

Regular Meeting

The 1411th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, December 15, 2009 at Mystic Middle School, 204 Mistuxet Ave., Mystic. The meeting was called to order by Chairman John Swenarton at 7:00 p.m. Present were commissioners Lynda Trebisacci, Ben Tamsky, Bob Mercer, and Paul Holland; alternates Rob Marseglia, Chris Regan, and Gardner Young (newly appointed); Town Planner Keith Brynes, and Director of Planning Bill Haase.

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

Meeting Minutes:

Mrs. Trebisacci made the motion to approve the meeting minutes of December 1, 2009, with one correction. Mr. Holland seconded. The vote was unanimously approved, 5-0.

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

ZBA #09-24 Michael Shortman

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

ZBA#09-28 Amy Graham

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

Administrative Review:

PZ0920SD 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. Assessor's Map 139 Block 1 Lots 13 & 14. Zone RR-80. Request 90-day extension to file final subdivision mylars.

John Mereen, PLS representing the applicant, spoke about the communication breakdown that led to the delay in the filing of the final mylars.

Staff stated that the ninety-day filing period had currently expired. Mr. Holland made the motion to approve with the extension being retroactive to the original expiration date. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

Public Hearing:

PZ0934RA Lattizori Development, LLC - Zoning Regulation (ZR) Amendment to add a Highway Transition Design District (HTDD) to create a mixed use zone for retail, commercial, office, and residential uses. *Continued from 12/1/09.*

Chris Regan, although not seated, recused himself. Attorney Ladwig and Attorney Branse discussed the procedure for hearing Public Comment. Chairman Swenarton asked if there was any further public comment in favor. There was none.

Public Comment Against: Rod Desmarais, Robert Sicilian, Charles Storrow, Anne Collier, Jim Hands, Nancy D'Estang, and Victor Baird. At this point Director of Planning Haase read the text of proposed amendment for clarification of the need for a Zone Change application and to confirm that *any use* in the zone is *only* by Special Use Permit, not by right. Public comment continued with Stuart Allen and Kate Robinson. Mr. Marseglia asked Ms. Robinson about the POCD's definition of Jerry Browne Road as a major connector versus the public's perception of it as a small, country road. In her statement, Ms. Robinson mentioned a vernal pool on the property. Planner Brynes asked which property (Lattizori or Avalonia), the vernal pool was located in, and Ms. Robinson confirmed that it is in the red maple swamp on the Lattizori property. Arija Retsema and Joyce Resnikoff spoke against the application, Ms. Resnikoff extensively on the area's tourism and existing shopping areas in Mystic. She is of the opinion that tourists aren't interested in "big box" stores. Responding to Mr. Holland's request for clarification, Ms. Resnikoff stated that she was not opposed to Triple A (AAA) tenants locating at Liberty Crossing (Pawcatuck), but they did not belong in Mystic.

Chairman Swenarton called for a five-minute recess.

Upon reconvening, Mr. Marseglia asked if Staff would address the question of whether the floating zone was spot zoning. Mr. Haase agreed to address the issue in a staff report. Attorney Mark Branse, representing both the residents of Stoneridge and its owners, LCS Westminster, spoke at length in opposition to the regulation amendment. Attorney Branse stated that his clients intend to "fight to the death," the current proposed development. Mr. Holland asked Mr. Branse how the large physical changes in Stoneridge over the years had changed the POCD's recommendation for Jerry Browne Road. He argued that it remains essentially residential.

Chairman Swenarton asked the Commission and Staff about scheduling and the approaching deadline. Attorney Ladwig agreed to a 35-day extension.

Mr. Holland made a motion to continue the Public Hearing to January 5th at 6:00 P.M. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0. There was a discussion between Staff and the Commission about focusing on addressing the text of the amendment itself.

Mr. Holland made the motion to adjourn the meeting. Mrs. Trebisacci seconded. The motion to adjourn was unanimously approved, 5-0. The meeting adjourned at 10:46 p.m.

Lynda Trebisacci, Secretary