

### Special Meeting

The 1440<sup>th</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday, April 5, 2011, at Mystic Middle School, 204 Mistuxet Ave., Mystic, Connecticut. The meeting was called to order at 7:00 P.M. by Chairman John Swenarton. Present were Commissioners Ben Tamsky, Bob Mercer, Rob Marseglia, and John Prue; Alternates Francis Hoffman, Gardner Young, and Curtis Lynch, and Acting Director of Planning / Town Planner Keith Brynes.

Seated were Mr. Swenarton, Mr. Marseglia, Mr. Mercer, Mr. Prue, and Mr. Tamsky.

#### Minutes:

Mr. Marseglia made a motion to approve the minutes of March 15, 2011. Mr. Tamsky seconded. Ms. Hoffman noted that she would like to see the commission's request that the applicants for the proposed Child Day Care Center at 168 Greenmanville Ave. (PZ1103SUP & CAM Jean B. Coogan), review the lighting plan with the neighbors be noted in the meeting minutes.

The minutes were approved as amended, 4-0-1.

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

#### Old Business:

**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. *PH Closed 2/15/11.*

Mr. Prue made a motion to move this item to the end of the meeting after the Public Hearings. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

**PZ1101SUP Pacako, LLC (Pita Spot)** - Special Use Permit application to reduce parking requirements and allow shared parking to permit outdoor seating for existing restaurant. Property located at 45 Williams Ave., Mystic, CT. Assessor's Map 161, Block 14, Lot 5. Zone LS-5. *PH Closed 3/15/11.*

The Commission discussed with Mr. Brynes details of the applications. Issues that the building's owner, Pacako, LLC, had not completed since the 1999 application and needed to be addressed include the dumpster and screening in the rear. Mr. Marseglia discussed how this non compliance, potential cooler position zoning violation, and actual number of parking spaces should be handled by the ZEO. Mr. Swenarton questioned the available area for parking in the rear when the required buffer is in place. Mr. Prue felt that the maximum outdoor seats the site can support would be 24, not 32. Mr. Tamsky thought the focus should be on the reduction of parking both on-site and in the neighborhood.

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Mr. Marseglia made a motion to approve the application with 4 stipulations. The Commission discussed at length the number of seats in relationship to the number of parking spaces, taking a break in order to allow Mr. Brynes time to recalculate the figures. Mr. Marseglia withdrew his motion. Mr. Mercer withdrew his second.

Mr. Marseglia made a motion to approve the request for waivers. Mr. Prue seconded. The motion was approved, 4-1.

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

Mr. Marseglia made a motion to approve the application with four (4) stipulations. Mr. Prue seconded.

Mr. Tamsky felt the calculations were not exact enough and an A-2 survey would be beneficial. The Commission agreed that all four stipulations needed to be completed before the outdoor seating would be permitted. Mr. Prue requested that, in the future, the Commission needs to address the outdoor seating issue in the Regulations.

The motion was approved, 4-1.

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

**Stipulations:**

1. Dumpster shall be screened as required in the approved 1999 Site Plan application.
2. Provide screening along the northerly and westerly lot lines as required in the approved 1999 Site Plan application.
3. Add curbing as shown in the current Special Use Permit application site plan.
4. Maximum allowed outdoor seats shall be 20.

**Public Hearings:**

**PZ1024SD & GPP Lattizori Development, LLC** - Subdivision and Groundwater Protection Permit applications for a 37-lot subdivision (reduced to 35 then increased to 36), 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. *Continued from 1/4/11.*

Chairman Swenarton seated Ms. Hoffman in place of Mr. Mercer.

Attorney Ted Ladwig spoke for the applicant, allowing Landscape architect Mike Cegan of Richter & Cegan, to discuss the landscape design changes implemented due to the relocation of the road entrance. Engineer Paul Biscuti of DiCesare Bentley, explained the changes to the geometry of the road and the drainage patterns. Mr. Biscuti responded to Mr. Lynch's question regarding drainage into the wetlands, noting that there is currently an application pending in front of the Wetlands Commission. Mr. Swenarton clarified that the Commission will close the Public Hearing tonight but a decision will not be rendered until the Wetlands application is voted on. Ms. Hoffman asked what specific type of water quality treatment unit was planned for the drainage system and where the

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bulk of runoff was directed. Mr. Biscuti described the proposal as contained in the stormwater management report. Mr. Prue asked who will maintain the stormwater infrastructure - the Town or the homeowners. Mr. Brynes confirmed that the Town would be responsible for several of the basins with compensation provided to offset the construction cost in addition to posting a maintenance fee. Mr. Ladwig asked Mr. Biscuti if there would be negative impact to the wetlands upland review area due to stormwater runoff, and he stated there would be none. Mr. Marseglia questioned the amount of fill proposed for the site. Mr. Brynes noted that ZR 6.6.7 addressed Excavation & Filling. Mr. Swenarton asked if the Subdivision Regulations addressed filling. There was discussion of the applicability of ZR 6.6.7 within a subdivision application. Ms. Hoffman and Mr. Marseglia further questioned allowable fill. Mr. Young noted that ZR 6.6.7.7.2 addresses those filling activities exempt from the special use requirement. Traffic Engineer Susan Vanbenschuten from Fitzgerald and Halliday, discussed the revised traffic study noting that there was little change from the original study performed prior to the roadway realignment. She is of the opinion that both roadway configurations were low traffic generators and safe. Atty. Ladwig reported on the six (6) inquiries he had received regarding relocating the Perkins Homestead, none of which had come to fruition. He also noted that the application contains a 50' reserve ROW providing for the possible subdivision of an adjoining parcel.

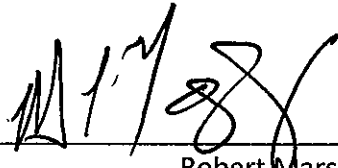
Public Comment in Favor: (comments limited to roadway realignment revision to application)  
Carlene Donnarummo made numerous suggestions to improve the health, wealth and safety of future subdivision; addressed specific errors; questioned the lack of stipulations in the staff report, and submitted her written comments; Charles Storrow, William Cutler, and Ruth Waller.

Paul Biscuti and Atty. Ladwig responded to questions from Mr. Tamsky, Mr. Marseglia, & Ms. Hoffman confirming that the sidewalks would be made of Portland cement (Class A concrete), extension of the sidewalks to the westernmost border of the property, proposed grass shelf, and placement of the sidewalks and existing stonewalls.

Ms. Vanbenschuten responded to Mr. Marseglia's question regarding the daily trip generation figure in the traffic study, confirming 9.57 trips per unit, per weekday, over a 24-hour period.

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

Mr. Tamsky made a motion to adjourn the meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0. Chairman Swenarton adjourned the meeting at 9:58 P.M.

 5/3/11  
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Robert Marseglia, Secretary