

## Special Meeting

The 1431<sup>st</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Wednesday, November 3, 2010 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman John Swenarton at 7:00 P.M. Present for the meeting were Commissioners Bob Mercer, Ben Tamsky, Rob Marseglia, and John Prue; Alternates Gardner Young, Curt Lynch, and Frances Hoffman, Town Planner Keith Brynes, and Director of Planning Bill Haase.

**Election of Officers:** Mr. Mercer made a motion to nominate Mr. Swenarton as Chairman, Mr. Tamsky as Vice-Chairman and Mr. Marseglia as Secretary. The motion was unanimously approved. 5-0.

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

**Minutes:** Mr. Marseglia made a motion to approve the October 5, 2010 meeting minutes with the addition of "for ZBA review" to the end of the last sentence in paragraph 2 on page 2, and to approve the October 19, 2010 meeting minutes . Mr. Mercer seconded. The motion was approved. 4-0-1

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

### Reports:

#### Administrative Review:

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.

Phil Biondo from Readco and Ms. Laura Curly from Lawrence and Memorial Hospital presented renderings of the building elevations showing existing signage and the requested window coverings with the pictorial graphics. Mr. Swenarton and Mr. Tamsky asked if all the existing signage had been approved and permitted. Mr. Biondo confirmed that it had been and they were looking for the Commission's decision of the window treatments, noting that they had tried to avoid direct advertisement with the images . Mr. Prue raised the question of where the line is crossed between art and the commercial application of art – when does it become a sign? Mr. Mercer read the *proposed* signage regulation text. Mr. Swenarton reminded the Commission that this decision has to be made based on the existing text, which is similar. Mr. Lynch raised the question of whether window treatments could be considered architecture. Ms. Hoffman questioned Mr. Biondo about the purpose and objectives of the window treatments.

Mr. Marseglia made a motion that the PZC's interpretation of the proposed window covering for the L&M medical clinic at 91 Voluntown Rd., is a window treatment and not signage. Mr. Prue seconded. Mr. Tamsky said he believes it is a sign but can't prove it, and Mr. Prue feels it is a gray area needing further clarification in the regulations. The motion was unanimously approved 5-0.

**10-219 ZON Whitehall Mansion Partners, LLC** – Request for relocation and replacement signage for Thai One On. Property located at 56 Whitehall Ave., Mystic, CT. Assessor's Map 164, Block 2, Lot 2. Zone TC-80.

Mr. Brynes described the request to relocate the previously approved sign in order to provide better visibility from the street. In response to questions of how the relocated sign would land within the vision triangle, commission members wanted more information from the applicant.

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

### Old Business:

**PZ1022SPA Ravie, LLC (M. Kalkhoran & M. Pourmoghadam)** – Site Plan Application for Multi-Tenant Signage Program. Property located at 21 E. Main St., Mystic, CT. Assessor's Map 174, Block 2, Lot 5. Zone DB-5.

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Chad Frost of Kent + Frost Landscape Architecture presented the signage application consisting of the free-standing detached sign on the front of the property, two wall signs, one on the front building and one on the rear barn structure; and two directional signs on both sides of the front building. Mr. Frost noted that the Architectural Design Review Board had approved the signage application. There was discussion of the placement of the sign within the vision triangle.

Mr. Mercer questioned staff about the implication that the Bakery would be operating as a restaurant, raising the issue of insufficient parking.

Mr. Brynes stated that it would be considered a *retail restaurant*, which allows for 8 seats or less.

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

**PZ1023BR Liberty Crossing, LLC (Breslin Realty)** - Application for release/reduction of \$20,500.00 Performance / Erosion & Sedimentation Control bond associated with PZ0645SUP & GPP Retail Store Construction off-site drainage improvements on parcels located off Liberty St. & Voluntown Rd., Pawcatuck, CT. Map 20 Block 3 Lots 8 & 9. Zone HI-60.

Mr. Brynes recommended tabling the application as he was seeking additional information from the applicant.

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

**Public Hearings: 7:30 p.m.**

**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. *Continued from 10/19/10.*

As a former owner of the subject property, Mr. Mercer recused himself. Mr. Prue also recused himself, due to his business being located on an abutting property.

Seated for the application were Mr. Lynch, Ms. Hoffman, Mr. Marseglia, Mr. Tamsky, and Mr. Swenarton.

Pat Lafayette of Development Solutions, presented the subdivision plans including a cul-de-sac with a 50-foot right-of-way should there be future subdivision development.

Mr. Tamsky questioned who pays the costs associated with any future development of the roadway. Mr. Marseglia had questions regarding drainage.

Public Comment in Favor: William McIntosh

Public Comment Against: Louis DiCesare & Carlene Donnarummo. The comments focused on Subdivision Regulation 6.2.3 requirement that a road created as part of a new subdivision development is required to be no less than 200 feet from an adjacent property. It was noted that the proposed roadway is only 154 feet from an adjacent property.

Staff: Mr. Haase discussed SD Regs 6.2.3, 6.2.4 and 6.2.7. It was agreed that the three sections of the regulations are not clear, leaving room for differing interpretations. Mr. Brynes stated that the applicant needed to provide further information to staff in response to questions from the Town Sanitarian regarding well and septic issues. Mr. Haase suggested continuing the public hearing to the next meeting to allow the applicant time to respond to some of the unresolved issues.

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Rebuttal: Mr. Lafayette discussed the design layout of the proposed lots noting that pulling back the cul-de-sac was not an option because a building lot would be lost, making the project unfeasible. There was further discussion of possible alternatives to the cul-de-sac / roadway issue.

Mr. Tamsky made a motion to continue the public hearing to the November 16<sup>th</sup> meeting. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

**PZ1019RA Town of Stonington - Zoning Regulations (Signage) Text Amendments to Article I:1.2 Definitions; Article II: 2.13 Performance Standards, 2.15 Architectural Design Review; Article III: 3.3 Residential RM-20, RM-15, RH-10 Zones; Article IV: 4.1 Development Area (DB-5), 4.2 Convenience Shopping (CS-5), 4.3 Local Shopping (LS-5), 4.4 General Commercial (GC-60), 4.5 Tourist Commercial (TC-80), 4.6 Marine Commercial (MC-80), 4.7 Manufacturing (M-1), 4.9 Highway Interchange Zone (HI-60); Article V: 5.2.2 Bulk & Use Table; Article VI: 6.6.5 Special Use Permit – Drive-in Window; Article VII: 7.12 Sign Regulations: 7.21 Neighborhood Development District (NDD); Article VIII:8.4 Site Plan Requirements.**

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

The Commission discussed what constituted sign size and the method of measuring it. Mr. Marseglia suggested defining a sign's makeup as text, logo and field. Mr. Haase proposed the following text regarding the definition of a sign.

**Section 1.2 Definitions**

The area enclosed within a line that can be drawn around the entire face of a sign, defined as the surface or plane containing all letters, words, numerals, figures, logos, trademarks, emblems or any combinations thereof. Sign area does not include any structural elements outside the limits of such sign not forming an integral part of the display. Only one (1) side of a double-faced sign shall be used in computing total sign area.

Ms. Hoffman noted an error. Mr. Marseglia discussed the areas he had concerns with including detached menu boards and internally illuminated signs.

Mr. Marseglia made a motion to continue the public hearing to the December 7<sup>th</sup> meeting. Mr. Prue seconded. The motion was unanimously approved, 5-0.

Mr. Prue made a motion to adjourn the meeting. Mr. Tamsky seconded. The motion to adjourn was unanimously approved, 5-0. The meeting was adjourned at 11:12 P.M.



Robert Marseglia, Secretary