request a five-year extension to complete outstanding improvements to approved subdivision.

Mr. Haase reviewed a list of items including safety issues still to be completed by the developer, the project being approved without any bonds. After a week with no results he did not feel a good faith effort was being made. He recommended that the request for an extension be denied and that a lien be attached to the two remaining unsold lots.

Mr. Mercer made a motion to deny the application and put a lien on the two properties. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

PZ9441SUP Joan Sullivan -Application for Special Use Permit for a Bed and Breakfast facility. Property is located at 6 Broadway Ave., Mystic. Map 175, Block 5, Lot 14. Zone RH-10. New property owner requests renewal with change of owner for SUP approved March 2, 1995.

Mr. Holland made a motion to approve the application. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

09-201 ZON Cedar Grove Investments - Application for approval to operate a plumbing business in an existing 5,484 sq. ft. building. Property located at 21-23 Lincoln Ave., Pawcatuck. Map 3, Block 21, Lot 16. Zone LS-5.

Mr. Holland made a motion to table the application. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Old Business:

PZ0922RA Donald & Sally Vail - Zoning Regulation (ZR) Amendment to add Professional Office to Section 1.2.2 Specific Definitions, Section 3.3.3 Uses Allowed by Special Permit; Section 5.1.2 Residential Zones: Permitted, Accessory & Special Uses; Section 5.2.2 Commercial/Industrial Zones: Permitted, Accessory & Special Uses; and change Section 7.10.5.2.3 Office buildings – General and Professional. *PH Closed 9/15/09*

Mr. Swenarton and Mr. Mercer recused themselves. Mr. Holland was seated as Acting Chairman. Also seated for this application were Mrs. Trebisacci, Mr. Marseglia, and after confirmation that they had listened to the tapes of the Public Hearings, Mr. Tamsky and Mr. Regan.

Mr. Haase read statements from Town Attorney Londregan confirming that it legal for members of the Commission who have listened to the tapes to vote on the application, and that the 2/3 voting majority is three out of the five members.

Mr. Holland made the motion to approve the application. Mr. Regan seconded. Mr. Tamsky did not feel he could approve the application as it served one property owner and much of the neighboring community is against it. Mrs. Trebisacci also felt that changing the regulations was not warranted. She was concerned that the opportunities for new professionals might be hindered. Mr. Marseglia was concerned about protecting the RH-10 zoning district and the potential for “creep.” Mr. Tamsky thought it was too narrowly tailored to one parcel and due to the small lot sizes of the RH-10 zone and the close proximity to commercial districts that the Commission should err on the side of caution.

The motion was denied, 2-3:

Roll Call: Regan – approve, Holland – approve, Marseglia – deny, Tamsky – deny, Trebisacci – deny.

PZ0929BR Meehan Group, LLC - Request Bond Release/Reduction of \$20,000.00 to \$.00 for **PZ0360SD SUP & GPP Meehan Group, LLC** - Application for a forty-eight lot subdivision. Property located on Whitehall Ave., Jerry Browne Rd., & Pequot Trail, Old Mystic. Map 165 Block 1 Lot 1 & Map 148 Block 3 Lots 1 & 9. Zones RA-40 & RR-80.

Mr. Mercer and Mr. Swenarton recused themselves. Mr. Mercer had spoken publicly against the application before being appointed to the Commission. Mr. Swenarton had spoken against the application while a member of a neighborhood organization. Mr. Tamsky confirmed that he was present at the meeting, but not yet a Commission member. Seated were Mr. Holland as Acting Chairman, Mr. Tamsky, Mrs. Trebisacci, and Mr. Marseglia.

Paul Meehan spoke briefly about the request.

Mr. Marseglia made the motion to approve with one stipulation. Mr. Holland seconded the motion. The motion was approved 4-0.

Stipulation:

1. Contingent upon notice filed in the land records that any future owner of the subdivision must post the Erosion & Sedimentation (E&S) control bond before any buyer of the property initiates any improvements or work under the subdivision that was approved. Such language shall be agreed upon by the applicant and the Town Attorney.

PZ0930BR Readco Stonington, LLC - Request Bond Reduction from \$20,000.00 to \$5,000.00 for **PZ0656 SUP & GPP Readco Stonington, LLC** for the expansion of existing movie theater & commercial development to

include a supermarket & 3 restaurant or bank buildings. Property located northeast of Route 2 (Liberty St.) & Route 49 (Voluntown Rd.) intersection, Pawcatuck. Assessor's Map 18 Block 1 Lots 33 & 33A & property acquired from the State of CT DOT. Zone HI-60.

Seated for this application were Mr. Tamsky, Mrs. Trebisacci, Mr. Holland, Mr. Swenarton, and Mr. Mercer.

Mr. Phil Biondo, representing Readco Stonington, LLC, described the present state of the project. Mr. Marseglia asked whether \$5000.00 would cover the required erosion control fencing for the two small pads. Mr. Haase recommended this approval.

Mr. Swenarton asked if the Public had any comments.

Mr. Holland made the motion to approve. Mr. Mercer seconded. The motion was approved unanimously, 5-0.

Public Hearings:

PZ0928SD Richard C. Panciera Charitable Remainder Trust II – Application for a 5-lot subdivision of a 58.36± acre parcel. Proposed project consists of 4 lots for single family residences, and a 5th lot reserved for future development. Property located on Mary Hall & Greenhaven Rds, Pawcatuck. Assessor's Map 7 Block 1 Lot 44. Zones RA-20, RM-20 & RR-80. *Continued from 9/15/09.*

Mr. Holland recused himself. Seated for this application were Mr. Marseglia, Mr. Mercer, Mr. Swenarton and Mrs. Trebisacci.

Thomas Ligouri, representing Cherenzia Engineering, noted a change on the plan allowing an easement from Meadow Ave. for the open space access. He also discussed changes to preserve some of the existing trees, addition of a "vegetative buffer" at the rear of the four new lots, and a common side yard 25-foot setback to preserve a glacial erratic feature, as recommended by the Conservation Commission.

Public Comment: Gail Shea spoke against the application, submitting her comments into the record. Carlene Donnarummo spoke with general comments.

Mr. Swenarton made the motion to close the public Hearing. Mr. Marseglia seconded. The motion was unanimously approved.

Mr. Marseglia made the motion to approve the application with the 4 stipulations recommended by staff and 3 additional stipulations as discussed: Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Stipulations:

1. Final plan shall be revised to reflect new lot and house numbers as assigned by the Town.
2. Prior to the issuance of any Zoning Permits, open space shall be deeded to an appropriate entity per Section 9.7 of the Subdivision Regulations.
3. Prior to recording, AutoCAD files of the subdivision shall be submitted to the Town.
4. Prior to recording, drainage easement to the Town shall be recorded after Board of Selectmen review and approval.
5. All mature trees along Mary Hall Road shall remain except for driveway cuts and where removal is required for line of sight and public safety.
6. Final plans shall eliminate 25-foot "vegetative buffer" at the rear of the four new lots.
7. Final plans shall depict 25-foot setback from the common side yard of Lots A and B to preserve the glacial erratic feature of the property.

PZ0931SUP & GPP Readco Stonington, LLC - Special Use Permit & Groundwater Protection Permit applications to permit a medical clinic providing out-patient services in existing 9,000 sq. ft. retail space. Property located at 91 Voluntown Rd., Pawcatuck. Assessor's Map 18 Block 1 Lot 33. Zone HI-60.

Seated for the application were Mr. Tamsky, Mrs. Trebisacci, Mr. Holland, Mr. Swenarton, and Mr. Mercer.

Phil Biondo, representing Readco Stonington, LLC, described the proposed project. Mr. Tamsky asked if there would be any façade modifications. Mr. Biondo stated there would be none.

Public Comment: Carlene Donnarummo does not oppose the clinic but questioned what the status of the special use permit would be should the State of Connecticut not grant them their required permits.

Mr. Holland made the motion to close the Public Hearing. Mrs. Trebisacci seconded. The motion to close the public hearing was unanimously approved, 5-0.

Mr. Holland made the motion to approve the application. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Mr. Holland made the motion to approve the waiver request. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Mr. Holland made the motion to approve the Special Use Permit and Groundwater Protection Permit. The motion was unanimously approved, 5-0.

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. *Continued from 8/18/09.*

Mr. Holland made the motion to continue the Public Hearing to the October 20th meeting. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Mrs. Trebisacci made the motion to adjourn the meeting. Mr. Marseglia seconded. The meeting was adjourned at 9:56 p.m.

Lynda Trebisacci, Secretary