

Regular Meeting

The 1428th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, September 21, 2010 at Mystic Middle School, 204 Mistuxet Avenue, Mystic. The meeting was called to order by Chairman John Swenarton at 7:00 p.m. Commissioners Lynda Trebisacci, Bob Mercer, Paul Holland, and Ben Tamsky; Alternates Gardner Young and Rob Marseglia; Town Planner Keith Brynes, and Director of Planning Bill Haase were present.

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

Minutes:

Mr. Tamsky made a motion to approve as corrected, the minutes of September 7, 2010. Mrs. Trebisacci seconded. The motion was approved 4-0-1.

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

Mr. Holland made a motion to hear agenda item 5B3: Proposed Zoning Regulation Amendments, prior to agenda items 5B1 and 5B2. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

5B3: Proposed Zoning Regulation Amendments

Modification and/or Elimination of Non-Infringement Area Requirements in the GBR-130 Zone

Modification and/or Elimination of Non-Infringement Area Requirements in the RC-120 Zone

Modification of Allowed Uses in the LI-130 Zone

Modification of Accessory Apartment Regulations

Mr. Marseglia reviewed his comments on the proposed amendments which focused on the LI-130 Zone. Mr. Haase asked Mr. Marseglia for a written summary of his ideas for amending the LI-130 zone so staff could draft a regulation amendment. Mr. Holland discussed his desire to modify the requirements of the 100-foot non-infringement area buffer in the RC-120 zone; requesting a public hearing on the subject. Mr. Tamsky felt the buffer requirement should remain as-is in the regulations or potentially be increased for some parcels. Staff will gather some comparative data regarding RC-120 properties and potential alternatives to the non-infringement zone requirements. Stanton Simm, Chairman of the Conservation Commission, spoke recommending the elimination of the non-infringement zone in the GBR-130, as the Inland Wetlands Commission currently has jurisdiction over a 100-foot upland review area from the wetlands. The Conservation Commission's recommendation also includes changing the side yard setback requirement from 75 feet on both sides to 75 feet on one side and 25 feet on the other. Mr. Tamsky stated that relief from the non-infringement zone is available from the ZBA. Mr. Haase reviewed the confusion of the existing Accessory Apartment Regulations.

5B1: Cease & Desist Order #10-034 White Rock Hospitality - Set date for a formal Show Cause Hearing. Mr. Haase reviewed the history of the issuance of the C&D order to the La Quinta motel property owner regarding the non-compliant internally lit signage. Town Attorney Londregan requested a show cause hearing. The previous night ZEO Joe Larkin was at the site and found the internal lighting had been turned off. Chairman Swenarton stated that he would like to recoup the cost of Town Attorney for both time already spent and potential should a Show Cause hearing be held.

Attorney Mark Kepple spoke on behalf of property owner Mr. Patel explaining that his client discovered the lack of lighting on and around the site. Mr. Holland and Mr. Swenarton asked why it took Mr. Patel 10 months to comply with the Town's request. He stated his client was trying to figure out other options.

Chairman Swenarton recommended that Mr. Patel submit a letter documenting his intention to comply with the signage regulations, otherwise the Show Cause Hearing would be held.

Administrative Review:

Mr. Holland made the motion to change the order of the agenda to hear **5E1: ZON10-186 D'Amato Investments, LLC (Chen)** next. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

5E1: ZON10-186 D'Amato Investments, LLC (Chen) – Request Change of Use from office to retail restaurant and associate signage for Unit #15 of Building 2. Property located at 165 South Broad St., Pawcatuck, CT. Assessor's Map 37, Block 1, Lot 4A. Zone GC-60.

Mr. Brynes described the request and answered Commission questions.

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

Mr. Swenarton called for a 5-minute break

Public Hearings: 7:30 p.m.

PZ1017ZC Precious Memories Preschool - Zoning Map Amendment to change parcel zoning from GBR-130 to RH-10 to allow for future development of a Child Day Care Center. Property located 171 Liberty St., Pawcatuck, CT. Assessor's Map 16 Block 4 Lot 21, Zones RH-10 & GBR-130.

Mr. Ed Wenke, Professional Engineer from Site and Structures, LLC presented the application. The majority of the site is located in the GBR-130 with a small portion in the RH-10. As daycare centers are not permitted in the GBR-130 zone, the request is to change the site to RH-10 to allow for development of a Child Day Care Center through special use permitting. Mr. Wenke noted the POCD's mention of the need for day care.

Mr. Marseglia left the meeting at 8:30 P.M.

Mr. Holland asked if horses currently on the property would be legally allowed to stay. Mr. Brynes replied that they could remain as a pre-existing non-conformity. Mr. Tamsky asked about wetlands, ponds or significant resources in the area.

Public Comment: Ian Camfield commented that the current economic climate didn't really support the need for a new daycare and that subject site was zoned GBR-130 to provide a buffer around the elementary school directly behind it.

Staff: Mr. Brynes said the only response to the office's request for comment was from the Conservation Commission indicating they supported approval of the application. Mr. Brynes reminded the Commission that they could not attach conditions or stipulations to the zoning map amendment approval. He reiterated Mr. Wenke's noting that the POCD mentions the need for day care and responded to questions regarding spot zoning.

Applicant Chris Eckersley discussed how she and Barbara Bohonwicz had worked with planning department staff to find an appropriate location, noting there were few sites available for this use. She noted that they did have a significant waiting list for openings at their center.

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

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

Mr. Holland made the motion to find the application as being consistent with the POCD and the Comprehensive Plan. Mrs. Trebisacci seconded. The motion was unanimously approved, 5-0.

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

5B2. Discussion of the 2014 POCD update. Mr. Haase suggested appointing a Committee for this task. He asked for the Commission's help in getting the word out to reach appropriate candidates.

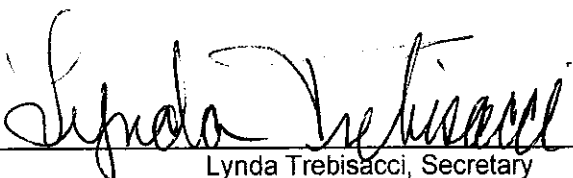
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5C1. ZEO - Pending Variances; A-2 survey waiver requests: ZBA #10-16 George & Brenda Sylvestre

Mr. Tamsky made the motion to approve the waiver of the A-2 survey. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

In reviewing the status of old violations listed in the ZEO's report, specifically the Ritacco case, Mr. Tamsky questioned the proposed stipulated judgment scheduled for deliberation at the ZBA October 2010 meeting. He asked what the input of the Commission is in these issues. Mr. Swenarton stated he is aware that there is a disconnect between Staff, the ZEO, ZBA, and PZC. Conducting a meeting of all land use commissions, boards, and staff has been discussed as being useful.

Mr. Holland made the motion to adjourn the meeting. Mrs. Trebisacci seconded. The motion to adjourn was unanimously approved. The meeting was adjourned at 9:19 P.M.



Lynda Trebisacci, Secretary