

## Special Meeting

The 1435<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, January 4, 2011 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order at 7:04 PM by Chairman John Swenarton. Present for the meeting were Commissioners Ben Tamsky, Rob Marseglia, and John Prue; Alternates Curtis Lynch, Gardner Young, and Frances Hoffman; and Town Planner Keith Brynes. Director of Planning Bill Haase and Commissioner Bob Mercer were absent.

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

### Minutes:

Mr. Marseglia made a motion to approve the December 21, 2010 minutes. Mr. Tamsky seconded. The motion was approved, 4-0-1.

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

### Administrative Review:

**Fran & Bob Jeffreys** - Request renewal of Bed & Breakfast Special Use Permit #95-05, initial approval 5/16/95, renewed via PZC CAI, 7/18/06. Property located at 91 Palmer Neck Rd., Pawcatuck. Assessor's Map 51 Block 1 Lot 2: Zone RA-40.

Mr. Brynes reviewed the applicants' request to renew the Bed & Breakfast Special Use Permit, noting that, although required by the regulations, it has historically not been done.

Mr. Tamsky made a motion to approve the request. Ms. Hoffman seconded. The motion was unanimously approved, 5-0.

**PZ0307SUP Pine Point School** – Request for revision to previously approved Special Use Permit to permit rooftop wind-turbine within maximum height limit of 30'. Property located at 89 Barnes Road, Stonington. Assessor's Map 73 Block 3 Lot 4, Zone RR-80.

Mr. Brynes reviewed the application noting that the Staff Report was in error where it stated that the request was to permit the turbine for only one academic year. Unless there were any adverse effects, the applicant wishes the turbine to remain beyond that time. Mr. Brynes explained that the Commission needed to decide whether it would not be allowed since the regulations don't mention wind turbines, or it is permissible providing the bulk requirements are met, such as with roof-mounted HVAC units.

Mr. Tamsky asked if it was possible to permit it with the stipulation that it be revisited after one year. Mr. Lynch asked whether neighboring property owners had been informed, mentioning discussions he had with area residents who are against the request. Mr. Lynch recused himself from the discussion. Mr. Prue was of the opinion that any requests for modifications to special use permits required a public hearing. Mr. Swenarton questioned whether a wind turbine would merit a revision to a SUP. Mr. Marseglia agreed with permitting the turbine and revisiting the situation after six months or a year. Ms. Hoffman asked how much of a deviation from the approved SUP was the request. Mr. Tamsky felt it was time to move forward with wind energy and this would help create the regulations.

Mr. Tamsky made a motion to approve the request with two stipulations. Ms. Hoffman seconded. The motion was approved, 4-1.

**Roll Call:** Swenarton – approve, Tamsky – approve, Marseglia – approve, Prue – deny, Hoffman - approve

### Stipulations:

1. If within the timeframe of one (1) year there are any distinctly adverse effects to the environment or violations of existing ordinances regarding noise and the general health and well-being of the community, the School and Honeywell will willingly remove the system.

## Special Meeting

2. After a period of one year, students and faculty shall present a report to the Commission, regardless of the outcome.

Commission members agreed that there should be a meeting with the Alternative Energy Committee in order to collaborate on their draft regulations.

### Old Business:

**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. Approved 12/21/10, Set Effective Date of 1/10/11

Mr. Marseglia made a motion to approve setting January 10, 2011 as the Effective Date for the Zone Change. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

**PZ1028BR Cocco III, LLC** - Application for release of remaining Public Improvement Bond posted to satisfy requirements of proposed construction activity related to PZ0433SD. Previous reductions of original \$165,000.00 bond include: reduced to \$100,000.00 on 9/19/2006 & reduced to \$75,000.00 on 7/20/2010. Property located at Whaler Rd., Schooner Dr. & Cutter Dr., Mystic.

Mr. Brynes reviewed the Commissions' recent 60-day extension and the current request for a bond reduction, noting the comments made by Director of Public Works Joe Bragaw and WPCA Director Hal Storrs.

Applicant Tom Cocco addressed the Commission regarding the requirement that the Town be reimbursed for the cost of the as-built plans.

Mr. Marseglia made a motion to approve the application with two (2) stipulations. Mr. Prue seconded. The motion was unanimously approved, 5-0.

### Stipulations:

1. The bond shall be reduced to a \$16,500.00 (SIXTEEN THOUSAND FIVE HUNDRED and NO/100 DOLLARS, Roadway Maintenance Bond to remain in effect for one year after Town acceptance of the roadway.
2. No funds shall be released until the applicant reimburses the Town \$1,996.50 for the cost of preparing as-built plans for the sanitary sewer.

**PZ1029CAM Norwest Marine, Inc.** - Coastal Area Management Review for proposed replacement of previously existing underground gasoline storage tank with a 4,000 gallon above ground gasoline storage tank. Property located at 7 River Rd., Pawcatuck. Assessor's Map 5 Block 6 Lot 21: Zone MC-80.

Mr. Brynes recommended tabling the application.

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

Mr. Marseglia questioned why the application wouldn't require a Special Use Permit since it was a change of use (below ground to above ground). Mr. Brynes and several Commissioners responded that it was a replacement and there are other agents/agencies that also have oversight such as the Fire Marshal and the State.

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

**PZ1024SD & GPP Lattizori Development, LLC** - Subdivision and Groundwater Protection Permit applications for a 37-lot subdivision (reduced to 35), of 70.84± acre parcel(s). Property located at 189 Jerry Browne Rd., Mystic, CT. Assessor's Map 133, Block 1, Lot 1A; Map 134, Block 3, Lot 2; Map 150, Block 2, Lot 1, Zones RA-40 & GBR-130.

**Special Meeting**

Attorney Theodore Ladwig, representing the applicant, gave a brief reminding the Commission that their decision in this subdivision application is quasi-judicial / quasi-administrative such that if it meets the regulations it must be approved, and if it does not, it must be denied.

Richter & Cegan Landscape Architect Mike Cegan presented an overview of the proposed subdivision application, giving a description of the parcels' topography, the open space areas, lot layouts, roads, lighting, and landscaping.

Soil Scientist & Wildlife Expert Mike Klein responded to Mr. Marseglia's question about vernal pools.

DiCesare-Bentley Professional Engineer Paul Biscuti discussed the drainage, roadway, septic, water, bulk, and sightline requirements/design of the proposed subdivision, and the need for the Wetlands Commission to re-look at the application due to the roadway changes. He responded to commissioner's questions including: Mr. Lynch asked about the stormwater runoff in a 100-year storm event such as last March, Mr. Swenarton asked what the changes were that required the submittal of new site plans, Mr. Tamsky was concerned with the lack of sidewalks connecting the 3 proposed houses on Jerry Browne Rd. to Perkins Farm Lane, Mr. Prue questioned whether there is room in the Jerry Browne Rd. ROW for sidewalks, Ms. Hoffman asked how activity in the upland review area would be managed and what energy efficiency measures were proposed, John Prue questioned the lack of stormwater runoff management/mitigation criteria in the Subdivision Regulations, and Mr. Marseglia asked about the physical construction of the sidewalks.

Fitzgerald & Halliday Traffic Engineer Susan VanBenschoten gave a brief summary of the Traffic Study, responding to Commissioner's questions.

Public Comments in Favor: Dorothy Leib, 186 Jerry Browne Rd., Mystic; Eric Burns, 27 West Main St., Mystic

Public Comments Against: Don Wooley, 186 Jerry Browne Rd., Mystic; Ruth Waller, 186 Jerry Browne Rd., Mystic; Dexter Anderson, 186 Jerry Browne Rd., Mystic; Melanie Greenhouse, 23 Brook St., Noank

Public Comments - General: W.B. Cutler, Box 635, Mystic; Anne Nalwalk, Avalonia Director as a private citizen; Christine Lopez, 33 Pellegrino Rd., Stonington

Mr. Prue made a motion to continue the public hearing to the February 1, 2011 meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to adjourn the meeting. Mr. Prue seconded. The motion was unanimously approved, 5-0. Mr. Swenarton adjourned the meeting at 9:55 P.M.

 3/1/11  
\_\_\_\_\_  
Rob Marseglia, Secretary