

Special Meeting

The 1392nd meeting of the Town of Stonington Planning and Zoning Commission was held on Tuesday, March 3, 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 Rob Marseglia, and Town Planner Keith Brynes. Alternate Leon Jacobs was absent.

Minutes:

Mr. Swenarton made the motion to approve the February 17, 2009 minutes. Mr. Altman seconded. The minutes were unanimously approved.

Consent Agenda:

Pre-application discussion of proposed Alternative Energy Regulation Amendment with Stonington Alternative Energy Task Force and Pine Point School:

Paul Geise, Headmaster of the Pine Point School, addressed the Commission's concerns. Mr. Holland thought that the application was not substantive enough for his approval but did applaud the proposed requirement that lot sizes be a minimum of 20 acres. Mr. Geise stated that their wind turbine would be a small turbine, not a large industrial one. Mr. Altman wanted to hear more about the smaller units and was concerned about the noise being heard ½ mile away. Mr. Geise mentioned inspecting a new turbine that was installed at Grasso Technical School in Groton. Mrs. Young said that our planning director had referenced the 60-kilowatt model based on the regulations he had prepared for another local town. Bill Green of Stonington, who assisted writing the regulations for North Stonington, spoke on the issues of noise and shadow flicker, stating his thoughts that they were not applicable for the smaller turbine, and suggesting that efforts for taking measurements such would be cost prohibitive. Mr. Marseglia suggested specifying the various noise levels and what they might be comparable to. Ms. Young provided the feedback that they needed more specific information on shadow flicker, distance to residence, noise-decibel level, and vibration or ultra low noise. Mr. Swenarton wanted to remain with small wind units. Neil McKillop of the Task Force asked about including commercial units in addition to the smaller ones in the regulation. Mr. Altman and Mr. Marseglia wanted to see a comparison of both types presented by a licensed engineer rather than a sales person. The regulation would require a Special Use Permit, and Mr. Altman would like neighbor opposition to be a non-appealable reason for denial, such as through ZR 6.4.4: "...will not create objectionable elements to area residents." Ms. Young felt that those issues could be addressed by staff at a later time. Mr. Swenarton asked for someone from the State of Connecticut to present information on similar installations. Mr. Brynes read a letter by First Selectman Ed Haberek in support of the regulation amendment.

PZ0803SD & GPP James & Jacqueline Burgess & Susan Blaisdell – Approved Subdivision & Groundwater Protection Permit Applications for a 26-lot subdivision of an approximate 50.54 acre parcel. Property located at 56 Jeffrey Rd., Pawcatuck, CT. Assessor's Map 17, Block 1, Lot 6, Zone RM-20. Request to modify stipulation of approval #4 regarding timing of the \$9,000 cash bond for future maintenance and/or repair of proposed drainage basin.

Mr. Holland made the motion to approve rewording the stipulation. Ms. Trebisacci seconded. The motion was unanimously approved.

Rewording of Stipulation #4:

"Prior to the issuance of the first Certificate of Occupancy, the applicant shall pay a \$9,000 cash bond to the Town for future maintenance and/or repair of the proposed drainage basin."

PZ0667CNU & CAM Masons Island Landing, LLC - Request to modify architectural designs of duplex buildings for approved Change of Non-Conforming Use & Coastal Area Management Review for the redevelopment of an existing 4.2+/- acre parcel into five (5) residential duplexes & three (3) single family residences. Property located at 29-30 Dubois Dr., Mystic, CT. Assessor's Map 175, Block 4, Lot 10. Zones RM-15 & RC-120.

The alterations to the approved design include elimination of 2nd floor front center gable, reconfiguring the roofline, and aesthetic changes.

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

Old Business:

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.

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

PZ0904BR Farm Pond Estates North - Request Bond Release/Reduction of \$1,850.00 to \$.00 for PZ0340SD, SUP & GPP Erosion & Sedimentation Bond. Property located on North Anguilla Rd. and Miner Pentway No. 2. Assessor's Map 42 Block 2 Lot 4. Zone GBR-130.

Staff read a letter from the Town Engineer confirming the fulfillment of the bond.

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

PZ0906SPA Whitehall Mansion Partners – Site Plan application for multi-tenant signage program. Property located at 56 Whitehall Ave., Mystic, CT. Assessor's Map 164 Block 2 Lot 2. Zone TC-80.

Staff reviewed the signage package. Applicant Tanya Gudz explained the lighting: the existing would remain with an additional one proposed.

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

Public Hearings: 7:30 p.m.: *** Public Hearing Order Subject to Change ***

PZ0901SUP & CAM Sally & Donald Vail - Special Use Permit application & Coastal Area Management Review to permit property to be used as a Hospital (ZR 3.3.3.11), and to expand existing gravel parking area to accommodate six (6) additional off-street parking spaces. Property located at 64 Washington St., Mystic, CT. Assessor's Map 174, Block 15, Lot 8. Zone RH-10.

Mr. Swenarton and Mr. Altman recused themselves. Mr. Marseglia was seated.

The application was continued from the 2/17/09.

Don Vail rebutted opposition by stating that he and his wife have improved local property values with their house restoration. Ms. Young asked that if the special use permit travels with the property what would prevent Stonington Institute from opening a hospital for recovering addicts. Ms. Young is concerned with the future of the property 5 or 10 years down the road. Mr. Holland added that they are limited to a hospital of particular square footage.

Mr. Holland felt that the Hospital definition in this report was ridiculous. Ms. Trebisacci asked if other options have been examined.

Mr. Vail felt the Special Use had the least impact on the community. He discussed loading area regulations and responded to specifics of neighbor comments. He discussed 14 parking places and the use of pervious grass pavers.

Public Comment Opposed: Gerry Candeloro described possible unpleasant scenarios for the future if the permit is granted. He presented two letters in opposition from neighbors who were not present, Mr & Mrs. Reumet. Chairman Young read the letters to the Commission and the public. Mrs. Reumet commented on

handicapped access with pervious pavement. Mr. Reumet said many trucks come in and out and traffic is dangerous.

Public Comment under General Comments: Nick Salerno thought that the under CGS sec. 19a-490, the definition of a hospital might supersede the Town's regulations.

Rebuttal: Dr. Sally Vail dispelled rumors that she was running a day care center. Don Vail thought much of the comments were not substantive to the application.

Staff recommended denial of the application. Mr. Holland asked about the definitions of medical clinic and hospital, disagreeing with Staff's position. He felt that they should only be considered as to whether they meet the definition of hospital. The Commission discussed the regulations regarding parking for specific uses. Mr. Marseglia discussed the loading zone issue and enforcement. Staff read comments from the DEP stating the application is consistent with their goals.

Mr. Holland made the motion to close the Public Hearing. Mr. Marseglia seconded. The motion was unanimously approved.

Mr. Holland made the motion to approve the requested waivers. Mr. Marseglia seconded. The motion was unanimously approved.

Mr. Holland made the motion to approve the CAM application. Mr. Marseglia seconded. The motion was unanimously approved.

Mr. Holland made the motion to deny the Special Use Permit solely because it lacks a loading dock. There was no second.

Mr. Marseglia made the motion to deny the Special Use Permit. Ms. Trebisacci seconded. Mr. Marseglia stated his concern about the interpretation of hospital in this application. The motion and the second were withdrawn.

Mr. Marseglia made the motion to deny the Special Use Permit. Ms. Trebisacci seconded. The motion to deny was approved, 3-1.

Roll Call: Marseglia - approve, Trebisacci - approve, Young - approve, Holland - deny

Reasons for denial:

1. The proposed use of a dental office is more appropriately considered a "medical clinic," which is not permitted in the RH-10 District, and not a hospital.
2. The proposed plan does not conform to Section 7.10.5 regarding the necessary loading area.
3. The application created potential future objectionable elements to area residents as per ZR 6.4.4.

Chairman Young made the motion to adjourn. Ms. Trebisacci seconded. The motion was unanimously approved. The meeting was adjourned at 9:45 P.M.

John Swenarton, Secretary