

Regular Meeting

The 1441st meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday April 19, 2011 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman John Swenarton at 7:03 P.M. Present were Commissioners Bob Mercer, Ben Tamsky, and Rob Marseglia; Alternates Curtis Lynch and Frances Hoffman; and Acting Director of Planning / Town Planner Keith Brynes. Commissioner John Prue and Alternate Gardner Young were absent.

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

Minutes:

Mr. Marseglia made a motion to approve the April 5, 2011 minutes. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Correspondence:

Mr. Brynes reviewed a letter from Town Attorney Londregan regarding unseated alternate members participation at hearings and deliberations, noting that the Commission has been conducting business in this manner.

Reports:

ZEO - Pending Variances; A-2 survey waiver requests:

ZBA #11-05 Frank E. Lionelli (Merrill Lynch) – Seeking a variance to ZR 7.12.7.3 to permit a 6' x 4' monument sign on existing lot. Property located at 38 East Main St., Mystic, CT. Assessor's Map 174 Block 18 Lot 13. Zone LS-5.

Mr. Brynes discussed the application.

Mr. Tamsky and Mr. Mercer stated that they couldn't remember an applicant seeking a variance to allow a larger sign. Commissioners discussed the ZBA & PZC responsibilities regarding the request.

ZEO Larkin discussed possible actions the Commission has available.

Mr. Tamsky made a motion to approve the waiver request for the A-2 survey. Mr. Mercer seconded.

Mr. Marseglia requested staff write a memo to the ZBA discussing PZC's support of the current language in the zoning regulations. Ms. Hoffman felt such a memo might have legal implications. Commission will review the application at the next meeting. The motion was unanimously approved, 5-0.

Zoning Enforcement & Violations:

ZEO Joe Larkin submitted a letter regarding the proposed budget which will cut his position to part time.

Commission members wanted more information and data about work flow and staffing in the Planning Department. Chairman Swenarton will follow up on this issue.

Administrative Review:

11-059ZON Moogie, LLC – Request approval for replacement of two (2) 6' x 6' refrigerated walk-in boxes with one (1) 5'10" x 8' and one (1) 5'10" x 12'. Property located at 24 East Main St., Mystic, CT. Assessor's Map 182, Block 4, Lot 9. Zone LS-5.

Attorney Theodore Ladwig discussed the application. Mr. Marseglia made a motion to approve the application. Mr. Tamsky seconded. Mr. Marseglia retracted his motion as did Mr. Tamsky. Mr. Marseglia made a motion to approve the application with one stipulation. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Stipulation:

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1. The Zoning Enforcement Officer shall review the site history and verify that the existing coolers are in compliance prior to expansion.

PZ0643SD Carl F. Fusaro, Jr. (Jameson Court) – Request 5-year extension of approved (9/16/06), 11-lot subdivision of two (2) parcels (2.3 acres total). Property located at 13 Palmer Street, Pawcatuck. Assessor's Map 4 Block 6 Lots 1 & 13. Zone DB-5.

Staff reviewed the request, noting that this was the first extension request, the property has a new owner since the 2006 approval, and changes in the regulations since then have reduced the density permitted. If the extension is not granted, the applicant would need to reapply under the new regulations.

Attorney Ladwig spoke on behalf of the applicant and urged approval based on the regional economic downturn since the 2006 approval, making development of the subdivision difficult. He noted that the new owner purchased it with the belief that he would be able to develop it as approved.

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

Old Business:

PZ1019RA Town of Stonington - Zoning Regulations (Signage) Text Amendments to Article I: 1.2 al 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. *Public Hearing Closed 2/15/11.*

Chairman Swenarton proposed that the Commission review the proposed text changes in order to discuss them at the next meeting. Mr. Mercer made a motion to table the application to the May 3rd meeting. Mr. Marseglia seconded. The motion was unanimously approved, 5-0.

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. *Public Hearing Closed 4/5/11.*

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

Mr. Brynes reviewed the approvals of the Inland Wetlands & Watercourses Commission.

Mr. Tamsky made a motion to approve the Groundwater Protection Permit application with the 8 stipulations recommended by Staff. Mr. Marseglia seconded. Ms. Hoffman questioned the potential application of fertilizers and monitoring disturbance of the wetlands during development. The motion was unanimously approved, 5-0.

Mr. Marseglia made a motion to approve the Subdivision application with 8 stipulations. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Stipulations:

1. Final plan shall depict house and lot numbers as assigned by Town.

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2. Prior to recording, AutoCAD files shall be submitted to the Town.
3. 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.
4. Performance Bond 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. This bond shall be submitted to the Department of Planning prior to the issuance of any Zoning Permits.
5. Erosion and Sedimentation Control Bond 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. This bond shall be submitted to the Department of Planning prior to the issuance of any Zoning Permits.
6. Prior to the issuance of any Zoning Permits, the applicant shall post a maintenance fee in order for the Town to inherit the future responsibility of maintaining the three stormwater management basins over a 20 year time period. The annual maintenance cost for each stormwater management basin will be estimated at 3% of the construction cost. The construction cost associated with the three detention basins shall be provided to the Town Engineer in order for the maintenance fee to be calculated by that office.
7. Prior to the issuance of any Zoning Permits, the applicant must post a maintenance fee in the amount of \$4,000 for the future maintenance and repair of the stormwater treatment units in order for the Town to inherit the future responsibility of maintaining the proposed units.”
8. Final plans shall be reviewed to the satisfaction of the Town Engineer and Old Mystic Fire Marshal.

Public Hearings: 7:30 p.m.

PZ1105RA 60 Willow Street, LLC - Zoning Regulations Text Amendment to Section 7.3.5 Design Height Limitation in Coastal Areas: add IHRD zone; Section 8.3.6. Changes and Modifications to an Approved Plan, Sections 8.3.6.1 and 8.3.6.3: add Master Plan.

Mr. Swenarton, Mr. Marseglia, Mr. Mercer, Mr. Lynch, and Mr. Tamsky were seated for the Public Hearing.

Chad Frost of Kent + Frost Landscape spoke to clarify / correct the Design Height Limitation requirements in the IHRD zone. He noted that an applicant would have to return to the Commission to request a specific building height. He felt there needs to be language which permits minor changes to the Master Plan without requiring a complete new Master Plan / Zone Change.

Public Comment: Carlene Donnarummo was concerned about aesthetics when easing the height requirements and regarding the determination of “minor changes.”

Mr. Tamsky read a letter from John Prue recommending denial of the application.

Mr. Brynes reviewed the staff report, reading comments from Southeastern CT Council of Governments Regional Planning Commission and the Town of Groton. He also referenced the POCD for those sites that might qualify for IHRD.

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Rebuttal: Mr. Frost said he would return with the exact height measurements of the building. He explained the process he would follow in order to request an increase in the building height. He noted that the Architectural Review Board recommended heightening the design, yet the applicant is not able to do so due to the current regulations.

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

Mr. Marseglia made a motion to approve the application. Mr. Mercer seconded. Mr. Tamsky stated his opposition. The motion was approved 3-2. The effective date will be May 9, 2011.

Roll call: Marseglia - approve, Lynch - approve, Mercer - approve, Swenarton - deny, Tamsky - deny.

PZ1108SUP Charles C. Buffum, Jr. (Cottrell Brewing) - Special Use Permit application to permit sale of beer and associated products following tours and small functions (≤ 50 persons), at existing brewery. Property located at 100 Mechanic St., Pawcatuck, CT. Assessor's Map 4, Block 7, Lot 16. Zone M-1.

Mr. Swenarton, Mr. Marseglia, Mr. Mercer, Mr. Lynch, and Mr. Tamsky were seated for the Public Hearing.

Attorney Nick Kepple spoke on behalf of the applicant, explaining the maximum number of bottles permitted to be sold only after a tour and handicapped accessibility Cottrell owner Mr. Buffum spoke about size and types of functions held on site. Mr. Kepple reported on recommendations made by the Building and Fire Department.

Public Comment: None

Staff Report: Mr. Brynes read the Police Department comments and read the recommended stipulation.

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

Mr. Tamsky made a motion to approve the waiver requests. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to approve the application with one stipulation. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

Stipulation:

1. The building shall meet applicable Building and Fire Codes.

Mr. Tamsky made a motion to adjourn. Mr. Mercer seconded. Chairman Swenarton adjourned the meeting at 10:41 P.M.



5/17/11

Robert Marseglia, Secretary