

Special Meeting

The 1429th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 5, 2010 at Mystic Middle School, 204 Mistuxet Avenue, Mystic. The meeting was called to order by Chairman John Swenarton at 7:02 p.m. Present for the meeting were Commissioners Bob Mercer and Ben Tamsky; Alternates Gardner Young and Rob Marseglia; Town Planner Keith Brynes, and Director of Planning Bill Haase. Commissioners Lynda Trebisacci and Paul Holland were absent.

Seated for the meeting were Mr. Young, Mr. Marseglia, Mr. Mercer, Mr. Swenarton, and Mr. Tamsky.

Minutes:

Mr. Tamsky made a motion to approve the September 21, 2010 minutes. Mr. Mercer seconded. The minutes were unanimously approved, 5-0.

Reports:

Commission:

Cease & Desist Order #10-034 White Rock Hospitality - Set date for a formal Show Cause Hearing. Mr. Brynes reviewed this issue of the internally lit signage at the La Quinta, stating that the property owner, Mr. Patel, had today submitted a letter indicating his intentions to comply with the Special Use Permit stipulations of approval and all other Commission requirements. Mr. Patel's letter also stated that he would be submitting an application requesting modification to his signage approvals. Mr. Tamsky noted that the Commission had requested that Mr. Patel's letter specifically state how he would bring the signs into compliance. Mr. Haase explained that since the owner intends to request approval for internal illumination, the internal electrical fixtures could remain in place. Mr. Mercer indicated he would be responsive to a request for 15% internal illumination. Mr. Marseglia noted that the commission has historically not permitted any internally lit signage. Chairman Swenarton felt that issue could be revisited when an application was submitted, and as long as the internal illumination remained off, no Show Cause Hearing was necessary. Mr. Young commented that he felt the internally illuminated sign was more attractive than the externally illuminated one.

Proposed Zoning Regulation Amendments:

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

Mr. Brynes reviewed the proposal to remove inland wetlands from the GBR-130 100-foot non-infringement area (NIA), as IWWC regulation exists, although it would remain for tidal, coastal and estuary resources. A reduction in the side yard setbacks to a total of 100' (minimum of 25') was also proposed. Mr. Haase proposed reducing all GBR-130 & RC-120 setbacks to those of the RR-80 zone in order to allow for esthetics, design purposes, and geographic features. Mr. Tamsky asked why ZBA shouldn't continue to determine these issues as they would qualify as hardships. Mr. Marseglia felt the existing setbacks for GBR-130 & RC-120 should remain as they are.

Stanton Simm, Conservation Commission Chairman, spoke on the motivation for the changes, including non-conforming lots and the expense of applications for private residences to make small changes.

Public Comment: Gail Shea commented that a reduction in the side yard setback would be unfair to those who purchased property with the understanding the setback would be not less than 75'. She indicated the inland wetlands requirement should be removed from the NIA for both GBR-130 & RC-120.

Commission consensus was to go forward with the changes as proposed by Mr. Brynes, later changing it as needed, possibly to 50' on both sides. Mr. Tamsky urged the Commission to solicit comments from the ZBA regarding elimination of inland wetlands from the 100' NIA.

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

Chairman Swenarton indicated he was not comfortable with eliminating inland wetlands from the NIA in the RC-120 zone. Mr. Brynes gave an overview of existing RC-120 properties in town, the various regulations covering them, and possible alternatives from the POCD.

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Mr. Tamsky mentioned an area along the Pawcatuck River that is both out of the CAM boundary and has no wetlands non-infringement area. It was agreed that this lack of coastal resource oversight needed to be addressed.

Mr. Haase discussed possible options for changing the RC-120 zone, including removing inland wetlands from the 100-foot NIA since IWWC oversight exists, although it would remain for tidal, coastal and estuary resources. Mr. Marseglia questioned whether eliminating or reducing the NIA for tidal/coastal should be considered. Commission consensus was that it should not and the ZBA would still be an option to gain relief. Mr. Marseglia requested a count of those RC-120 properties in town that are residential use and undersized (less than 3 acres). Mr. Tamsky reiterated the need for ZBA review.

c. Modification of Allowed Uses in the LI-130 Zone

Noting Mr. Marseglia's concerns regarding some LI-130 residential property owners' inability to make improvements, Mr. Haase discussed other areas in town where similar residential non-conforming uses exist, suggesting that a better way to address the issue may be to amend ZR 2.6 Non-Conforming Use and Bulk, to permit affected parcels in M-1, HI-60 and LI-130 districts to expand up to 50% of their existing gross floor area. Mr. Marseglia suggested residential LI-130 parcels be held to the bulk requirements of GBR-130, but subdivision for residential purposes would not be permitted. Mr. Tamsky proposed adding the following language to the proposed amendment (2.6.1.1.1): *This exception shall not apply when a commercial use is located on the same property.* It was agreed that the expansion of the existing gross floor area would not exceed 25%. There was discussion of various LI-130 uses that Chairman Swenarton felt should be left for a future amendment.

Public Comment: Jonathan Duncklee.

Administrative Review:

ZON10-205 Town of Stonington / WPCA - Install 30' high wireless data network antenna mast at pumping station. Property located at Extrusion Dr. @ Constitution Dr., Pawcatuck, CT. Assessor's Map 36, Block 4, Lot 2J. Zone M-1.

Mr. Brynes presented the request.

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

ZON10-189 David F. McBride – Replacement signage for Dairy Queen. Property located at 22 Liberty St., Pawcatuck, CT. Assessor's Map 3, Block 21, Lot 7. Zone LS-5.

Mr. Brynes presented the request, explaining that the detached sign is a replacement of existing faces, the sign height and area are legally non-conforming and are not increasing.

Mr. Tamsky asked about existing regulations prohibiting roof signs. Applicant Matt McBride explained the proposed construction of the roof sign, noting that it will not be internally lit. Questions arose as to the sign projecting above the building roofline. Commission members requested more information.

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

ZON10-206 Stonington Community Center, Inc. – Install 8' x 8' x 40' steel storage container & 12' x 60' steel carport on site (Thrift Shop). Property located at 45 Cutler St., Stonington, CT. Assessor's Map 101, Block 25, Lot 6. Zone DB-5.

Mr. Marseglia asked what the intended use of the 12' x 60' steel carport. Mr. Brynes presented the request, explaining the proposed locations of the structures.

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Mr. Tamsky asked Mr. Brynes if the zoning regulations addressed storage containers. He replied that there were none, most were generally treated as temporary accessory structures.

The applicant, Mr. McCreary, spoke on behalf of the Como, stating that the container would be permanent and was desirable because it is fireproof. It would be used strictly for storage.

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

PZ0557ZC, SPA & GPP Investar Redevelopment for The Pawcatuck Landing, LLC - Applications for Zone Change to IHRD, Site Plan Approval & Groundwater Protection Permit approval to convert 18,000 sq. ft. of an historic 4-story brick mill building & 39,000 sq. ft. of a new structure, into 39 residential dwelling units. Demolish existing 12,000 sq. ft. wooden foundry to create parking. Property located at 75 Stillman Avenue, Pawcatuck. Assessor's Map 1 Block 1 Lot 1. Zone RH-10. Request 5-year renewal of Site Plan Approval & Ground Water Protection Permits.

Mr. Brynes presented the request to renew previously approved permits. Project development has not progressed due to financial constraints and delays in acquiring tax credits from the State and funding.

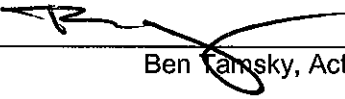
Mr. Marseglia made a motion to approve the request. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

PZ0540SUP & CAM Stonington Seahawk, LLC – Modifications to parking area for the kayak launch area for previously approved winery on property located at 349 Elm St. Assessor's Map 75, Block 3, Lot 5. Zones M-1 & RC-120.

At the request of the applicant, Mr. Brynes asked that the application be tabled to the next meeting.

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

Mr. Tamsky made a motion to adjourn. Mr. Marseglia seconded. The motion was unanimously approved, 5-0. The meeting was adjourned at 9:15 P.M.



Ben Tamsky, Acting Secretary