

## Regular Meeting

The 1430<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, October 19, 2010 at Mystic Middle School, 204 Mistuxet Avenue, Mystic. The meeting was called to order by Chairman John Swenarton at 7:00 p.m. Present for the meeting were Commissioners Bob Mercer and Ben Tamsky; newly appointed Commissioners Rob Marseglia and John Prue; Alternate Gardner Young, newly appointed Alternate Curtis Lynch, Town Planner Keith Brynes, and Director of Planning Bill Haase. Newly appointed Alternate Frances Hoffman was absent.

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

### Minutes:

Mr. Tamsky made a motion to table the approval of the October 5, 2010 minutes since they were not included in the staff report. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

### Reports:

#### Staff:

Mr. Haase reminded all those in attendance that due to Election Day being the first Tuesday in November, the next PZC meeting would be held on Wednesday, November 3, 2010.

#### Commission:

Mr. Tamsky made a motion to move the discussion of the Proposed Zoning Regulations Amendments to Old Business in order to accommodate the applicants present for Administrative Review. Mr. Prue seconded. The motion was unanimously approved, 5-0.

### Administrative Review:

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

2. **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 1, Lot 17. Zone GC-60.

Mr. Brynes reviewed the application for modifications to parking and signage for public access, mentioning the letter of support received from the DEP.

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

3. **10-216ZON Duncan-Taber, LLC** - Request change of use and associated signage approvals for Child Day Care Center (Little Owl's Valued Experiences). Property located at 158 South Broad St., Pawcatuck, CT. Assessor's Map 3, Block 21, Lot 7. Zone LS-5.

Mr. Brynes reviewed the application, stating that the Fire Marshal and Building Official had been notified and neither had any issues with the proposal providing the use was restricted to the first floor of the building.

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

Mr. Prue questioned why the Commission was reviewing the application since it was a permitted conforming use.

Mr. Swenarton explained why some requests came to the Commission for Administrative review, and Mr. Marseglia noting that sometimes a determination was made that required a public hearing be held. Mr. Haase reviewed the section of the zoning regulations that calls for Commission oversight.

4. Commission interpretation of proposed window sign / window treatment for L&M Laboratory. Property located at 91 Voluntown Rd., Pawcatuck. Assessor's Map 18, Block, 1, Lot 33. Zone HI-60.

## Regular Meeting

Phil Biondo of Readco described the proposal for an exterior window glazing treatment consisting of bold graphics on a gold background. The previously installed plain rice paper window shades gave the appearance of an unfinished construction site.

Mr. Tamsky asked why the window graphics were necessary and Mr. Biondo stated that they need to convey to the public that the facility is open for business and what services it offers.

Norma Stracener, representing Lawrence & Memorial, said that the windows treatments address patient privacy issues and the need to be better directed to the business entrance since it is on the side of the Stop & Shop building at the end of the plaza facing Route 49. She stated that most customers enter through the Route 2 entrance.

Prompted by Mr. Marseglia's questions regarding the signage permitted under the original application approval, the Commission discussed the issue of whether the proposal is window treatment or window signage, and the discrepancies between the two proposed renderings.

The application was tabled to the next meeting so the applicant could return and present a clarified proposal, and in order for staff to show the previously approved signage program.

**5. PZ0433SD Cocco Brothers** – Application for a 9 lot subdivision of a 21 acre parcel. Property located at Whaler Rd, Schooner Dr., & Cutter Dr., Mystic. Assessor's Map 162, Block 1, Lots 4-11, Map 162, Block 2, Lots 1-5, Map 163, Block 2, Lots 7-12; Map 163, Block 1, Lots 14-16; & Map 163, Block 2, Lot 17. Zones RA-20 & GBR-130. Consideration of Additional 1 Year Extension to Complete Public Improvements.

Mr. Brynes presented the application request for a one-year extension and the Town Engineer's recommendation to deny the application. Mr. Brynes stated that, after meeting with the developer and Public Works Director, it was determined that permitting a 60-day extension rather than a 1-year would allow the developer to complete the required items sooner than the Town.

Tom Cocco discussed the five punch list items, stating that two have been completed, and his intention is to complete those remaining, noting that he was confident that the work would be completed well within the 60-days.

Chairman Swenarton mentioned letters from two neighbors who were concerned and frustrated with the lack of progress. One neighbor, Jeffrey Anderson, spoke of his concern that there were long intervals between times that work was done. He wished to see the Town pull the bond & complete the work if the extension isn't met.

Mr. Marseglia made a motion to approve with four stipulations, a 60-day extension. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

### Stipulations:

1. The developer agrees to make a good faith effort to provide the Town staff with documentation for roadway acceptance.
2. The developer acknowledges that they will pay the cost as-built sewer drawings that are being finalized at the present time by CLA Engineers. The cost of which should be about \$2-3K.
3. Any hot mix paving would be done before December 1, 2010 with the specific approval of the Director of Public Works.
4. The developer acknowledges that by granting the extension he will be responsible for plowing of the road and the cost of the streetlight until such time that the Board Selectmen officially approve of the road.

### Reports/Commission (Old Business):

1. Proposed Zoning Regulation Amendments:

Staff and the Commission discussed the new draft text for the zoning amendment application to be submitted to the PZC. Shelia Lyons represented the Conservation Commission, speaking in favor of the in favor of the proposed changes.

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

## Regular Meeting

The Commission reviewed the draft regulation amendment to the GBR-130 District. Mr. Prue questioned the need to revise the zone's setbacks. It was the consensus of the Commission that the proposed regulation amendment would eliminate the district's Non-Infringement Area from inland wetlands, and there would be no revision to the existing dimensional setbacks.

- b. **Modification and/or Elimination of Non-Infringement Area Requirements in the RC-120 Zone**  
 The Commission reviewed the draft regulation amendment to the RC-120 District. It was the consensus of the Commission that the proposed regulation amendment would remove the district's Non-Infringement Area from inland wetlands but keep it intact for tidal wetlands. Mr. Tamsky stressed the need to first get input from the Zoning Board of Appeals before applying for these amendments.
- c. **Modification of Allowed Uses in the LI-130 Zone and Expansion of Non-Conforming Residential Uses in Commercial Zones**  
 Mr. Brynes presented two alternatives which would allow expansions of non-conforming residential uses. Sheila Lyons and Carlene Donnarummo commented on the proposed text. Commission agreed to use an amended Alternative A, including removing the HI-60 zone from the regulation and exempting structures used for agricultural uses from the maximum gross floor area requirement. It was agreed to leave the permitted expansion limit at 50% of the existing gross floor area. The Commission was reminded that Mr. Tamsky had previously suggested 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.*

### Public Hearings:

**PZ1016RA George J. & Lynn M. Kimmerle** - Zoning Regulation Text Amendment to change the current requirements for permitting an accessory apartment in a single family residential structure. *Applicant requests continuance to 11/16/10.*

Mr. Tamsky made a motion to open and continue the Public Hearing to the November 16<sup>th</sup> meeting. Mr. Prue seconded. The motion was unanimously approved, 5-0.

**PZ1018SD Philip & Alison Darrell** - Re-subdivision application for a 2-lot subdivision of a 19.85± acre parcel. Property located at 580 North Main St., Stonington. Assessor's Map 97 Block 1 Lot 4. Zone GBR-130. *Applicant requests withdrawal.*

**PZ1021SD & GPP Allied Development Partners, LLC** - Re-subdivision and Groundwater Protection Permit applications for a 3-lot subdivision of a 6.67± acre parcel. Property located at 1225 Pequot Trail, Mystic. Assessor's Map 135 Block 2 Lot 1A. Zones RA-40 & GBR-130. *Applicant requests continuance to 11/3/10.*

Mr. Tamsky made a motion to open and continue the Public Hearing to the November 3<sup>rd</sup> meeting. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to adjourn. Mr. Tamsky seconded. The motion was unanimously approved, 5-0. The meeting adjourned at 9:50 P.M.

  
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 Ben Tamsky, Acting Secretary