

## Special Meeting

The 1442<sup>nd</sup> meeting of the Town of Stonington's Planning and Zoning Commission was held on Tuesday May 3, 2011 at Mystic Middle School, 204 Mistuxet Avenue, Mystic, Connecticut. The meeting was called to order by Chairman John Swenarton at 7:05 P.M. Present were Commissioners Bob Mercer, Ben Tamsky, John Prue, and Rob Marseglia; Alternates Curtis Lynch, Gardner Young, and Frances Hoffman; and Acting Director of Planning / Town Planner Keith Brynes and Director of Planning Bill Haase.

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

### Minutes:

Mr. Marseglia made a motion to approve, as corrected, the April 19, 2011 minutes. Mr. Tamsky seconded. The motion was approved, 4-0-1.

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

### Correspondence:

### Reports:

#### Commission:

First Selectman Ed Haberek spoke regarding proposed reduction in the Zoning Enforcement Officer position hours in response to the Board of Finance request to cut \$150,000.00 from the budget. He gave background information on number of permits, work load, responsibilities of the Zoning Enforcement Officer, and PZC authority to assign ZEO duties. Mr. Haberek responded to Commissioners' questions regarding staffing responsibilities, certifications, and office procedures. Mr. Brynes gave the Commission a department memo regarding a new department policy for setting timeframes for reviewing and/or issuing Zoning Permits. There was discussion of work flow and the need to eliminate the territorial approach to providing services.

**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 provided a photo of the proposed sign, stating that he felt it was a bulk issue not use, and the applicant had the right to apply for variance. Mr. Swenarton felt it was an issue for the Zoning Board of Appeals to handle and the Commission should allow the ZBA to do their job. The concensus of the Commission was that there was no need for the PZC to comment to the ZBA.

### Zoning Enforcement & Violations:

Joe Larkin provided the Commission with the zoning enforcement report and permit / application figures. There was discussion of providing additional information in the enforcement report. It was noted that the report can be reformatted to provide data requested.

### Administrative Review:

**PZ0667CNU & CAM Masons Island Landing, LLC** - Applications for Change of Non-Conforming Use & Coastal Area Management Review for the redevelopment of an existing 4.2+/- acre parcel into five (5) residential duplexes & three (3) single family residences. Request change of name to Mystic Point Lane for new roadway in front of the five duplex units.

Mr. Brynes reviewed the request to change the name of the driveway in front of the units to Mystic Point Lane.

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

### Special Meeting

**PZ0938ZC, SUP, SPA, & CAM Kluepfel Holdings, LLC** - Approved Zone Change (to IHRD), Special Use Permit (shared parking), Site Plan Application, & Coastal Area Management Review applications to rehabilitate an existing 22,500 sq. ft. historic mill building for mixed use: commercial/professional on 1<sup>st</sup> floor, & 12 residential units on the 2<sup>nd</sup> & 3<sup>rd</sup> floors. Property located at 60 Willow St., Mystic. Assessor's Map 182 Block 1 Lot 11. Zone MC-80. Request modification to height of monitor by 4 feet.

Chad Frost of Frost + Kent Landscape Architects and Architect Steven Lloyd, both representing the applicant, explained the request to raise the monitor height in order to hide the mechanicals and for aesthetics. They provided visual representations with views from different locations depicting the building and scaling of the windows. Mr. Frost mentioned that the neighbors were in favor of the proposal and the strong intent to have the building be physically attractive. Mr. Lloyd noted that the larger monitor allowed for larger windows and better access for maintenance of the mechanicals and the flood plain requirement.

Commissioners raised questions concerning what regulation controlled the height, historic preservation issues, expansion of non conformity, and floating zone validity. It was suggested that Town Attorney Londregan be asked for an opinion on the level of discretion the commission is afforded when dealing with floating zones. They commented on the pleasing "New England mill look" of the monitor and the intent of the IHRD master plan to allow for adaptive reuse changes such as this.

Mr. Marseglia made a motion to approve the request. Mr. Mercer seconded. The motion was approved, 3-2. Roll Call: Swenarton - approve, Marseglia - approve, Mercer - approve, Prue - deny, Tamsky - deny

#### 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. *Public Hearing Closed 2/15/11.*

Mr. Tamsky made a motion to table discussion of **PZ1019RA Town of Stonington** to the next meeting. Mr. Mercer seconded. The motion was unanimously approved, 5-0.

**PZ1109SPA Latimer Point Condominium Association** - Site plan application & Coastal Area Management Review for proposed deck, ramp & sheds. Properties located at 54 East Shore Rd., 1 Reid Rd., and 111 Latimer Point Rd., Stonington, CT. Assessor's Maps/Blocks/Lots: 154/4/13, 154/4/7 & 154/43. Zone RM-20.

**PZ1116BR LCS Westminster, LLP** – Application for release/reduction of a \$89,122.00 Erosion & Sedimentation Bond associated with **PZ0704SUP LCS Westminster, LLP**, for the construction of a 936 sq. ft. storage garage, a reduction of the approved parking from 431 spaces to 371 spaces, & the associated relocation of 2 carport structures. Property located at 186 Jerry Browne Rd., Mystic. Assessor's Map 150 Block 1 Lots 15, 16 & 25. Zone RA-40.

Mr. Mercer made a motion to table applications of **PZ1109SPA Latimer Point Condominium Association** and **PZ1116BR LCS Westminster, LLP** to the next meeting. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

**Special Meeting****Public Hearings: 7:30 p.m.**

- A. **PZ1106RA Town of Stonington PZC (FEMA)** – FEMA-mandated Zoning Regulations Text Amendment to adopt revised regulations for development in designated FEMA floodplains that meet or exceed the minimum federal standards of 44 CFR 60.3 and new state requirements.

Mr. Brynes reviewed FEMA requirements requiring adoption of the new Flood hazard maps and regulation changes, noting that some changes are optional and many are in the Definitions article of the regulations. He reviewed comments received from the Building Official, Zoning Official, Southeastern CT Council of Governments Regional Planning Commission, and CT DEP Floodplain Coordinator.

The Commission discussed placement of FHOD –related definitions, cost-related substantial improvement references, grammatical and typographical corrections, and the term “finished living space.”

Public Comment: Sheila Lyons, Conservation Commission, questioned relocation of “fish processing” and conflict within split flood zones. Ms. Lyons suggested items 7.7.8.13 through 7.7.8.16 remain in even though they are optional. Myles Meader expressed concern over the substantial improvement issue as it causes property owners to only make improvements that keep under the 50% so as to avoid the requirements, noting that this hinders bringing structures into compliance. He questioned whether there were changes to the V zones. Carlene Donnarummo made a number of comments which she had previously submitted via email. She suggested footnoting definitions that apply only to the Flood Hazard regulations.

Commissioners suggested flagging those areas that are problematic with our regulations, waiting to approve to allow for changes.

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

Mr. Mercer made a motion to table the decision until the next meeting to allow for review of the amended proposal. Mr. Tamsky seconded. The motion was unanimously approved, 5-0.

Mr. Tamsky made a motion to adjourn. Mr. Marseglia seconded. Chairman Swenarton adjourned the meeting at 10:45 P.M.

 6/7/11  
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Robert Marseglia, Secretary