

Special Meeting

The 1420th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, May 4, 2010 at Mystic Middle School, 204 Mistuxet Ave., Mystic. The meeting was called to order at 7:00 p.m. by Chairman John Swenarton. Present were Commissioners Ben Tamsky and Bob Mercer; Alternate Rob Marseglia, Town Planner Keith Brynes and Director of Planning Bill Haase. Commissioners Paul Holland and Lynda Trebisacci and Alternates Chris Regan and Gardner Young were absent.

Seated for the meeting were John Swenarton, Ben Tamsky, Bob Mercer and Rob Marseglia.

Minutes:

Mr. Tamsky made the motion to approve the minutes of April 20, 2010. Mr. Mercer seconded. The minutes were unanimously approved, 4-0.

Administrative Review:

ZON10-038 Robert & Camille Taylor – Approval of replacement signage for property located at 232 Greenmanville Ave., Mystic. Assessor's Map 171, Block 2 Lot 3. Zone TC-80.

Mr. Brynes noted that the applicant was not present and had not come forward with any additional information or permitting for a previous non-conforming sign. Mr. Haase noted that although an illegal non-conforming sign had been in existence, the non-conformity shouldn't continue. Mr. Tamsky noted that the Zoning Enforcement Officer's memo stated that the only permitting was for an 18 sq ft sign. Mr. Swenarton confirmed to Staff that the final signage needed to be reviewed by the Commission.

Mr. Tamsky made a motion to deny the application. Mr. Mercer seconded. The motion was unanimously approved, 4-0.

PZ0612ZC & PZ0634SPA Prospect Northeast Development, LLC - Request release of existing funds (\$4000.00 + interest), for replacement of existing fencing along Mechanic St. with arborvitae & other low shrubs.

Mr. Mercer made a motion to approve the request. Mr. Tamsky seconded. The motion was unanimously approved, 4-0.

Old Business:

PZ1009SPM Whitehall Mansion Partners, LLC - Site Plan Application for modification to approved signage program to swap dimensions of upper and lower signs on free-standing pylon. Request approval for outside seating with no increase in number of approved seats. Property located at 56 Whitehall Ave., Mystic, CT. Assessor's Map 164, Block 2, Lot 2. Zone TC-80. New Submittal 4/20/10

Attorney Richard Cody, representing the applicant, described the plan to swap display sections of the sign now that the restaurant, "Thai One On," occupies the greater square footage of the structure. He also explained the request for outdoor seating of approximately 27 seats, or the unused remainder of the permitted 113 seats. The current inside seating is 86 seats.

Mr. Tamsky made a motion to approve the request. Mr. Mercer seconded. The motion was unanimously approved, 4-0.

PZ1010SPA Michael Shortman - Site Plan Application for construction of a 2-story, 1,092 sq ft garage with a 140 sq ft connector/porch to existing structure, including reconfiguration of roofline, driveway, & parking. Property located at 152-156 South Broad St., Pawcatuck, CT. Assessor's Map 25, Block 1, Lot 16. Zone GC-60. New Submittal 4/20/10

Mr. Brynes gave an overview of the application and parcel history.

Property owner Michael Shortman said the intended use of the proposed building is for storage and antique cars.

Dora Hill questioned which structure the garage would be attached to. Mr. Haase showed her the site plan depicting the location.

Mr. Marseglia made the motion to approve the application. Mr. Tamsky seconded. The motion was unanimously approved, 4-0.

Public Hearings 7:30 p.m.:

PZ1007SUP Maria Ackley - Special Use Permit Application to grant a height exception for a proposed residential cupola. Property located at 11 Cormorant Road, Mystic, CT. Assessor's Map 176, Block 8, Lot 1. Zone RM-15.

Owner Maria Ackley presented her request. Mr. Mercer inquired if this was a ZBA issue. Mr. Brynes noted that a 2005 Regulation Amendment was approved adding Section 6.6.20, authorizing the PZC, by Special Use Permit, approval options for certain roof structures and architectural features. Mr. Tamsky asked what the specific height of the proposed cupola would be. It was measured from the drawing to be around 9 feet.

Public Comment: None

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

Mr. Mercer made a motion to approve the requested waivers. Mr. Marseglia seconded. The motion was approved, 3-0-1.

Roll Call: Mercer - approve, Marseglia - approve, Swenarton – approve, Tamsky - abstain

Mr. Mercer made a motion to approve the application. Mr. Marseglia seconded. The motion was approved, 3-1.

Roll Call: Mercer - approve, Marseglia - approve, Swenarton – approve, Tamsky - deny

PZ1006SUP & GPP Keith L. Main (NERP) - Special Use & Groundwater Protection Permits for construction of a 19,097 square foot retail building, adjacent 15,000 SF outdoor display & sales area, loading dock, and associated parking, utilities, landscaping & lighting. Property located at 335 Liberty Street, Pawcatuck, CT. Assessor's Map 17, Block 3, Lots 3, 4 & 4A. Continued from 4/20/10.

Attorney Ted Ladwig updated the Commission regarding changes to the proposed signage and provision of Spill Containment Plan and Material Safety Data Sheets (MSDS). He spoke in great detail about hazardous material handling procedures and requirements.

Mr. Tamsky questioned what quantity/percentage of hazardous material was going to be stored/vended on the site. Mr. Ladwig said he was unable to provide an exact figure. He also provided photos taken from Timber Ridge Drive showing that the building would be screened from view.

Mr. Jim Cassidy presented the lot changes made to accommodate the increase in effective impervious coverage. He explained the proposed changes to signage: the building sign will be externally illuminated from above and the driveway sign externally illuminated from below. Mr. Cassidy mentioned that a 3-D rendering of the building and a shadow plan have been provided.

Public Comment: (public comment limited to discussion of newly submitted information)

Mark Kepple, attorney for the neighboring La Quinta Hotel, asked about the lack of street lighting for that section of Route 2. Mr. Swenarton explained to Mr. Kepple that the issue of street lights was not in reference to the new information received.

Mr. Brynes read a letter from Town Engineer Larry Sullivan recommending two stipulations of approval.

Mr. Mercer made a motion to close the Public Hearing. Mr. Tamsky seconded. The motion was unanimously approved, 4-0.

Mr. Marseglia made a motion to approve the groundwater protection permit. Mr. Tamsky seconded. The motion was unanimously approved, 4-0.

Mr. Marseglia made a motion to approve the waiver requests. Mr. Tamsky seconded. The motion was unanimously approved, 4-0.

Mr. Marseglia made a motion to approve the application with five stipulations. Mr. Tamsky seconded. The motion was unanimously approved, 4-0.

Stipulations:

1. Final plans shall be reviewed to the satisfaction of the Town Engineer, Fire Marshal, and Westerly Town Engineering Division.
2. In the event of spillage, Westerly Water Co. shall be notified.
3. The applicant shall post an Erosion and Sedimentation Control Bond prior to the issuance of any Zoning Permits. The bond amount shall be established by the Town Engineer's Office after an estimate of the construction cost is provided by the applicant and approved by his office.
4. The applicant shall submit an inspection fee equal to 5% of the total cost of site improvements for inspection services relative to erosion and sediment control, storm water utilities, storm water quality and sanitary sewer installation.
5. All signage lighting shall be external, downward lit, and full cut-off.

PZ1003RA Town of Stonington (PZC) - Zoning Regulations Text Amendments to Article I (1. Definitions), Article II (2.4 Required Permits; 2.6 Non-Conforming Use & Bulk; 2.11 Gasoline Sale Places; 2.13 Performance Standards), Article II (2.4 Required Permits; 2.6 Non-Conforming Use & Bulk; 2.11 Gasoline Sale Places; 2.13 Performance Standards), Article III (3.1.2.4, 3.2.2.4, 3.3.2.4 & 3.4.2.3 Accessory Apartments; 3.2.4 & 3.3.4 Buffer Requirements; 3.1.3.3, 3.2.3.26, 3.3.3.6 & 3.4.3.3 Communications Towers), Article V (5.1.1, 5.1.2 & 5.2.1 Bulk & Use Tables), Article VI (6.1 Special Use Permits; 6.3 Conceptual Review for Projects over 30 Units; 6.6.9 Marinas – Yacht Clubs), Article VII (7.8 Residential Use Growth Management; 7.10.5.2 Off-Street Loading Berths; 7.10.6 Off-street Parking Lot Design Requirements; 7.17 Telecommunications Antennas & Towers), Article VIII (8.2.2.6 Zoning Permits; 8.3 Site Plan Submissions – Review and Approval; 8.4.2 Type 2 Site Plans; 8.4.3 Master Plans; 8.8.1 Impact Statement; 8.8.3 Zoning Text Amendments; 8.9 Public Hearings; 8.10 Zoning Board of Appeals), Article IX (9.4.5 Reapplication), Article X (10.1 US Route 1 Temporary Moratorium), Appendix (Acronyms).
Continued from 4/20/10.

Mr. Haase recommended that the public hearing be continued to the May 18th meeting. Mr. Tamsky made a motion to continue the application to the 5/18/10 meeting. Mr. Mercer seconded. The motion was unanimously approved, 4-0.

Mr. Marseglia made a motion to adjourn the meeting. Mr. Tamsky seconded. The motion was unanimously approved, 4-0. The meeting was adjourned at 9:12 pm.



Ben Tamsky, Acting Secretary