

Regular Meeting

The 1434th meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, December 21, 2010 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order at 7:00 PM by Acting Chairman Ben Tamsky. Present for the meeting were Commissioners Bob Mercer, Rob Marseglia, and John Prue; Alternates Gardner Young and Frances Hoffman; and Town Planner Keith Brynes. Director of Planning Bill Haase, Chairman John Swenarton, and Alternate Curtis Lynch were absent.

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

Minutes:

Mr. Marseglia made a motion to approve the December 7, 2010 minutes. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Correspondence:

Mr. Brynes reviewed correspondence regarding floor area ratio issues at 232 Greenmanville Ave., Mystic. Acting Chairman Tamsky and John Prue discussed possible remedies and enforcement regarding the excess floor area. Mr. Mercer asked how parking requirements would be affected were the building be allowed to expand to greater than 5,000 square feet. Mr. Brynes replied that the issue would be addressed in the special use permit application for the increased building size. Ms. Hoffman asked how this type of error could be avoided in the future. Mr. Marseglia addressed the comment in the staff report regarding the second floor space was not being used, stating that the use was irrelevant as far as the regulations go. The Commission agreed this was a violation and urged the applicants and staff to work on a solution in order to bring the site into conformance.

Old Business:

PZ1026BR Arthur Hayward (Wequetequock Passage) - Application for release/reduction of an \$18,000.00 Roadway Construction bond associated with **PZ0125SD Wequetequock Passage**: 3-lot re-subdivision off Greenhaven Rd., Assessor's Map 35, Block 1, Lot 2G, Zone RA-40.

Mr. Brynes reviewed the application mentioning that the only issue noted by Director of Public Works Joe Bragaw, was an exposed wire from an underground electrical junction box. Applicant Art Hayward stated that the wire belongs to CL&P, which has responsibility for ensuring it is safely secured in an underground hand hole.

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

Public Hearings: 7:30 p.m.

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. *Continued from 12/7/10.*

Rebuttal: Brian Kent of Kent + Frost presented changes to four issues discussed during the previous public hearing:

1. Banners – The Seaport has elected to remove their request for banners, so all references to banners have been removed from the application.
2. Poles - The three poles requested in the application as "ship masts," will have only flags on them, not signs. The zoning regulations do not regulate flagpoles so the height of the proposed poles would not be an issue.
3. Trees – After meeting with Rossie Pentway residents Ronald & Brenda Williams, it was determined and agreed upon that the proposed maple trees would not obstruct or infringe on the existing view. However, the species was changed to a flowering Pear tree with a mature height range of 35-40 feet.
4. Solar panels – The proposed solar panels for the Collections Research Center roof will not be visible from Greenmanville Ave. or Velvet Lane, except from the third floor windows of two Velvet Lane buildings. Both buildings currently have a view of the subject roof.

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Public Comment (new information): Jim Giblin,

Mr. Marseglia made a motion to close the Public Hearing. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the requested waivers. Mr. Mercer seconded. Mr. Prue noted that he didn't agree with the practice of approving waiver requests. The motion was approved, 4-1.
Roll Call: Young - approve, Mercer - approve, Marseglia - approve, Tamsky - approve, Prue - deny

Mr. Marseglia made a motion to approve the application as consistent with the POCD and the Comprehensive Plan. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve that the application is consistent with the Coastal Area Management Application. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the Zoning Map Amendment proposal (Master Plan). Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the Site Plan application with the three stipulations proposed by Staff and a fourth regarding the tugboat currently on site. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Stipulations:

1. The Final plans shall be recorded in the Town Clerk's office after Commission signature.
2. Approval does not include banners on lampposts and/or poles
3. Proposed trees in the northern entrance island shall be changed to Flowering Pears with a maximum mature height of forty feet.
4. The tugboat shown on the site plans is considered a temporary display.

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. Public Hearing: 12/21/10. *Continued from 11/16/10.*

Attorney Thomas McGarry spoke on behalf of the applicants seeking changes to the Regulations to permit an accessory apartment in order to have a resident caretaker for their property. The Commission discussed the proposed regulations and the interpretation of the existing accessory apartment regulations. Mr. Prue asked for clarification of the phrase, "clearly subordinate," in Section 1.2 Definitions, Accessory Apartment, suggesting that defining quantitative information was needed.

Public Comments Against: Dora Hill reviewed and submitted her written comments. Gail Shea was unable to attend the meeting so had her written statement against the application read at the hearing by Ms. Hill. Carlene Donnarummo reviewed and submitted her written statement.

Staff: Mr. Brynes noted that the differences between the existing and the proposed regulations had been discussed during previous comments throughout the meeting. Comments from the Conservation Commission included concern over the loss of the 33% maximum building area, minimum age, house size, and lot size requirements. The DEP found it consistent with the Coastal Area Management Act, cautioning careful review of units located in coastal flood hazard areas. Mr. Brynes felt that some of the confusion arose as a result of the accessory apartment regulations being added to the Special Use section (6.6.4) of the regulations rather than including them Accessory Apartment section (7.1).

Acting Chairman Tamsky stated that it appeared the applicants' application had expanded significantly from its original submittal mainly through the efforts of the Planning Office, specifically the Planning Director. Mr. Tamsky felt that if any such large policy change were desired, it should be through the direction of the Commission.

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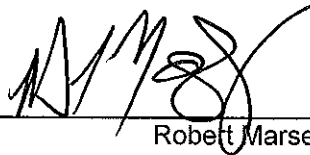
Rebuttal: Attorney McGarry repeated his main points, stating that many of the issues had been well-discussed throughout the hearing and there was no need for him to rebut.

Mr. Prue made a motion to close the Public Hearing. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to deny the application. Mr. Prue seconded. Mr. Marseglia was concerned that the proposed changes could allow for less restrictive regulations. Mr. Prue agreed with Mr. Brynes' suggestion of removing the requirements from 6.6.4 and rewriting 7.1. Mr. Mercer agreed changes were needed, agreeing with many of the points presented by the public. Mr. Tamsky did not feel any future amendment text should be crafted to specifically address the Kimmerle's issue. Ms. Hoffman thought the Commission should use the opportunity to define the overall intent of a proposed amendment and to identify and correct any existing flaws.

The motion to deny the application was unanimous, 5-0.

Mr. Mercer made a motion to adjourn the meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0. Mr. Tamsky adjourned the meeting at 10:26 P.M.



Robert Marseglia, Secretary