

Regular Meeting

The 1432nd meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, November 16, 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.

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

Minutes:

Minutes: #1429, October 5, 2010, approved, not signed; #1430, October 19, 2010, approved, not signed; #1431, November 3, 2010.

Mr. Marseglia made a motion to approve the November 3rd minutes. Mr. Tamsky seconded. The minutes were unanimously approved. 5-0.

Administrative Review:

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

Richard Cody, attorney for the applicant, presented some photos of the area proposed for placement the signage, describing the distances and views from different heights. Attorney Cody responded to the Commissioners' questions regarding details and placement of the proposed sign.

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

Old Business:

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.

This bond was required for off-site drainage improvements only, not the previously approved new construction. New bonding will be required should the proposed construction commence. Mr. Prue suggested the release of the bond be delayed until December 1, 2010.

Mr. Tamsky made a motion to approve the bond release with the stipulation that the bond is not released until 12/1/10. Mr. Mercer seconded. The motion was unanimously approved. 5-0.

Public Hearings: 7:30 p.m.

Mr. Mercer made a motion to switch the order of agenda items **7A** and **7B**. Mr. Prue seconded. The motion was unanimously approved, 5-0.

7B. 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. *Continued from 10/19/10.*

Attorney Tom McGarry discussed the applicants' reasons for requesting the regulation amendment, stating that after meeting with department staff, it was apparent that an accessory apartment would not be permitted in the Kimmerle's residence under current regulations. Mr. Lynch asked which specific issue was presenting the stumbling block to approval. Attorney McGarry referenced the public utilities (sewer and water) requirements, noting that the Kimmerle property has a sufficient septic system. Mr. Marseglia asked what the benefit to the Town would be and how the water supply would be affected by additional residences. Mr. Prue questioned minimum and maximum size of apartments. Ms. Hoffman asked for

Regular Meeting

clarification on business office or home occupation use in an accessory apartment. Chairman Swenarton suggested that since the public hearing was going to be continued, the Commission take time to study the newly submitted proposed text

Mr. Prue made a motion to continue the Public Hearing to the 12/21/10 meeting. Mr. Tamsky seconded. The motion was approved, 4-1.

Roll Call: Mr. Prue - approve, Tamsky - approve, Swenarton - approve, Mercer - approve, Marseglia - deny

Mr. Marseglia made a motion to move to agenda item **7C** next. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

7C. PZ1020ZC, SPA & CAM Mystic Seaport Museum, Inc. - Applications for Zone Change, Site Plan Approval & Coastal Area Management Review for changes to current MHD properties/structures. Properties located off Greenmanville Ave., Rossie St., Williams St., & Bruggeman Pl., Mystic. Zone MHD.

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

Landscape architect Brian Kent of Kent + Frost spoke on behalf of the applicant. He presented the Maritime Heritage District Master Plan update covering 12 small projects on the Seaport campus. He focused on two of the larger projects, the North Gate improvements and South Gate improvements, proposed to give the entrance an improved concept of public accessibility. North Gate improvements include a driveway for valet parking, new street lights with banners, signage upgrades, and new shrubs and trees. Mr. Kent noted that the proposal had received endorsements from the Architectural Design Review Board and the Conservation Commission, and the DEP found it consistent with the CCMA.

Mr. Marseglia felt there should be a stipulation to specify a height restriction on the trees in order to protect the neighbors' water views. Mr. Tamsky asked about the uplighting on the existing main entrance parking lot sign, suggesting down lighting would be less bothersome to residents situated uphill. Mr. Kent indicated the lights were shielded and there were numerous plantings around the sign. Mr. Haase asked how the signs shown directly across Greenmanville Ave. would be illuminated. Mr. Kent indicated they would be lighted by the lampposts they are mounted on. Mr. Kent described the proposed banner program. Mr. Tamsky asked for the total number of banners proposed for the entire campus. Mr. Kent said he didn't have that information but would get it.

South Gate improvements include three wooden ship masts, street lights with banners, signage upgrades, new brick paver courtyard, new shrubs and trees, and removing some of the white fencing. The applicant proposes to have something placed where the Kingston tugboat currently sits but are unsure of what it may be or whether it will be permanent.

Public Comment: Carlene Donnarummo, Dora Hill, Mary Hendrickson

Mr. Prue asked if there are currently regulations addressing placements solar panels on roof.

Staff: Mr. Haase noted that special detached banners are currently permitted only in the DB-5 and MHD zones in order to promote public events conducted by a non-profit organization. The Aquarium, Seaport, and Mystic Chamber of Commerce had been encouraged to submit a text amendment application addressing Special Detached Banners. Such an application has been submitted at this meeting, but due to statutory requirements, any disposition would occur after a decision of the current application. Mr. Haase noted other areas of the proposal that conflict with the regulations. Mr. Brynes emphasized that the Commission has greater discretion in legislating a floating zone master plan. Ms. Hoffman raised the issue of compatibility with surrounding neighborhoods, feeling that there needed to be more presentations showing what the impacts of proposed changes would actually be.

Given his concern over the solar panels, Mr. Prue inquired as to the height of the Rossie Mill building.

Regular Meeting

Mr. Tamsky made a motion to continue the Public Hearing to the 12/7/10 meeting. Mr. Prue seconded. The motion was unanimously approved, 5-0.

7A. 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 11/3/10.*

Mr. Mercer and Mr. Prue recused themselves and left the meeting.

Mr. Swenarton, Mr. Lynch, Ms. Hoffman, Mr. Marseglia, and Mr. Tamsky were seated for the hearing.

Pat Lafayette, engineer spoke about the options for the right of way and the cul-de-sac. He stated that the 50-foot strip of land will be conveyed to property owner Cynthia DiCesare, thus providing access to her property if she should decide to develop it.

Public Comment: Cynthia and Lou DiCesare discussed the transfer of the piece of land.

Mr. Tamsky made a motion to close the Public Hearing. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to approve the groundwater protection permit for the application. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to approve the application with the 10 stipulations recommended by Staff. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

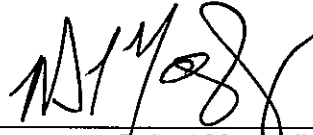
Stipulations:

1. Final plans must provide for the entire cul-de-sac to be deeded to the Town prior to formal acceptance of the street by the Board of Selectmen. Reference to temporary easement in the cul-de-sac shall be removed.
2. Road name shall be changed to one approved by staff after referral to police and fire officials for public safety purposes.
3. Final plan shall depict house and lot numbers as assigned by Town.
4. Prior to recording, AutoCAD files shall be submitted to the Town.
5. An inspection fee equal to 5% of the total cost of site improvements, including erosion and sedimentation control elements shall be paid to the Town of Stonington for inspection services relative to erosion and sedimentation control and construction inspection. The inspection fee amount shall be established by the Town Engineer after an estimate of the construction costs is provided by the applicant, and approved by the Town Engineer. The inspection fee shall be submitted prior to the issuance of any Zoning Permits.
6. Performance and Erosion and Sedimentation Control Bonds shall be secured with the Town per Section 5.2 of the Subdivision Regulations and Section 8.6 of the Zoning Regulations. These bond amounts shall be established by the Town Engineer after an estimate of construction cost is provided by the applicant, and approved by the Town Engineer. These bonds shall be submitted to the Department of Planning prior to the issuance of any Zoning Permits.
7. The applicant shall hire an appraiser, acceptable to the Department of Planning, to conduct an appraisal of the land. A fee in lieu of open space equal to 10% of the value of the land shall be applied to all lots in the subdivision. The Final Plans must include the following statement: "A Fee-In-Lieu of Open Space of \$ [amount shall be determined prior to final plans are recorded on the land records] was approved by the Planning & Zoning Commission, each new lot shall be assessed [1/3 of the 10% value]."
8. Final plans shall be reviewed to the satisfaction of the Town Engineer, Town Sanitarian, and Old Mystic Fire Department.

Regular Meeting

9. Prior to the issuance of any Zoning Permits the applicant shall submit a cash payment of two thousand dollars (\$2,000) for the Town's future maintenance and repair of the stormwater treatment unit.
10. Note on Sheet #2 referencing "piece of land for future ROW..." shall be changed to read, "piece of land to be conveyed to Cynthia L. DiCesare."

Mr. Tamsky made a motion to adjourn. Mr. Marseglia seconded. The motion was unanimously approved, 5-0. The meeting adjourned at 10:27 P.M.



Robert Marseglia, Secretary